

WATER PERMIT NO. 5814-3

Phone: 356-2762

Name of Applicant: Ellen Gill Houghland, c/o Pat Walsh

Post Office Address: Rt 1, Box 88, Elk Point SD 57025

Amount of Water Claimed: 0.17 Total Acres: 12

Source of Water Supply: groundwater & Big Sioux River

Water to be used for: irrigation County: Union

About 4 miles east of Elk Point

PRIORITY Date Received: 3-23-93 Fee: \$150 Remarks: Acres in

addition to those authorized by Vested Right No. 47-3

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

WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: well & Big Sioux River

NW 1/4 SW 1/4 Sec 25-T91N-R49W

Land to be Irrigated: NW 1/4 SW 1/4, NE 1/4 SW

1/4 Sec 25-T91N-R49W



Well Log: Driller: unknown Licensed YES _____ NO _____

Depth of Well: 112' REMARKS: _____

Type of Map: serial PREPARED BY: Greg Johnston Reviewed and the Number

Assigned on: 3-29-94 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. 5814-3 Hydrologic Unit 1070203
Basin Big Sioux River
Newspaper Elk Point Leader Courier
(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.) _____

- Name of Applicant Ellen Gill Houghland c/o Pat Walsh, Operator Phone 356-2762
Mailing Address Rt. 1, Box 88 Elk Point, SD 57025 State _____
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.17 *CFS or 77 **GPM ***AF Total Acreage 12
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Missouri Aquifer and Big Sioux River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One Well - NW1/4 SW1/4
of Section 25, and Big Sioux River Diversion point is NW1/4 SW1/4 Section 25 - both in
T91N-R49W County Union
- County or counties where water will be used Union
- Annual period during which water is to be used April thru October 31
- 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	Acres	Land Description	Acres
NW1/4 SW1/4 25-91N-49W	1		
NE1/4 SW1/4 " "	11		

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

These 12 acres are irrigated under the system covered by Vested Right No. 47-3. No. 47-3 appropriates 1.8 cfs from one well and a Big Sioux River Diversion point. This application will add an additional .171 cfs (77 GPM) for the 12 acres..

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 Union)^{ss} Ellen Gill Houghland

I, Pat Walsh, 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 Pat Walsh Ellen Gill Houghland

Subscribed and sworn to before me this 17th day of March 19 93

Commission Expiration: 8-5-96

Alice Boyd
Notary Public

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 36" Depth 112'
- b) Casing Type steel Diameter 18" Thickness 10
- c) Screen Type shutter screen Diameter 18" Thickness 10
- d) Gravel Pack Thickness 9' Length of Gravel Pack 112'
- e) Depth to Top of Water Bearing Material 6'
- f) Depth to Water (ground surface to water level) 16'
- g) Distance to nearest existing domestic well:
On applicants property NONE On property owned by others 1/2 mile

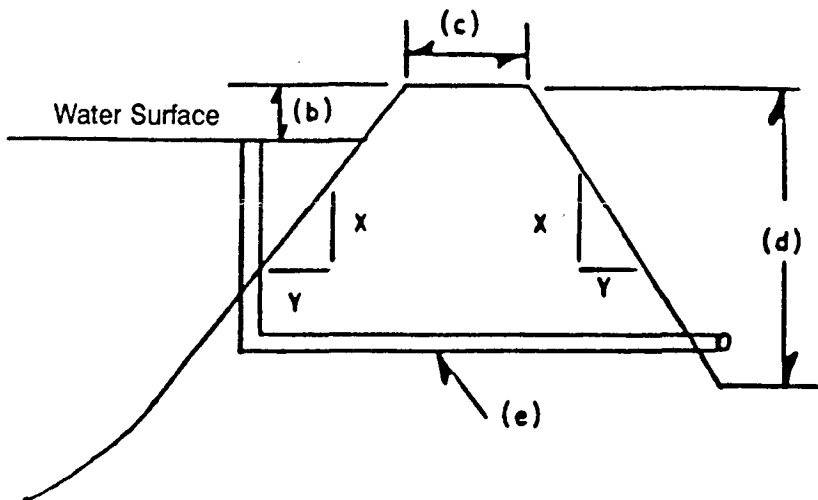
2. Dugout Information

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area above Dam _____ Acres

**SOUTH DAKOTA
WATER PERMIT NO. 5814-3**

Date of first receipt of application March 23, 1993.

Permit processed when Soil/Water Compatibility permitting statutes were repealed.

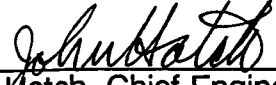
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5814-3 to Ellen Gill Houghland, c/o Pat Walsh, Operator, Rt 1, Box 88, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. appropriates 0.17 cubic feet of water per second from the Big Sioux River and one well (Missouri:Elk Point Aquifer) 112 feet deep located in the NW 1/4 SW 1/4 Section 25 to irrigate 12 acres located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 Section 25; all in T91N-R49W. Additional acres are authorized for irrigation under Vested Water Right No. 47-3. This permit authorizes use of water from the well and Big Sioux River, with the well being the main source and the river diversion system used only on a standby basis.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 11, 1994 (based on repeal of Soil/Water Compatibility permitting statutes).
4. The date of approval of Permit No. 5814-3 is June 20, 1994.
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. Water Permit No. 5814-3 authorizes use of water from a well and the Big Sioux River, with the well being the main source and the river diversion system used on a standby basis only.

WATER MANAGEMENT BOARD

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

AUG 19 1994
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

Pat Walsh
Rt. 1, Box 88
Elk Point, SD 57025

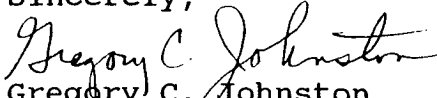
Dear Mr. Walsh:

This letter is in regards to our conversation of January 28, 1993. Enclosed is an application to appropriate water for the irrigation of 12 acres located in the NE1/4 SW1/4 and the NW1/4 SW1/4 of Section 25-T91N-R49W. These acres are not included under Vested Right No. 47-3 or any other Water Permit.

Please complete, notarize and return the application with the appropriate fee (\$150). Enclosed is an instruction sheet with the necessary information highlighted. Please return all the necessary information from the instruction sheet with the application and fee.

If you have any questions, please feel free to call me at any time.

Sincerely,


Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
605 773-3352

encl

South Dakota Department of Environment and Natural Resources

413700

Pierre, March 24, 1993

RECEIVED OF Pat Walsh, RR 1 Box 88, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5814-3</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
Chief Engineer



Dear Mr. Johnston:

A water sample can not be obtained at this time. The R&A will not put the electric meters on until the summer irrigation season.

Sincerely,
Pat Walsh

File No. 5814-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Ellen Gill Houghland

ADDRESS: Rt 1, Box 88, Elk Point SD COUNTY: Union

DATE: 3-29-94 TELEPHONE:

RE: S/W Compatibility Permit

COMMENTS:

We are proceeding with this application based on the repeal of the Soil/Water Compatibility Permit statutes by the 1994 Legislature.

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 5814-3
for Ellen Gill Houghland
May 10, 1994

Application No. 5814-3 proposes to appropriate 0.17 cfs (77 gpm) from the Big Sioux River and one well approximately 112 feet deep located in the NW 1/4 SW 1/4 of section 25 to irrigate 12 acres located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 of section 25; all in T91N R49W in Union County. This application authorizes use of water from the well and the Big Sioux River, with the well being the main source and the river diversion system used only on a standby basis. Additional acres are authorized for irrigation under Vested Water Right No. 47-3.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a mostly buried glacial outwash (sand and gravel) and alluvium found under confined or artesian conditions. In other areas of Union County the aquifer is unconfined or under water table conditions. The Missouri Elk Point aquifer is hydraulically connected to the Big Sioux aquifer to the north, the Lower Vermillion Missouri aquifer to the northwest and to the Big Sioux and Missouri rivers. The Missouri Elk Point underlies 99,600 acres and contains an estimated 1.494 million acre feet of recoverable water in storage in Union County (Hedges, 1982).

The Division of Water Rights monitors 24 observation wells completed into the Missouri Elk Point aquifer in Union County. The water levels in these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994). The nearest observation well to this application is UN-77N which is located in the same section as this application. Records for this well show artesian conditions and do fluctuate due to pumping.

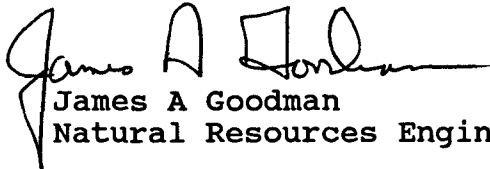
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are existing irrigation water permits/rights all around this application. The nearest existing well is about 1/2 mile to the north. Interference is not expected to be a concern. Drawdown created by pumping usually is not significant very far from the production well in this aquifer and does not cause adverse effects.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is confined or at least partially confined in this area. Drawdown will be created by pumping but this is not expected to cause adverse effects on existing users. This well has been in use for many years with no apparent problems.

3. Information is not available to determine if this well is constructed in accordance with SD Well Construction Standards.
4. This application was filed as a result of an inspection by Water Right's Staff. During the inspection it was found that additional acres were being irrigated without a permit.
5. The application indicates that these lands may also be irrigated from the Big Sioux River. Apparently the Big Sioux River diversion is used as a backup supply. According to file documentation in the permit application, the Big Sioux Diversion is now capable of 1000 gpm and is used only occasionally. The additional acres can be irrigated using river water but there is no need to add additional diversion to the existing system. The well is capable of producing the amount of water needed.
6. No soil water compatibility is available or required for this application.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1994, Unpublished Observation Well Data for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

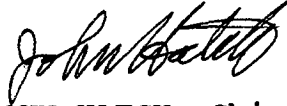
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5814-3, Ellen Gill Houghland

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. 5814-3, Ellen Gill Houghland, c/o Pat Walsh, Operator, Rt 1 Box 88, Elk Point, SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 5814-3 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. Water Permit No. 5814-3 authorizes use of water from a well and the Big Sioux River, with the well being the main source and the river diversion system used on a standby basis only.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 18, 1994



**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.

May 20, 1994

Pat Walsh, Operator
Rt 1 Box 88
Elk Point, SD 57025

Dear Mr. Walsh:

Water Permit Application No. 5814-3 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 Elk Point Leader-Courier printed at Elk Point, SD (Ph # 356-2632). 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.

This application was submitted on March 23, 1993. The application was on hold pending issuance of the Soil-Water Compatibility Permit through the Department of Agriculture. The Soil-Water Compatibility statutes have since been repealed by the 1994 Legislature and the water permit is now being processed.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1994

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5814-3 to be published twice. Please publish the first notice on June 2, 1994, 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 Ellen Gill Houghland, c/o Pat Walsh, Rt 1 Box 88, Elk Point, SD 57025 (Ph # 356-2762).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 2, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5814-3 to Appropriate Water

Notice is given that Ellen Gill Houghland, c/o Pat Walsh, Operator, Rt 1 Box 88, Elk Point, SD 57025 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from the Big Sioux River and one well (Missouri:Elk Point Aquifer) 112 feet deep located in the NW 1/4 SW 1/4 Section 25 to irrigate 12 acres located in the NW 1/4 SW 1/4 and the NE 1/4 SW 1/4 Section 25; all in T91N-R49W. Additional acres are authorized for irrigation under Vested Water Right No. 47-3. This application authorizes use of water from the well and Big Sioux River, with the well being the main source and the river diversion system used only on a standby basis.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5814-3 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 June 20, 1994.

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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) ss

I, Lester E. Emerson

certify that the attached printed Notice was

taken from the _____

The Leader-Courier

printed and published in Elk Point

County of Union and State of

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

June 2, 1994

June 9, 1994

Cost of Printing: 40.29

Lester E. Emerson
(Signature)

Editor/Publisher
(Title)

June 9, 1994
(Date Signed)

NOTICE OF APPLICATION NO. 5814-3

TO APPROPRIATE WATER

Notice is given that Ellen Gill Houghland, c/o Pat Walsh, Operator, Rt. 1 Box 88, Elk Point, SD 57025, has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from the Big Sioux River and one well (Missouri: Elk Point Aquifer) 112 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 to irrigate 12 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; all in T91N-R49W. Additional acres are authorized for irrigation under Vested Water Right No. 47-3. This application authorizes use of water from the well and Big Sioux River, with the well being the main source and the river diversion system used only on a stand-by basis.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5814-3 because 1) unappropriated water is available, 2) Application 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.

RUSSELL L. STONE

Acting Secretary, Department
of Environment and Natural
Resources

Pub. June 2, 9, 1994.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

Ellen Gill Houghland
c/o Pat Walsh, Operator
Rt 1 Box 88
Elk Point, SD 57025

Dear Mr. Houghland:

Enclosed is Water Permit No. 5814-3 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

RECEIPT

414282

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 26, 19 94

RECEIVED OF Gill-Freeman, Box 1, Lake Preston SD 57249

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>5814-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

John Hatch
Chief Engineer



Lake Preston 1, ID.
September 23, 1994

S. D. Dept. of Environmental & Natural Resources.
Water Rights Division.
Dear Mr Hatch:

Enclosed is a check in the amount
of \$50.⁰⁰ in payment of inspection and issuance of
final papers for Water Permit No 5814-3

Please notice the correct
spelling of my name is HOUGLAND

Yours truly,
Ellen Hill Hougland.

5814-3
473

REPORT ON INSPECTION OF VESTED RIGHT 47-3

DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Well is located 1320'E and 1372'N; and the Big Sioux River diversion point is 1300'E and 2074'N both from the SW corner of Section 25-T91N-R49W

WELL INFORMATION: Well Drilling Firm Unknown

No. of Wells 1 Depth(s) 112

a) Casing: 1) diameter 18 inches

2) length 70 feet

3) type steel

b) Screen: 1) type shutter screen

2) length 30 feet

c) Pump

1) make Well - Berkeley/ River - Fairbanks

Morse centrifugal

d) Static Water Level 16 feet

2) model 1203 2/unknown

e) Motor:

3) size 8/8 inches

1) make Well - Continental/River -PTO

4) capacity 1400/1000 GPM

2) model No. R906622/John Deere

5) turbine pump - No. of stages 3

3) horsepower rating 30/140 hp

6) operating pressure 40/30 PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum

b) size 10/8 inches

c) length 60/18 feet

System Type:

d) Gated pipe:

1) length 1980 feet

2) diameter 3" inches

3) spacing of gates 36 inches

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period Y (Y/N)

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Ellen Gill Hougland, c/o Pat Walsh, Operator

ADDRESS: Rt 1, Box 88, Elk Point SD COUNTY: Union

DATE: 8-10-94 TELEPHONE:

RE: Water License

COMMENTS:

Water Permit No. 5814-3 was based on an inspection of Vested Water Right No. 47-3. The 12 additional acres authorized by Permit No. 5814-3 utilize the same diversion sources as Vested Right No. 47-3. The information of the Report of Examination of Works regarding the diversion points applies to both Nos. 47-3 and 5814-3. The lands irrigated, priority dates and diversion rates for both permits are listed below:

All in Section 25-T91N-R49W

NW 1/4 SW 1/4	30 acres	
SW 1/4 SW 1/4	40 acres	Priority dates of June 4, 1948 (river diversion point)
NE 1/4 SW 1/4	16 acres	December 6, 1949 (well)
SE 1/4 SW 1/4	40 acres	126 acres - 1.8 cfs

NW 1/4 SW 1/4	1 acre	Priority date of March 11, 1994
NE 1/4 SW 1/4	11 acres	12 acres - 0.17 cfs

The applicable portions of Vested Water Right No. 47-3 have been incorporated into this Water License No. 5814-3 and licensed for a total of 1.97 cfs and 138 acres with the well being the main water source and the river system used on standby basis.

Karen Schlaak

Karen Schlaak
Environmental Scientist

NOT TO SCALE

VESTED RIGHT No. 47-3

ELLEN GILL-HOUGHAND

Drawn by: Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer II

Water Rights Division, DENR

4/28/93

N 1"=660'

47 EC

FT 1885

4.7.8

12 acres
Not covered

Gated Pipe
IRRIGATED
River diversion
12.1 ft.

T-1058

Gated Pipe
IRRIGATED

NHEL
NW 1/4 SW 1/4 =
30 acres

2 32.3

1320'
SW 1/4 SW 1/4 = 40 acres

1 93.9

T-1056

NE 1/4 SW 1/4 = 16 acres

SE 1/4 SW 1/4 =
40 acres

Gated Pipe IRRIGATED

1372'

ALL IN SECTION 25-T91N-R49W:

NW 1/4 SW 1/4 = 30 acres

SW 1/4 SW 1/4 = 40 acres

NE 1/4 SW 1/4 = 16 acres

SE 1/4 SW 1/4 = 40 acres

Gated Pipe

IRRIGATED

Total = 126 acres

1 141.9

91-49

T-845

Gated Pipe IRRIGATED
NHEL

5814-3

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 5814-3

(1) Ellen Gill Hougland, c/o Pat Walsh, Operator of Rt 1, Box 88, Elk Point SD 57025 made Application No. 5814-3, March 23, 1993 for a water permit to appropriate 0.17 cubic feet of water per second from groundwater and the Big Sioux River, Union County, South Dakota for irrigation purposes. Permit No. 5814-3, with a priority date of March 11, 1994 was approved June 20, 1994 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. 5814-3 authorizes irrigation of additional acres that were developed but not permitted under Vested Water Right No. 47-3. The applicable portions of Vested Water Right No. 47-3 have been incorporated into this Water License No. 5814-3.

Priority dates of June 4, 1948 (Big Sioux River diversion point) and December 6, 1949 (groundwater diversion point) are retained for irrigation of 126 acres located in the SW 1/4 Section 25-T91N-R49W as established by Vested Water Right No. 47-3. A priority date of March 11, 1994 (both diversion points) is retained for 12 acres located in the N 1/2 SW 1/4 Section 25-T91N-R49W as established by Water Permit No. 5814-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.97 cubic feet of water per second for beneficial use. The location of the diversion points are: Well - 1320 feet east and 1372 feet north and River - 1300 feet east and 2074 feet north both from the southwest corner of Section 25-T91N-R49W (NW 1/4 SW 1/4).

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

Section 25-T91N-R49W	NW 1/4 SW 1/4	31 acres
	SW 1/4 SW 1/4	40 acres
	NE 1/4 SW 1/4	27 acres
	SE 1/4 SW 1/4	40 acres
Total		138 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ellen Gill Hougland, c/o Pat Walsh, Operator of Rt 1, Box 88, Elk Point SD 57025 the holder and/or owner of Incorporated Water Permit No. 5814-3 is issued a license to appropriate water, the right to use 1.97 cubic feet of water per second from groundwater (one well) and the Big Sioux River with priority dates of June 4, 1948, December 6, 1949 and March 11, 1994 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. 5814-3 and subject to South Dakota State Law.



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

NOV 16 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 16 1994

5814-3

Ellen Gill Hougland
%Pat Walsh, Operator
Rt 1, Box 88
Elk Point, SD 57025

Dear Ms. Highland:

Enclosed is Partial Vested Water License No. 5814-3 and Receipt No. 414282 for \$50.00 which was assessed for an inspection and issuance of the 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.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Vested Water Right No. 47-3 have been incorporated into this Partial Vested Water License No. 5814-3.



5814-3
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: PATRICK WALSH, 47844 COUNTY RD 1B, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5283-3, 1761-3, 3677-3 & 5814-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1761-3, 3677-3 & 5814-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5283-3 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) 5283-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1761-3, 3677-3 & 5814-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 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 (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.



mailed 1-23-03

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: PATRICK WALSH, 47844 COUNTY RD 1B, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

1615-3 Robert Walsh
3677-3 operator
1761-3 "
5814-3 "
5283-3 Pat Walsh

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

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1. Suspend or cancel Permit No(s) 5283-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1761-3, 3677-3 & 5814-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 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 (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.



5814-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2003

1761-3
3677-3
5283-3
5814-3

Patrick Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 1761-3, 3677-3, 5283-3 and 5814-3.

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

5814-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON		HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	PO BOX 366	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	47948 232ND ST	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	4162 BIRCH AVE	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	403 16TH ST	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	24482 482ND AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	32650 480TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	29509 488TH AVE 47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIOUX FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIOUX FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIOUX FALLS	SD	57102

Gail Jacobson

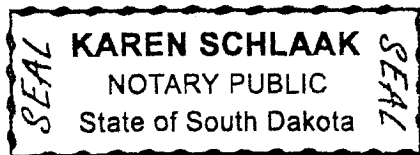
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIVED

SEP 20 2013

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5814-3

Date: 9-18-2013

I/We request that Water Right/Permit No. 5814-3 formerly owned by:
Ellen Hougland be transferred to:

New Owner Name: Patrick Walsh
Address: 47844 County Road 1B
City, State, Zip Ells Point, SD 57025 Telephone No. 605 356-2762

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

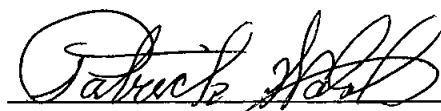
South West Quarter (SW 1/4) of Section Twenty Five
(25) Township Ninety One (91) North Range Forty-Nine
(49) West of the 5th P.M. Union County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 5814-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Patrick Walsh, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/20, 20 13

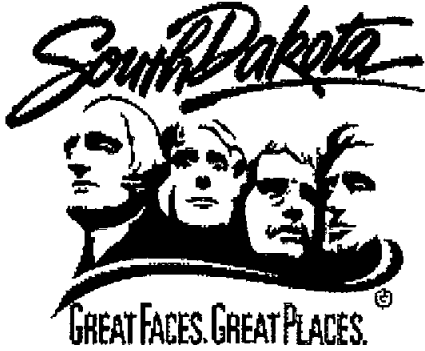
RECEIVED OF Patrick Walsh 47844 County Road 1B Elk Point SD 57025

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5814-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06438**

By *James Headman Jr*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 2013

5814-3

Patrick Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Right No. 5814-3.

The ownership change has been completed. Water Right No. 5814-3 formerly held by Ellen Hougland is now listed in your name.

Enclosed for your records is Receipt No. 06438 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure

2016 Water Management Board Irrigation Questionnaire

5814-3

Please fill out and return before December 1, 2016

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 5814-3 Freemans

PATRICK V WALSH
47844 COUNTY RD 1B
ELK POINT SD 57025

Any address/ownership corrections?

Email rpwalsh@vyn.midco.net
Phone 605-670-0486

1. Did you irrigate in 2016? *yes ☒ **no ☐

*If yes, number of acres irrigated? 108

**If no, check reason(s) for not irrigating acres covered by Permit No. 5814-3

sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2016? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER
B. BIG SIOUX RIVER

5. Provide your water use on the back of this form.

Comment Box

* We have not pumped out of the Big Sioux River for at least 15 years. We no longer have a mobile pump to do that. The only source of water for this farm is groundwater from the well. You no longer need to list the Big Sioux River as a source.



Office use only

RECEIVED

NOV 28 2016

WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 5814-3

(see above section map for help reading legal descriptions)

sec 25-T091N-R49W, SW1/4 - 138.0 acres

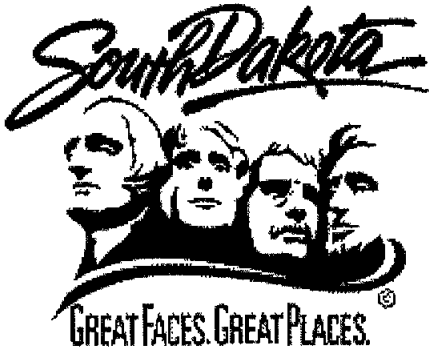
12-2-16

- Taken to Robert Walsh - gave them options said he would talk to father Patrick and call me back
- Robert called me back and said they will continue to retain as a back-up water source for Big Sioux River

MR

Please provide your 2016 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

5814-3

PATRICK WALSH
47844 COUNTY RD 1 B
ELK POINT SD 57025

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR WALSH,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

5814-3

Patrick Walsh
47844 Country Rd 1 B
Elk Point SD 57025

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Walsh:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
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enclosure