

WATER PERMIT NO. 5783-3

Phone: 337-3738

Name of Applicant: Paul Johnson

Post Office Address: RR 2, Box 80, Platte SD 57369

Amount of Water Claimed: 1.28 ~~0.58~~ add'l Total Acres: 41 add'l

Source of Water Supply: Missouri River and dry draw dam (20 acre-feet)

Water to be used for: irrigation County: Charles Mix

About 8 miles SW of Platte

PRIORITY Date Received: 6-30-93 Fee: \$150.00 Remarks: Corrects

location of 76 acres authorized by No. 2454-3, 41 add'l acres and adds dry draw dam

Corrected Application Received: 8-4-93 Period of Annual Use: June 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED: 8-9-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Miss R-SW 1/4 NE 1/4 Sec 27;

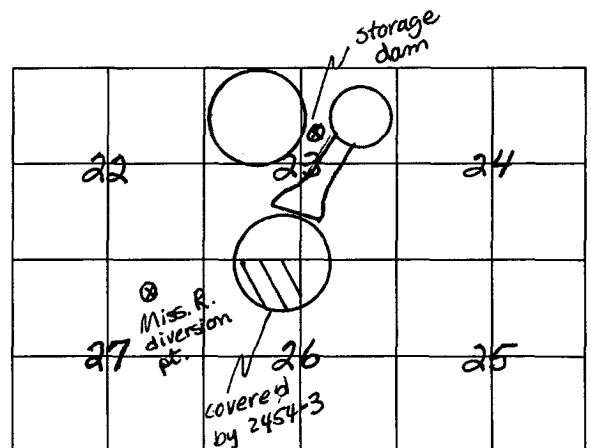
dry draw dam-SW 1/4 NE 1/4 Sec 23; all in

T98N-R69W

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

SW 1/4, W 1/2 NE 1/4 Sec 23; NW 1/4 NE 1/4 Sec

26; all in T98N-R69W



Well Log: Driller: _____ Licensed YES ☐ NO ☐

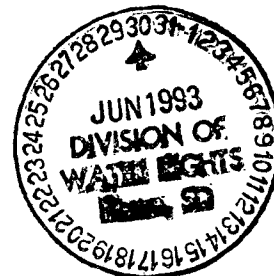
Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Barry McLaury Reviewed and the Number

Assigned on: 8-13-93 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. 5783-3 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Platte Enterprise, Box 546, Platte
(office use only)

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

Type of Application: X New Vested Right X Amendment/Correction to Permit No. 2454-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

Acreage addition (41 acres) and acreage location correction
(76 acres)

- Name of Applicant Dave Johnson Phone 337-3738
(check one) X Owner Tenant/lessee
- Mailing Address RR#2 Box 80 Platte State 801-Dak
(Street, RR, or Box) (City) (Zip Code) 57369
- Amount of water claimed 128 *CFS or 20 **GPM ***AF Total Acreage 41 Add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Missouri River and Dry draw dam.
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Missouri River:
SW 1/4 NE 1/4 Section 27 T98N-R69W Dry draw dam: SW 1/4 NE 1/4
Section 23 T98N-R69W County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used June 1 - September 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)

Acreage	Land Description	Correction
NW 1/4 NE 1/4	Sec 26 T98N-R69W	
SW 1/4 SE 1/4	Sec 23	"
NW 1/4 SE 1/4	"	"
NE 1/4 SW 1/4	"	"
SW 1/4 NE 1/4	"	"

Acres
22
22
17
4

Additional Land Description	Acreage
SW 1/4 NE 1/4 Sec. 23 T98N-R69W	4
NE 1/4 NE 1/4	"
SE 1/4 NE 1/4	"

Acres
4
23
14

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

9. Crops to be irrigated:

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

This application is to identify the correct location of 76 acres developed outside of the area described on permit No. 2454-3 and also adds 41 acres to the 254 acres authorized by NO. 2454-3. Total area being irrigated is 295 acres. This application also adds a dry draw dam (20 acre-feet storage capacity) serving as a regulating pond.

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 Charles Mix ss

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

Signed Dave Johnson

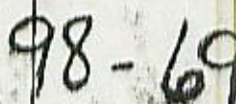
Subscribed and sworn to before me this 24 day of June 19 93

Sheep
Notary Public
Comm by 10/30/98

2457



2452



5783-3

SOUTH DAKOTA WATER PERMIT NO. 5783-3

Date of first receipt of application June 30, 1993.

Date Soil/Water Compatibility Permit received August 9, 1993.

Date of return to applicant for corrections, amendments or changes July 6, 1993.

Date of receipt of corrected application August 4, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5783-3 to Paul Johnson, RR 2, Box 80, Platte SD 57369 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. 5783-3 appropriates 1.28 cubic feet of water per second (cfs), irrigates an additional 41 acres, corrects the location of 76 acres and authorizes a dry draw dam. Water Permit No. 2454-3 appropriates 3.6 cfs for irrigation of 254 acres located in the NW 1/4, NW 1/4 NE 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, from the Missouri River located between the NE 1/4 SW 1/4 Section 15 and the NE 1/4 NE 1/4 Section 27; all in T98N-R69W. An inspection of Permit No. 2454-3 found the Missouri River diversion point located in the SW 1/4 NE 1/4 Section 27-T98N-R69W and capable of diverting 4.88 cfs and that a total of 295 acres were being irrigated. The inspection also found a dry draw dam (20 acre feet capacity) located in the SW 1/4 NE 1/4 Section 23-T98N-R69W which is used as a regulating dam. This permit also authorizes irrigation of 41 additional acres and corrects the location of 76 acres located in the NE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4 Section 23 and the NW 1/4 NE 1/4 Section 26; all in T98N-R69W. The application of water to the irrigated land may not exceed 1 cfs per 70 acres. The maximum diversion rate for irrigation on 295 acres is 4.2 cfs.
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: June 1 - September 30.
3. The date from which applicant may claim right is June 30, 1993.
4. The date of approval of Permit No. 5783-3 is October 18, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

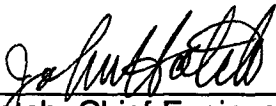
QUALIFICATIONS

1. The diversion rate from Water Permit No. 2454-3 and this permit shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre-feet per acre annually.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

(continued)

3. Approval of Water Permit No. 5783-3 authorizes a 20 acre-feet storage dam.

WATER MANAGEMENT BOARD

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

NOV 3 1993
date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 1993

Paul Johnson
RR 2, Box 80
Platte, SD 57369

Dear Mr. Johnson:

After an inspection of your Water Permit No. 2454-3 on April 26, 1993, I found a few things that needed some attention.

The enclosed application is to identify the correct location of 76 acres developed outside of the area described on Permit No. 2454-3 and also adds 41 acres to the 254 acres authorized by No. 2454-3. Total area being irrigated is 295 acres. This application also adds the dry draw dam in Section 23 (20 acre-feet storage capacity) serving as a regulating pond.

Results from the inspection also found that chemigation standards must be met according to SDCL 74:02:09 before chemigation may take place in the future. Enclosed is a copy of the chemigation rules for your review and responsibility.

Please fill out question No. 1 and the bottom of the enclosed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$150.00 in the postage free envelope provided.

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

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division
605-773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 1993

Paul Johnson
RR 2, Box 80
Platte SD 57369

Dear Mr. Johnson:

We received your application for a water permit based on the inspection conducted by Barry LcLaury of Water Permit No. 2454-3. As stated in our letter dated June 15, 1993, the filing fee for this application is \$150.00.

Upon receipt of the filing fee, further processing of your application will continue.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

RECEIPT

413844

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 4, 19 93

RECEIVED OF Paul Johnson RR 2 Box 80, Platte SD 57369

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

Fee for Application for Permit No. <u>5783-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4786

WR#

OWNERS NAME: JOHNSON, PAUL OWNERS ADDRESS: RR 2 BOX 80
PLATTE SD 57369

COUNTY LAND LOCATED IN: CHARLES MIX PHONE: 337-3738

LEGAL DESCRIPTION: ☐ Well ☒ Surface Missouri River & Dry Draw Dam
1. LOCATION Missouri River: SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27-T98N-R69W
Depth Dry Draw Dam : SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23-T98N-R69W

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26-T98N-R69W	22	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23-T98N-R69W	15
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23-T98N-R69W	22	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23-T98N-R69W	23
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 23-T98N-R69W	17	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23-T98N-R69W	14
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T98N-R69W	4		

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23-T98N-R69W 11 025 8/6/93
2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: XXX (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>MISSOURI RIVER & DRY DRAW DAM</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____	



Requirements:

The areas mapped as Betts loam 25 to 40% slope (BdF) and Sansarc-Boyd Complex 15 to 40% slope (SoF) are excessively steep and subject to a severe erosion hazard. These areas shall not be irrigated and remain in permanent vegetation. Many of the areas can be addressed through an endgun shutoff on the center pivots and proper positioning of the runs for the big gun.

Russell J. Hone

Director, Division of Conservation

AUGUST 6, 1993

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Report on Water Permit Application No. 5783-3
Paul Johnson
August 30, 1993

Background

Water Permit Application No. 5783-3 requests appropriation of 1.28 cubic feet of water per second (cfs), the addition of 41 acres to the acreage authorized by Water Permit No. 2454-3, correction of the location of 76 acres, and authorization of the storage of water in a dry draw dam. Water Permit No. 2454-3 appropriates 3.6 cfs for irrigation of 254 acres located in the NW1/4, NW1/4 NE1/4, W1/2 SW1/4, SE1/4 SW1/4 Section 23, T98N-R69W, in Charles Mix County. Water Permit Application No. 5783-3 is to correct the location of 76 acres located in the NE1/4, W1/2 SE1/4, NE1/4 SW1/4 Section 23, and the NW1/4 NE1/4 Section 26, T98N-R69W.

Discussion

On April 26, 1993, Barry McLaury, Division of Water Rights Analyst, inspected Water Permit No. 2454-3. The inspection showed that the applicant, Paul Johnson, irrigates 41 acres in addition to the acreage authorized by Water Permit No. 2454-3. The inspection also showed that water is being stored in a dry draw dam with no authorization. This application is to correct the location of 76 acres, add 41 acres, and to add the dry draw dam with a storage capacity of 20 acre feet. The dam is 30 feet high with a height of 26 feet to the primary spillway. The dam is used as a regulating pond.

According to the inspection, the applicant uses two pumps capable of diverting 4.88 cfs from the Missouri River.

Conclusions and Recommendation

1. There is ample amount of water available in the Missouri River.
2. Total acreage for this application and Water Permit No. 2454-3 is 295 acres. Combined diversion rates authorized by Water Permit No. 2454-3 and this application should not exceed the statutory limitation of 1 cfs for irrigation of each 70 acres which is 4.2 cfs for irrigation of 295 acres.
3. Due to the small size of the dam, the dam safety rules are not applicable.

4. It is recommended that Water Permit Application No. 5783-3 be approved with the irrigation questionnaire qualification.

M. Rassool Ahadi 

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

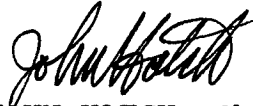
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5783-3, Paul Johnson

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. 5783-3, Paul Johnson, RR 2 Box 80, Platte, SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 5783-3 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 diversion rate from Water Permit No. 2454-3 and this Permit shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre-feet per acre annually.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Water Permit No. 5783-3 authorizes a 20 acre-foot storage dam.

See report on application for additional information.



JOHN HATCH, Chief Engineer
September 16, 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.

September 21, 1993

Paul Johnson
RR 2 Box 80
Platte, SD 57369

Dear Mr. Johnson:

Water Permit Application No. 5783-3 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 Platte Enterprise printed at Platte, SD (Ph # 337-3101). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund

Natural Resources Engineer
605 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 21, 1993

Platte Enterprise
Box 546
Platte, SD 57369

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5783-3 to be published twice. Please publish the first notice on September 30, 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 Paul Johnson, RR 2 Box 80, Platte, SD 57369 (Ph # 337-3738).

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 30, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5783-3 to Appropriate Water
and to Amend Water Permit No. 2454-3

Notice is given that Paul Johnson, RR 2 Box 80, Platte, SD 57369 has filed an application for a water permit to appropriate 1.28 cubic feet of water per second (cfs), to irrigate an additional 41 acres, to correct the location of 76 acres and to authorize a dry draw dam. Water Permit No. 2454-3 appropriate 3.6 cfs for irrigation of 254 acres located in the NW 1/4, NW 1/4 NE 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, from the Missouri River located between the NE 1/4 SW 1/4 Section 15 and the NE 1/4 NE 1/4 Section 27; all in T98N-R69W. An inspection of Permit No. 2454-3 found the Missouri River diversion point is located in the SW 1/4 NE 1/4 Section 27-T98N-R69W capable of diverting 4.88 cfs and that a total of 295 acres were being irrigated. The inspection also found a dry draw dam (20 acre-feet capacity) located in the SW 1/4 NE 1/4 Section 23-T98N-R69W which is used as a regulating pond. This application appropriates an additional 1.28 cfs from the Missouri River to be diverted directly for irrigation and into the regulating dam. The application is also to irrigate 41 additional acres and correct the location of 76 acres located in the NE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4 Section 23 and the NW 1/4 NE 1/4 Section 26; all in T98N-R69W. The application of water to the irrigated land may not exceed 1 cfs per 70 acres, the maximum diversion rate for irrigation on 295 acres is 4.2 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5783-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 18, 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Charles Mix) ssI, Ralph Nachtigal

certify that the attached printed Notice was

taken from the PlatteEnterpriseprinted and published in PlatteCounty of Charles Mix and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:Sept. 30Oct. 7Cost of Printing: \$44.28Ralph Nachtigal
(Signature)Publisher
(Title)10-7-93
(Date Signed)

NOTICE OF APPLICATION NO. 5783-3 TO APPROPRIATE WATER AND TO AMEND WATER PERMIT NO. 2454-3

Notice is given that Paul Johnson, RR 2 Box 80, Platte, SD 57369 has filed an application for a water permit to appropriate 1.28 cubic feet of water per second (cfs), to irrigate an additional 41 acres, to correct the location of 76 acres and to authorize a dry draw dam. Water Permit No. 2454-3 appropriate 3.6 cfs for irrigation of 254 acres located in the NW 1/4, NW 1/4 NE 1/4, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, from the Missouri River located between the NE 1/4 SW 1/4 Section 15 and the NE 1/4 NE 1/4 Section 27; all in T98N-R69W. An inspection of Permit No. 2454-3 found the Missouri River diversion point is located in the SW 1/4 NE 1/4 Section 27-T98N-R69W capable of diverting 4.88 cfs and that a total of 295 acres were being irrigated. The inspection also found a dry draw dam (20 acre-foot capacity) located in the SW 1/4 NE 1/4 Section 23 T98N-R69W which is used as a regulating pond. This application appropriates an additional 1.28 cfs from the Missouri River to be diverted directly for irrigation and into the regulating dam. The application is also to irrigate 41 additional acres and correct the location of 76 acres located in the NE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4 Section 23 and the NW 1/4 NE 1/4 Section 26; all in T98N-R69W. The application of water to the irrigated land may not exceed 1 cfs per 70 acres, the maximum diversion rate for irrigation on 295 acres is 4.2 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5783-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. 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

NOV 3 1993

Paul Johnson
RR 2 Box 80
Platte, SD 57369

Dear Mr. Johnson:

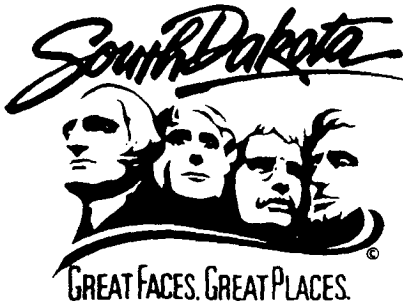
Enclosed is Water Permit No. 5783-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1994

SECOND NOTICE

Permit No: 5783-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Paul Johnson
RR 2, Box 80
Platte, SD 57369

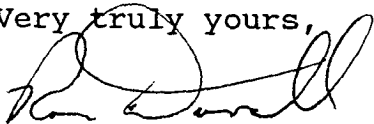
Dear Mr. Johnson:

On November 3, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5783-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


for JOHN HATCH, Chief Engineer
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:

5783-3

Paul Johnson,
RR 2, Box 80
Platte, SD 57369

4a. Article Number

P 318-052 624

4b. Service Type

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

7. Date of Delivery

1/7/94

5. Signature (Addressee)

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 1994

THIRD NOTICE

Permit No. 5783-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 5783-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Paul Johnson
RR 2, Box 80
Platte, SD 57369

Dear Mr. Johnson:

On November 3, 1993, and January 6, 1994, you were notified the final inspection fee of \$50.00 is due before Water License No. 5783-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 5783-3 until the \$50.00 fee is paid. Please remit the License fee to the Department of Environment and Natural Resources, Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181.

Very truly yours,

John Hatch, Chief Engineer
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:

5783-3

4a. Article Number

P 318 052 655

Paul Johnson
RR 2, Box 80
Platte, SD 57369

4b. Service Type

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

7. Date of Delivery

5-17-94

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Department of Env. Res.

Sorry, we thought
we paid this in
December. Except
our apologies



Thank you
Paul Johnson
Pierre S.D.

RECEIPT

414185

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 23 _____, 19 94

RECEIVED OF Carmain Johnson, RR 2 Box 80, Platte, SD 57369

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5783-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Black
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 1995

5783-3
2454-3

Paul Johnson
RR #2 Box 80
Platte, SD 57369

Dear Mr. Johnson:

On April 26, 1993, an inspection of your water use system and chemigation equipment was conducted. The inspection found that portions of the chemigation equipment did not meet chemigation standards. You were made aware of the problems at the time of inspection and then by letter dated June 15, 1993 (copy enclosed) were sent a copy of the chemigation rules. To date, we have not heard from you on this matter.

The purpose of this letter is to inquire whether or not the problems encountered during the inspection have been remedied. If these items were corrected and the equipment is now in compliance with the chemigation standards, the inspection report can be updated and the water license processed. Please contact our office as to whether or not you have made the improvements to your chemigation system.

Thank you for your time and consideration in this matter. If you need assistance or have any questions, please contact either myself, or Barry McLaury of this office.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Paul Johnson
RR 2
Platte, SD 57369

Dear Paul:

Enclosed is a copy of the SD Chemigation Rules 74:02:09 which you requested during our phone conversation on May 25. The back page shows a diagram which you would be the most interested in.

You mentioned that you don't intend to chemigate anymore. This is fine. If you should ever want to use your present chemigation system, it will need to be brought into compliance before using.

If you have any questions or need further assistance, please call me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Division

enclosures

Permit No. 2454-3 & 5783-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Paul A. Johnson of RR 2, Box 80, Platte, SD 57369 holder of Permit No. 2454-3, bearing the priority of November 12, 1975 authorizing the diversion of 3.60 cu. ft. of water per second and the storage of 20 acre-feet from the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Motors: (At the river)

- | | | |
|----|---|--------------------------------------|
| 1) | Marathon
SN 92580-2/11-3
100 HP | Cornell Pump
SN 34104
1100 GPM |
| 2) | Second Motor not at pump site (100 HP, 1100 GPM). | |

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

Boosters: (At the Dam)

- | | | |
|----|--|--|
| 1) | General Electric
MN 5K286JL1101A
40 HP | Cornell Pump
MN 2.5WHB-40-2
8 3/16" impeller |
| 2) | Marathon
SN FC93345-3/21-3
MN 364 TTD57603AAWF1
75 HP | Cornell Pump
SN E2418
MN 5WBVM75-2
8 5/16" impeller |

Booster: (At 7 tower pivot)

- | | | |
|----|---|--|
| 1) | General Electric
SN CNJ323439
50 HP | Cornell Pump
SN E2399
7 1/16" impeller |
|----|---|--|

DISTRIBUTION LINES:

- | | | | | | |
|----|----------------------|----|-----------------------|----|-------------------------|
| 1) | Type <u>PVC</u> | 2) | Size <u>12</u> inches | 3) | Length <u>5280</u> feet |
| 1) | Type <u>Aluminum</u> | 2) | Size <u>10</u> inches | 3) | Length <u>1980</u> feet |
| 1) | Type <u>PVC</u> | 2) | Size <u>8</u> inches | 3) | Length <u>2640</u> feet |
| 1) | Type <u>PVC</u> | 2) | Size <u>6</u> inches | 3) | Length <u>1520</u> feet |
| 1) | Type <u>Rubber</u> | 2) | Size <u>4</u> inches | 3) | Length <u>1320</u> feet |

C. Works used to apply water to beneficial use:

CENTER PIVOTS:

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 190 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1100 GPM

- 1) Make Zimmatic
- 2) Overall length 825 feet
- 3) Number of towers 4
- 4) Distance between towers 200 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 300 GPM

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) Distance between tower 165 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1200 GPM

BIG GUN: (loaned from neighbor)

- 1) Make Water Winch
- 2) Capacity 400 GPM
- 3) Hose size 4 inches
- 4) Hose length 660 feet
- 5) Hose type Rubber

DAM INFORMATION:

- | | |
|---|------------------------------------|
| 1) Height to crest <u>30</u> feet | 5) Crest length <u>240</u> feet |
| 2) Primary spillway height <u>26</u> feet | 6) Spillway length <u>60</u> feet |
| 3) Secondary spillway height <u>N/A</u> | 7) Spillway width <u>60</u> feet |
| 4) Crest width <u>18</u> feet | 8) Approx. storage <u>20</u> ac-ft |

The system is in the following condition fair. The point of diversion is located 660 feet N and 1320 feet E from the center of Section 27 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the dry draw dam located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23; all in T98N-R69W. The works are capable of diverting and conveying to the place of use ** 4.88 cu. ft. per second of water and storing 20 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T98N-R69W

SECTION 23

<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>28 acres</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>35 acres</u>
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>30 acres</u>
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>37 acres</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>15 acres</u>

		<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>12 acres</u>
<u>T98N-R69W</u>	<u>SECTION 23</u>	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>23 acres</u>
		<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>14 acres</u>
		<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>4 acres</u>
		<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>17 acres</u>
		<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>2 acres</u>
		<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>34 acres</u>
		<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>22 acres</u>
	<u>SECTION 26</u>	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>22 acres</u>

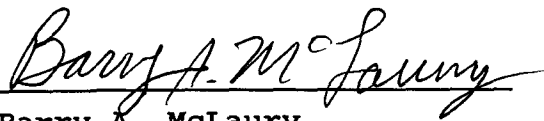
comprising a total of 295 acres of land and the license should be issued for 4.21 cfs and 20 acre-feet of storage.

**** NOTE:**

4.88 CFS is diverted from the river and 6.66 CFS can be applied to the land through the use of a regulating pond. This water permit will be licensed for 1 CFS per 70 acres (4.21 CFS). The irrigated acreage in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26 is covered by Water Permit No. 4357-3 (Bert Yeager) and is irrigated with Mr. Johnson's center pivot.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date: April 26, 1993


 Barry A. McLaury
 Natural Resources Analyst
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2454-3

DATE: April 26, 1993

Other permit(s) associated with the project: 4357-3

DIVERSION POINT LEGAL LOCATION: 660 feet N and 1320 feet E from the Center of Section 27 T98N-R69W (SW1/4 NE1/4).

Motors: (At the river)

- | | |
|--|--------------------------------------|
| 1) Marathon
SN 92580-2/11-3
100 HP | Cornell Pump
SN 34104
1100 GPM |
| 2) Second Motor not at pump site (100 HP, 1100 GPM). | |

Boosters: (At the Dam)

- | | |
|---|--|
| 1) General Electric
MN 5K286JL1101A
40 HP | Cornell Pump
MN 2.5WHB-40-2
8 3/16" impeller |
| 2) Marathon
SN FC93345-3/21-3
MN 364 TTD57603AAWF1
75 HP | Cornell Pump
SN E2418
MN 5WBVM75-2
8 5/16" impeller |

Booster: (At 7 tower pivot)

- | | |
|--|--|
| 1) General Electric
SN CNJ323439
50 HP | Cornell Pump
SN E2399
7 1/16" impeller |
|--|--|

DISTRIBUTION LINES:

- | | | |
|-------------------------|--------------------------|----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>5280</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>10</u> inches | 3) Length <u>1980</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>2640</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inches | 3) Length <u>1520</u> feet |
| 1) Type <u>Rubber</u> | 2) Size <u>4</u> inches | 3) Length <u>1320</u> feet |

SYSTEM TYPE:

Center Pivot:

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) Distance between towers 165 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1200 GPM

- 1) Make Zimmatic
- 2) Overall length 825 feet
- 3) Number of towers 4
- 4) Distance between towers 200 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 300 GPM

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 190 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1100 GPM

CHEMIGATION EQUIPMENT: (At 6" line and 8" line booster pumps at dam)

- 1) Does chemigate Y
- 2) Main line check valve Not visible
- 3) Inspection port/air relief Y
- 4) Low pressure drain N
- 5) Discharge is 20' from source Y/N
- 6) Interlock type Electric
- 7) Injection pump type Not at site
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump N
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules N
- 11) Comments :

DAM INFORMATION:

- 1) Height to crest 30 feet
- 2) Height to primary spillway 26 feet
- 3) Height to secondary spillway N/A ft
- 4) Crest width 18 feet
- 5) Crest length 240 feet
- 6) Spillway length 60 feet
- 7) Spillway width 60 feet
- 8) Approx. storage 20 ac-ft

Big Gun: (Loaned from neighbor)

- 1) Make Water Winch
- 2) Capacity 400 GPM
- 3) Hose size 4 inches

Mr. Johnson was informed verbally and via letter that his chemigation equipment must be brought into compliance with state chemigation rules before any chemigation may take place in the future.

**PERMIT QUALIFICATIONS AND
REGULATIONS:**

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5783-3 FOR IRRIGATION

(1) Paul A Johnson of RR 2, Box 80, Platte SD 57369 made Application No. 5783-3, June 30, 1993 for a water permit to appropriate 1.28 cubic feet of water per second (cfs) from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 5783-3, with a priority date of June 30, 1993 was approved October 18, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed and for the application to beneficial use of said water completed.

Water Permit No. 5783-3 authorizes diversion of an additional 1.28 cfs, irrigates an additional 41 acres, corrects the location of 76 acres and authorizes a 20 acre-feet capacity dry draw dam. The additional diversion rate, acreage and storage dam carry a June 30, 1993 priority date.

The applicable portions of Water Permit No. 2454-3 have been incorporated into this Water License No. 5783-3. Priority dates, as they pertain to the acres irrigated are described in (3) of this license.

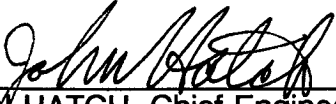
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.21 cubic feet of water per second for beneficial use. The location of the diversion points are: at the Missouri River located 660 feet N and 1320 feet E from the center of Section 27 (SW 1/4 NE 1/4); and the dry draw dam located in the SW 1/4 NE 1/4 Section 23; all in T98N-R69W.

(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: All in T98N-R69W

<u>Legal Description</u>		<u>Acres</u>	<u>Priority Date</u>
Section 23	NW 1/4 NW 1/4	28 acres	November 12, 1975
	NE 1/4 NW 1/4	35 acres	"
	SW 1/4 NW 1/4	30 acres	"
	SE 1/4 NW 1/4	37 acres	"
			"
	NW 1/4 NE 1/4	12 acres	"
	NE 1/4 NE 1/4	23 acres	June 30, 1993
	SW 1/4 NE 1/4	11 acres	November 12, 1975
		4 acres	June 30, 1993
	SE 1/4 NE 1/4	14 acres	"
			"
	NE 1/4 SW 1/4	4 acres	November 12, 1975
	SW 1/4 SW 1/4	2 acres	"
	SE 1/4 SW 1/4	34 acres	"
Section 26	NW 1/4 SE 1/4	17 acres	"
	SW 1/4 SE 1/4	22 acres	"
			"
Total		295 acres	

(continued)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul A. Johnson of RR 2, Box 80, Platte SD 57369 the holder and/or owner of Incorporated Water Permit No. 5783-3 is issued a license to appropriate water, the right to use 4.21 cubic feet of water per second from the Missouri River and 20 acre-feet storage dam with priority dates of November 12, 1975 and June 30, 1993 from the location specified in (2) of this license. The water is 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 Permit No. 5783-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

SEP 6 1995

date

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Paul A. Johnson

ADDRESS: RR 2, Platte, SD 57369

COUNTY: Charles Mix

DATE: 5-23-95

TELEPHONE: 605-337-3738

RE: Phone conversation about his chemigation set up.

COMMENTS:

Today I spoke with Paul about the problem he has with his chemigation system which was found during an inspection I did for him on April 26, 1993. The inspection found that a low pressure drain, vacuum relief valve & inspection port needed to be installed in order to be in compliance with the chemigation standards.

After sending a letter and holding his water license until the problem is remedied, Mr. Johnson called in today and said that they don't use the chemigation system anymore and do not intend to. I told him this would be alright, but if he intended to ever use it in the future, he would have to bring the system into compliance before applying chemical. He understood my explanation and followed up saying that he had not used chemical for the last 10 years and wouldn't be using any in the future.

After our conversation, I checked his chemigation questionnaires. Since 1991, he has reported no use of chemical.



Barry A. McLaury
Environmental Scientist
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

5783-3

Paul A. Johnson
RR 2, Box 80
Platte, SD 57369

Dear Mr. Johnson:

Enclosed is Water License No. 5783-3 and Receipt No. 414185 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5783-3 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2454-3 have been incorporated into this Water License No. 5783-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: PAUL A JOHNSON, RR 2 BOX 80, PLATTE SD 57369

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **5783-3** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). **5783-3** 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 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN Addressed 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:

PAUL A JOHNSON
RR 2 BOX 80
PLATTE SD 57369

4a. Article Number

119 141 237

4b. Service Type

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

7. Date of Delivery

1-15-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Paul A Johnson

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

PS Form 3811, December 1994

102595-97-B-0179

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

January 9, 1998

NOTICE

TO: PAUL A JOHNSON, RR 2 BOX 80, PLATTE, SD 57369

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5783-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5783-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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 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) 5783-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

5783-3

Paul A Johnson
28276 Johnson Lane
Platte, SD 57369

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and information for your chemical reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 5783-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: PAUL A JOHNSON, 28276 JOHNSON LN, PLATTE, SD 57369
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5783-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 5783-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 5783-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, 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 at (605) 773-3352.

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



5783-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3794

Your item was delivered at 10:56 am on January 18, 2003 in PLATTE, SD 57369. The item was signed for by P JOHNSON.

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PAUL A JOHNSON
28276 JOHNSON LN
PLATTE SD 57369

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PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2003

5783-3

Paul A Johnson
28276 Johnson Ln
Platte SD 57369

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 5783-3.

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 that reads "Genny McMath".

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



5783-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 31, 2003

5783-3
4357-3

Paul Johnson
28276 Johnson Ln
Platte SD 57369

Dear Mr. Johnson:

Thank you for the prompt return of the 2003 irrigation questionnaires for Water Right Nos. 4357-3 and 5783-3. You indicated 300 acres were irrigated this year. In order for the questionnaires to be considered complete, we need to have you fill out the back of the forms too.

Please write in the acres, pump rate, days per month and average hours per day in the months that water was applied. We use the information to calculate how much water was used from a specific source.

The legal descriptions of the water rights are included on each questionnaire. If you have any questions, please get in touch with me.

Sincerely,

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

enclosures



5783-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2004

5783-3

Paul A Johnson
28276 Johnson Ln
Platte SD 57369

Dear Mr. Johnson:

I am writing to acknowledge receipt of the 2004 irrigation questionnaires for Water Right Nos. 4357-3 (Don Yeager) and 5783-3. In order for the forms to be considered complete, the back side needs to be filled out. It's fine to include all information on No. 5783-3 as long as both forms are returned to us.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day that the system was running. The information is important to us in calculating how much water was used from a specific source.

Please complete the forms and return them to us by **December 24th**. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

enclosures