

WATER PERMIT NO. 5857A-3

Name of Applicant: Clinton (Lee) Houghton

Address: 710 W 9th Ave, Webster SD 57274

Phone: 605 345-3366

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Clark

Type of Waste Disposal System:

Location: 3 miles northwest of Willow Lake

PRIORITY Date Received: 1-9-04

Application/License Fee: \$100

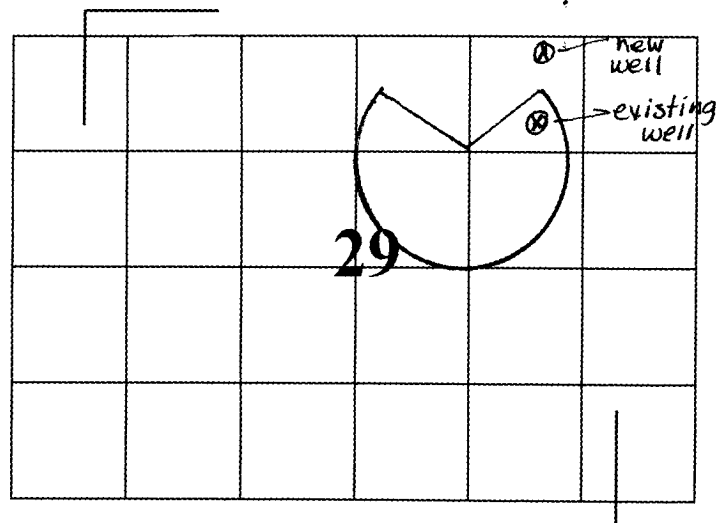
Corrected Application Received: 2-3-04

Period of Annual Use: May 1 – October 31

Remarks: additional well to irrigate the lands authorized by Water Permit No. 5857-3

Diversion Point: NE ¼ NE ¼ Sec 29-T114N-R57W

Land to be Irrigated: NE ¼ Sec 29-T114N-R57W



Depth of Well: 53 feet deep

Well Driller: : Bullis Brothers

? Pulman
+
SINGIER

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 2-3-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5857A-3

Date of first receipt of application January 9, 2004.

Date of return to applicant for corrections, amendments or changes January 15, 2004.

Date of receipt of corrected application February 2, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5857A-3 to Clinton (Lee) Houghton, 710 W 9th Ave, Webster SD 57274 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. 5857A-3 authorizes an additional well. Water Right No. 5857-3 authorizes 1.31 cubic feet of water per second from one well located in the NE ¼ NE ¼ Section 29 to irrigate 92 acres located in the NE ¼ Section 29; all in T114N-R57W. This permit authorizes one additional well (Vermillion East Fork Willow Lake Aquifer) 53 feet deep located in the NE ¼ NE ¼ Section 29-T114N-R57W. No increase in the diversion rate or in the number of developed acres is authorized by this permit.
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: May 1 – October 31.
3. The date from which applicant may claim right is March 16, 1995 (established by No. 5857-3).
4. The date of approval of Permit No. 5857A-3 is April 19, 2004.
5. One-fifth of the construction is to be completed on or before October 19, 2006.
6. All construction is to be completed on or before April 19, 2009.
7. Water is to be put to beneficial use on or before April 19, 2013.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well 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. The well authorized by Permit No. 5857A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 30 2004

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>5857A-3</u> (office use only) Hydrologic Unit <u>10170201</u> Basin <u>Big Sioux River</u> Newspaper <u>Clark Co. Courier</u>
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RECEIVED
JAN 09 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

Additional well to system - Authorized by Water Right
5857-3 pursuant to SDC 46-5-13.1

1. Name of Applicant Clinton (Jee) Houghton Phone 605-345-3366 work
(check one) X Owner Tenant/lessee

Mailing Address NEW 710 West 9th Ave Webster State S.D. 57274
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed NO ADD CFS or **GPM ***AF Total Acreage NO ADD
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
App. 800 ft North of existing well NE 1/4 sec 29 - 114N - 57W
SEE MAP (NE 1/4 NE 1/4) County CLARK

5. County or counties where water will be used CLARK

6. Annual period during which water is to be used SAME as NO 5857-3 May 1-Oct 31

7. List below each forty acre division, 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
<u>SAME 92 ACRES described</u>			
<u>on water right NO 5857-3</u>			

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

CURRENT well is not capable of keeping up the production
of 600 gpm as authorized by water right. PLAN is to drill a new well
to either provide entire 600 gpm or work in conjunction with existing well to
produce 600 gpm. Request is for NO increase in diversion rate or ACRES irrigated.

STATE OF SOUTH DAKOTA) SS

County of CLARK

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

I, Clinton Houghton, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Clinton Houghton

Subscribed and sworn to before me this 17th day of January 20 04

Debbie Lee

DEBBIE LEE
My Commission Expires Feb. 27, 2008
Notary Public signature

Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

Irrigation well

- a) Drill Hole Diameter 24" Depth 53'
- b) Casing Type Plastic Diameter 16" Thickness 1/2"
- c) Screen Type Stainless Diameter 16" Thickness Johnson
- d) Gravel Pack 1/4" x 1/8" Locz Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 5'
- g) Distance to nearest existing domestic well:

On applicants property None

On property owned by others 1200'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) None
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

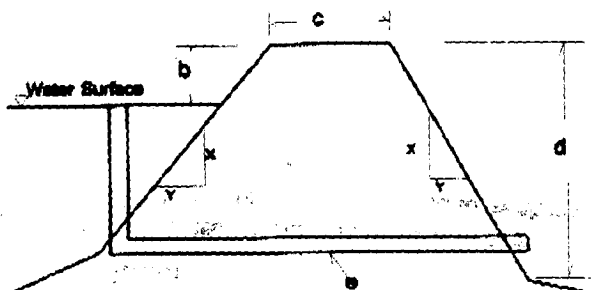
3. Dugout Information

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

4. 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date FEBRUARY 3, 20 04

RECEIVED OF Lee Houghton, 710 W 9th Ave., Webster SD 57274

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

Fee for Application for Permit No. <u>5857A-3</u> 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. <u>5857A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
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	100.00

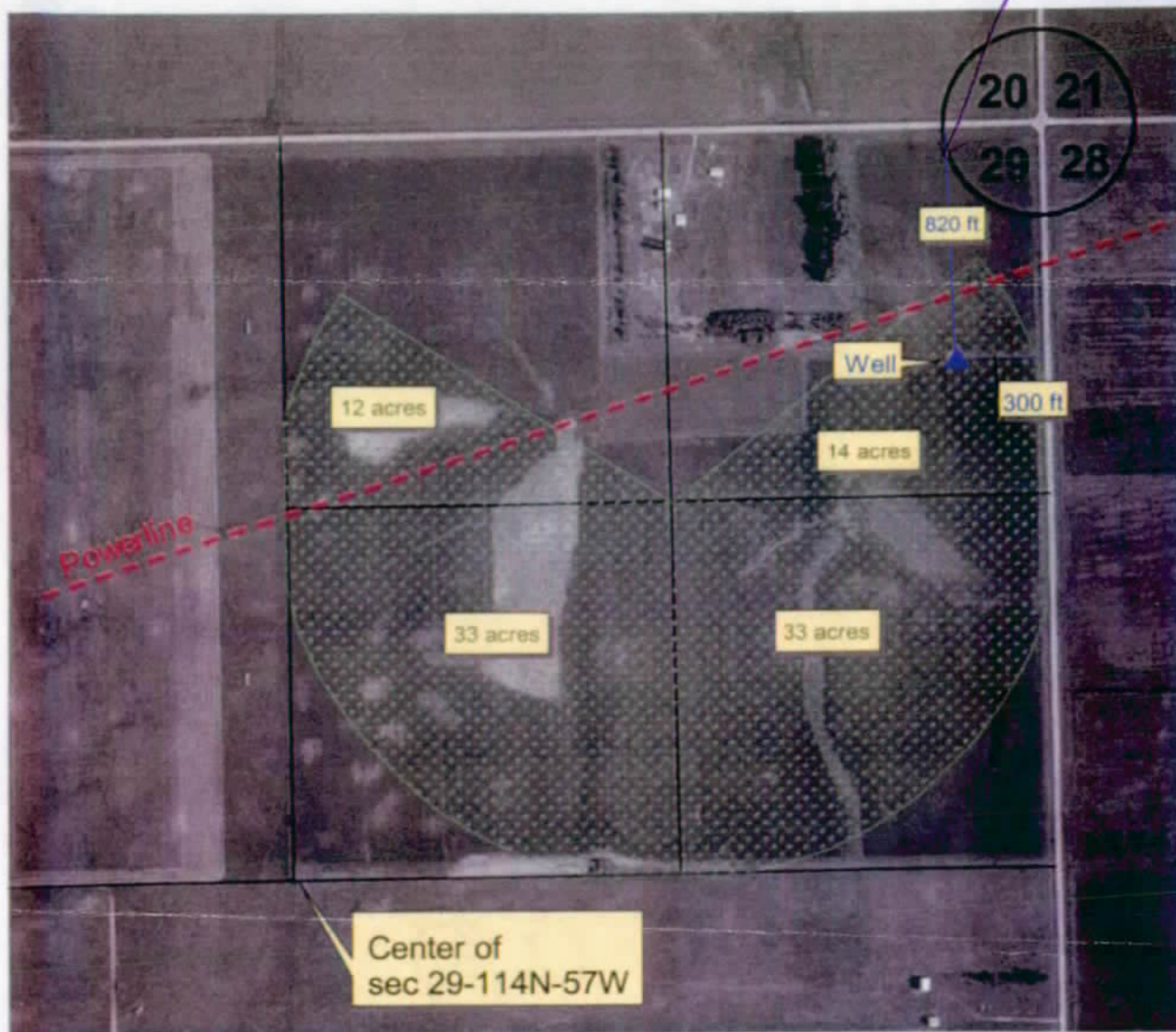
No. 001172

By Darland Erbe
Chief Engineer gm

600 0 600 Feet



new well



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 3, 2001

No. 5857-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 15, 2004

Clinton (Lee) Houghton
710 West 9th Avenue
Webster SD 57274

Dear Mr. Houghton:

I received your request to construct an additional well to the irrigation system authorized by Water Right No. 5857-3. This request indicates a desire to obtain authorization for the additional well pursuant to South Dakota Codified Law 46-5-13.1.

SDCL 46-5-13.1 states:

The location of a point of diversion may be changed or additional points of diversion may be approved if the new or additional point of diversion is from the same source of water, no additional water is appropriated, and, if the water use is for irrigation, no new land is to be irrigated. The change in location of diversion points may be allowed without application or publication if the chief engineer is contacted and makes a finding that the change does not increase the potential for interference with existing diversions.

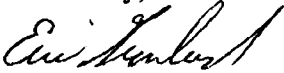
Water Right No. 5857-3 (copy enclosed) was approved in 1995 and appropriates 1.31 cubic feet of water per second (588 gpm) from one well (Vermillion East Fork Willow Lake Aquifer) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 to irrigate 92 acres in the NE $\frac{1}{4}$ of Section 29, T114N, R57W. You initially proposed the well to be in the extreme NE corner of Section 29. The water rights review of the application found the proposed location of the well would be a little over 600 feet from the existing Warkenthien irrigation well in the SW $\frac{1}{4}$ of Section 21. Your permit was conditioned that the well must be located at least 1320 feet from the Warkenthien well unless testing is completed and a closer location is authorized by the Chief Engineer. You chose to construct the well south of the originally intended location so it is over 1,320 feet away from the neighboring well.

You now want to construct this additional well near the originally intended location which will put it near the Warkenthien well. This raises the same concerns regarding the cones of depression resulting from pumping (see attached report on original application). Because of these concerns, this request can not be processed under SDCL 46-5-13.1 without formal application and public notice. Therefore, to proceed with this additional well request it is necessary to follow the more formal water permitting process to amend the water right. This will require an application filing fee of \$100 and once the application is reviewed it will need to be public noticed at your expense. Any testing information in the NE corner of Section 29 would also be beneficial.

Mr. Houghton, the request can not be processed under SDCL 46-5-13.1 because of the proposed wells proximity to the neighboring irrigation well. However, if you propose the additional well at a location that would not move the new well closer to the neighboring well than your present well, it is likely that Chief Engineer can make a finding that the change does not increase the potential for interference. No application filing fee or public notice would then be required. I will need a map showing the proposed location of the well.

I will wait for your response. Enclosed is a self addressed stamped envelope for you to submit the application filing fee of \$100 or a response changing the proposed well to a different location. Please feel free to contact me if you have any questions.

Sincerely,



Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosure

Valley Bag & Supply Company

A Subsidiary of Central Bag Company - An Employee Owned Company

Business Highway 2 East / P.O. Box 463 / East Grand Forks, Minnesota 56721

PHONE (218) 773-1189

www.valleybag.com

FAX (218) 773-8929

ERIC,

I also spoke to Gene Wankershin
and he didn't have a problem with
this either. But his well is a long
ways away.

I also took a range finder
measurement from the hole to Martin's
well close to 380 yards (1140 ft).

Thanks Lee Hyatt

605-345-3366 Day Time

RECEIVED

FEB - 2 2004

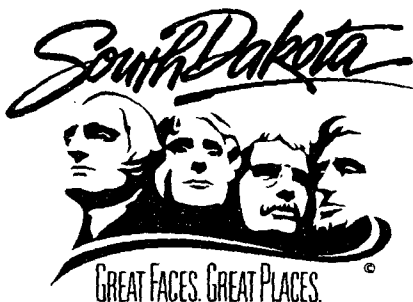
WATER RIGHTS
PROGRAM

BURLAP • MULTIWALLS • COTTON • POLYPROPYLENE • POLYETHYLENE
GEO TEXTILES • THREAD • FOTOPAKS • WOVEN POLY/PAPER
BULK BAGS • CORRUGATED BOXES • CAR PADS • STRETCHWRAP

I Marlin Warkenthien owner of SW 1/4 of Sec 21, T 114N, R 57W of Clark County, South Dakota have no objections to Clinton Lee Houghton installing a well for the purpose of irrigation on or about 300 feet west and 55 feet south of the N.E. corner of the NE 1/4 of sec 29, T 114N, R 57W of Clark County, South Dakota.

Marlin Warkenthien

Dated this 26TH of Jan. 04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 2004

Marlin Warkenthien
HC 3 Box 39
Willow Lake SD 57278

Dear Mr. Warkenthien:

Clinton (Lee) Houghton, has filed a water permit application for an additional well to his irrigation system in the NE ¼ Section 29, T114N, R57W. This proposed well is located south of the existing well for your irrigation system. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

The notice of hearing will be published in the Clark Co. Courier on March 31 and April 7, 2004. The notice is to be published in a manner that if no one petitions to intervene, the permit will be issued based on the Chief Engineer's recommendation. A petition must be submitted by April 19, 2004 in order to cause a hearing before the Water Management Board.

This information is being sent to inform you of this application for an additional well Mr. Houghton submitted with his application a document signed by you stating you do not object to the additional well. If you have any questions, please feel free to me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5857A-3
For Clinton Houghton
March 11, 2004

Application No. 5857A-3 proposes an additional well. Water Right No. 5857-3 authorizes 1.31 cfs from one well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 29 to irrigate 92 acres located in the NE $\frac{1}{4}$ of section 29; all in T114N R57W. This application requests one additional well approximately 53 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 29, T114N R 57W in Clark County. No increase in the diversion rate or in the number of developed acres is authorized by this application.

AQUIFER – VERMILLION EAST FORK – WILLOW LAKE (VEF-WL)

The Vermillion East Fork Willow Lake is a predominantly surficial outwash (sand and gravel) that appears to be under water table conditions in this area. The aquifer underlies 13,100 acres and contains an estimated 29,480 acre-feet of recoverable water in storage in Clark County (Hedges, 1982). But the VEF-WL aquifer is only a portion of the Prairie Coteau #1 as described by the USGS (Hamilton, 1986). That aquifer underlies 80 square miles and contains an estimated 200,000 acre-feet of water in storage with an average recharge rate of about 3.8 inches per year. The USGS work is more recent and the aquifer mapping is more accurate.

The Water Right Program monitors an observation well CK-78L which is located within a few hundred feet of this proposed well. Water levels for this well show good response to climatic conditions, that is, rising water level during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located about 750 feet northeast of this proposed site. The observation well is located directly in between the proposed and existing well. The owner of the existing irrigation well (water right No. 3827-3, 1.78 cfs, 132 acres) has submitted an affidavit expressing that he has no objections to the installation of an irrigation well at this proposed location. Drawdown created by pumping will probably overlap at this distance but this should not be adverse nor affect the supply of water from the aquifer.

CONCLUSIONS

1. Water is available from the VEF-WL aquifer.
2. The aquifer is under water table conditions in this area and drawdown created by pumping is not expected to be significant. At the distance of approximately 750 feet between wells interference is not expected to be a concern.

3. Test drilling has been completed at this site. An existing well capable of producing about 1.31 cfs is located about 800 feet south of this proposed site. Depending upon the capacity of the new well the old well may be used also. This application does not request any additional diversion rate about the licensed rate of 1.31 cfs.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

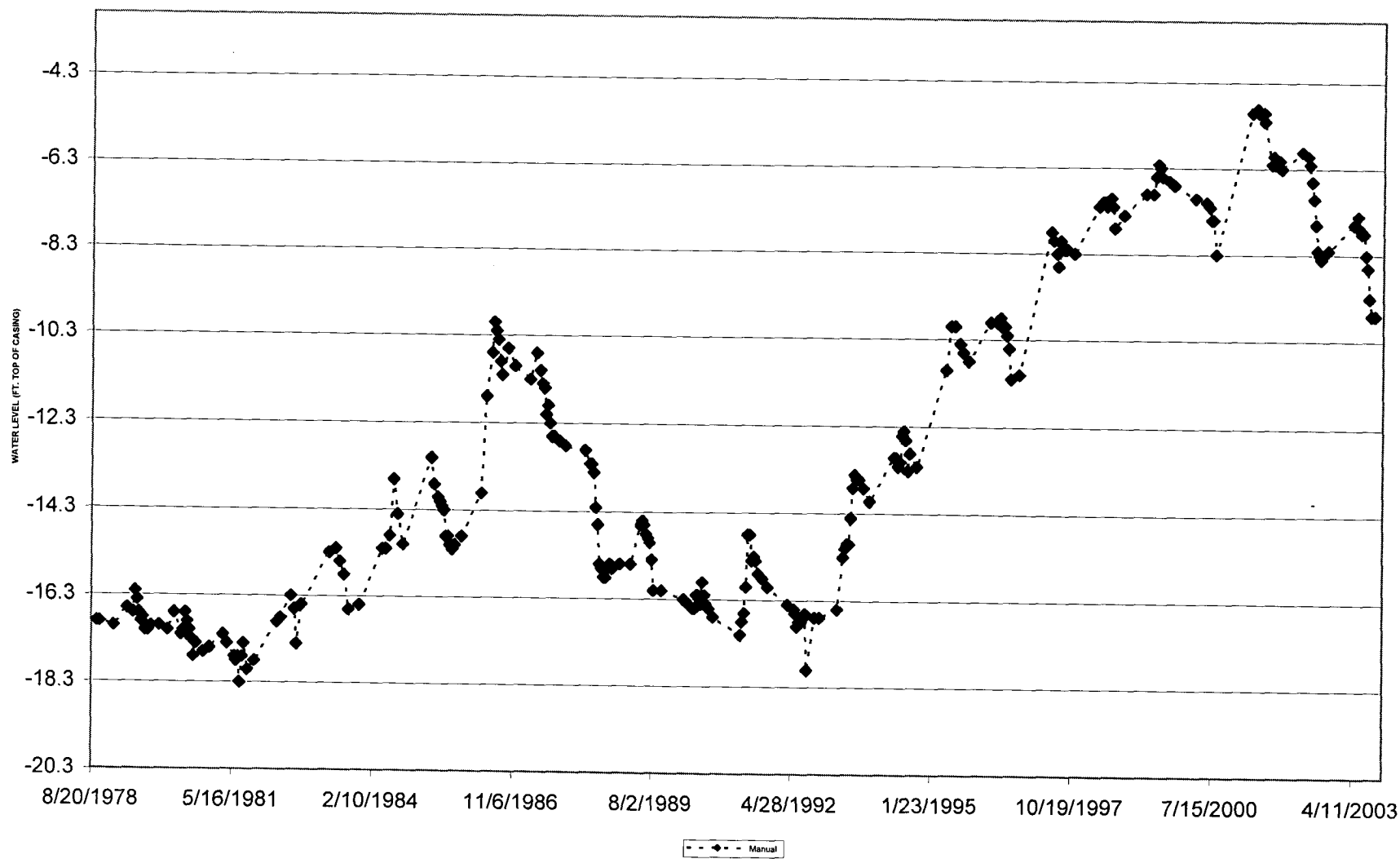
BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., and others, 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, 2004, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CK-78L





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5857A-3, Clinton (Lee) Houghton**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5857A-3, Clinton (Lee) Houghton 710 West 9th Avenue, Webster SD 57274.

The Chief Engineer is recommending APPROVAL of Application No. 5857A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is 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. The well authorized by Permit No. 5857A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 19, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

March 22, 2004

Clinton (Lee) Houghton
710 W 9th Ave
Webster SD 57274

Dear Mr. Houghton:

Water Permit Application No. 5857A-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 Clark Co. Courier printed at Clark, SD (Ph # 605-532-3654). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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

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

March 22, 2004

Clark Co Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

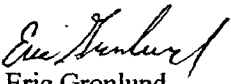
Enclosed is a Notice of Hearing on Application No. 5857A-3 to Appropriate Water to be published twice. Please publish the first notice on March 31, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Clinton (Lee) Houghton, 710 W 9th Ave., Webster SD (Ph # 605-345-3366).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 5857A-3

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

Date _____

We are in receipt of your letter of March 22, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 5857A-3 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 March 31, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5857A-3
to Amend Water Right No. 5857-3

Notice is given that Clinton (Lee) Houghton, 710 W 9th Ave, Webster SD 57274 has filed an application for a water permit for an additional well. Water Right No. 5857-3 authorizes 1.31 cubic feet of water per second from one well located in the NE ¼ NE ¼ Section 29 to irrigate 92 acres located in the NE ¼ Section 29; all in T114N-R57W. This application requests one additional well (Vermillion East Fork Willow Lake Aquifer) 53 feet deep located in the NE ¼ NE ¼ Section 29-T114N-R57W. No increase in the diversion rate or in the number of developed acres is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5857A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 Program, 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 April 19, 2004.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**NOTICE OF APPLICATION
NO. 5857A-3
to amend Water Right No.
5857-3**

Notice is given that Clinton (Lee) Houghton, 710 W 9th Ave., Webster, SD 57274 has filed an application for a water permit for an additional well. Water Right No. 5857-3 authorizes 1.31 cubic feet of water per second from one well located in the NE1/4NE1/4 Section 29 to irrigate 92 acres located in the NE1/4 Section 29; all in T114N-R57W. This application requests one additional well (Vermillion East Fork Willow Lake Aquifer) 53 feet deep located in the NE1/4NE1/4 Section 29-T114N-R57W. No increase in the diversion rate or in the number of developed acres is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5857A-3 because (1) existing rights will not be unlawfully impaired, (2) it is a beneficial use of water, and (3) 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 Program, 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 April 19, 2004.

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 Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
3-31-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**NOTICE OF WATER APPLICATION
CLINTON (LEE) HOUGHTON**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

March 31, 2004

April 7, 2004

that the full amount of the fees for the publication of the annexed notice is

\$42.84

William J. Krikac

Subscribed and sworn to before me this

RECEIVED

APR 20 2004

**WATER RIGHTS
PROGRAM**

15th day of April, 2004

Kimberly L. Seefeldt
Notary Public

Clark County, South Dakota

My commission expires: 10-02-07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2004

Clinton (Lee) Houghton
710 W 9th Ave
Webster SD 57274

Dear Mr. Houghton:

Enclosed is Water Permit No. 5857A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 09-01-04

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
SEP - 7 2004
WATER RIGHTS
PROGRAM

FROM: Clinton Lee Houghton
(name)

710 W 9th Ave
(address)

Webster SD 57278
(city, state, zip)

605-345-3366
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

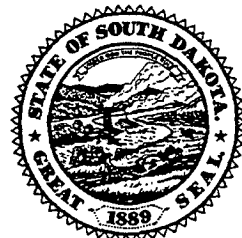
Water Permit No. 5857A-3 states that the water use system is to be constructed by April 19, 2009, and water is to be put to beneficial use by April 19, 2013.
(date) (date)

The water use system was completed on 08-14-04.
(date)

Applying the water to beneficial use was completed on 08-14-04.
(date)

You may schedule an investigation so that the water license may be issued.

Clinton Lee Houghton
(signature)



SOUTH DAKOTA WATER WELL COMPLETION REPORT

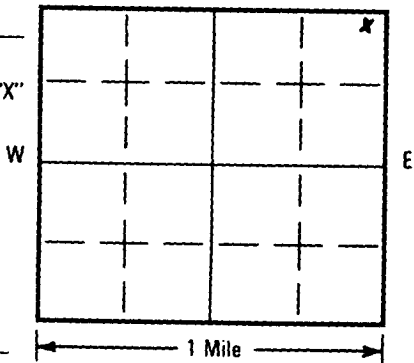
5857A-3

07-92

Location NE 1/4 NE 1/4 Sec 29 Twp 114N Rg 52W

County Clerk North

Please mark well location with an "X"



Well Completion Date

6-15-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? None ft. from None (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Boring machine

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5440 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>43 1/2 FT</u>	<u>24 IN</u>
<u>5440 LB/FT</u>	<u>16 IN</u>	<u>51 1/2 FT</u>	<u>54 1/2 FT</u>	<u>24 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Concrete No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft To 5 ft

Describe grouting procedure Ready mix Truck
Poured from Top

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16" IN Length 8 FEET

Material ST2 Inless

Slot Size 100 Set From 43 1/2 Feet to 51 1/2 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: Chlorine

NO, Why Not? Gravel

Mixed w/ Gravel

Pack

Laboratory sent to for water quality analysis

Well Owner: Lee Houghton

Business Name: _____

Address: 710 W 9th Ave
Webster, S.D. 57274

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Brown Clay</u>	<u>2</u>	<u>3</u>
<u>Red + Black Course</u>		
<u>Gravel + Sand</u>	<u>3</u>	<u>23</u>
<u>Silty Dirty Sand</u>	<u>23</u>	<u>30</u>
<u>Grzy Course Sand +</u>		
<u>Gravel (Clean)</u>	<u>30</u>	<u>51</u>
<u>Blue Clay (Firm)</u>	<u>51</u>	<u>56</u>

STATIC WATER LEVEL 5' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

40 ft. After 20 Hrs. pumped 645 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 600 GPM

REMARKS

This well was drilled under license # #4

And this report is true and accurate.

Drilling firm Bullis Bros

Signature of License Representative:

Se Roy Bullis

Signature of Well Owner or Equitable Property Holder:

Lee Houghton

Date: 6-15-04

WATER RIGHTS PROGRAM

RECEIVED

FEB-1 2005

WATER RIGHTS PROGRAM

Permit No. 5857A-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **June 21, 2007**, made a thorough examination of the water use system constructed by **Clinton (Lee) Houghton** of **710 West 9th Ave., Webster, SD 57274** holder of Permit No. **5857A-3**, bearing the priority of **March 16, 1995** authorizing the diversion of water from **One Additional Well** from the **Vermillion East Fork Willow Lake Aquifer** for **Irrigation** purposes, in **Clark** County.

Inspection contact & relationship **Lee Houghton**
 to permit holder, if applicable:

A. Works used to divert the water:

Well Information: (Well #1 information was taken from inspection report prepared by Ron Duvall dated August 3, 2001):

Well Information:

- 1) Well Drilling Firm: **Stadheim**
- 2) No. of Wells **1**
- 3) Depth(s) **52** feet
- 4) Well log is available **Y**
- 5) Comments: **Wellhead is nearly encircled by water.**

Casing:

- 1) Diameter **12** inches
- 2) Length **32** feet
- 3) Type **fiberglass**

Screen:

- 1) Type **fiberglass**
- 2) Length **20** feet
- 3) Static water level **1.0** feet

Pump:

- 1) Make **No plate**

Motor:

- 1) Make **General Electric**
- 2) Serial No. **ESJ514345**
- 3) Horsepower rating **50** hp

Well #2: (additional well as authorized by Water Permit No. 5857A-3)

- 1) Well Drilling Firm: **Bullis Bros.**
- 2) No. of Wells **1**
- 3) Depth(s) **56** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **43.5** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **8** feet
- 3) Static water level **5** feet

Pump:

- 1) Make **General Electric**
- 2) Serial Number **5K6252XM501B**
- 3) Size **50** hp

Chemigation Equipment:

- 1) Does chemigate N
- 2)

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Well #1 (as authorized by No. 5857-3 and taken from inspection reported dated August 3, 2001):

- 820 feet S and 300 feet W of the NE corner Section 29, T114N, R57W (NE ¼ NE ¼)

Well #2 (as authorized by No. 5857A-3):

- 35 feet south and 280 feet west of the NE corner of Section 29-T114N-R57W (NE ¼ NE ¼)
(N 44.66001, W -97.69634).

All structures, wells and lands on map Y

The works are capable of diverting and conveying to the place of use 1.34 cfs for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 29, T114N, R57W:	NE ¼ NE ¼ 14 acres	SW ¼ NE ¼ 33 acres
	NW ¼ NE ¼ 12 acres	SE ¼ NE ¼ 33 acres

comprising a total of 92 acres of land. The license should be issued for 1.31 cfs.

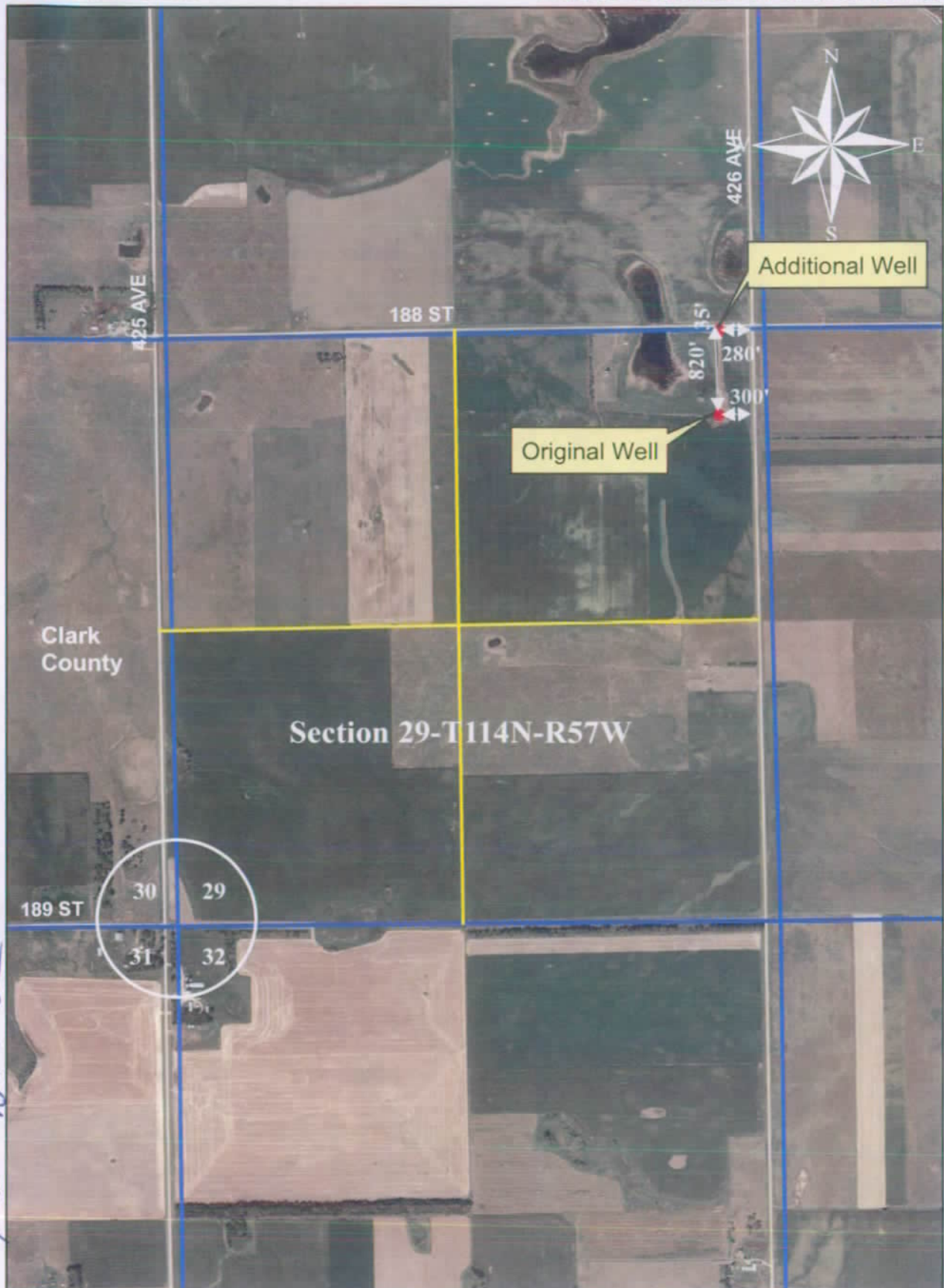
Note: Water Right No. 5857-3 with priority date of March 16, 1995, authorizes the diversion of 1.31 cfs of water from one well located in the NE ¼ NE ¼ Section 29 to irrigate 92 acres in the NE ¼ Section 29; all in T114N-R57W. Water Permit No. 5857A-3 authorizes an additional well (Vermillion East Fork Willow Lake Aquifer) with no increase in the diversion rate or number acres irrigated. Water Right 5857-3 and 5857A-3 should be incorporated to reflect the system as developed. A March 16, 1995 priority date is retained.


Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 22, 2007

Clinton (Lee) Houghton
710 West 9th Ave.
Webster, SD 57274

Water Permit No. 5857A-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 22, 2007



0 0.15 0.3 0.6 Miles

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5857A-3

(1) Clinton (Lee) Houghton, 710 W 9th Ave, Webster SD 57274 made Application No. 5857A-3, January 9, 2004 for a water permit to divert no additional water from groundwater (one additional well), Clark County, South Dakota for irrigation purposes. Permit No. 5857A-3, with a priority date of March 16, 1995 was approved April 19, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2009 and for the application to beneficial use of water on or before April 19, 2013.

Water Right No. 5857-3 with a priority date of March 16, 1995 authorizes diversion of 1.31 cubic feet of water per second from one well to irrigate 92 acres. The applicable portions of No. 5857-3 are incorporated into No. 5857A-3.

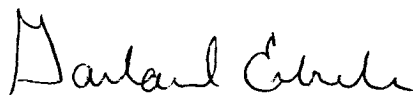
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5857A-3 is issued a license, bearing a priority date of March 16, 1995 to appropriate 1.31 cubic feet of water per second from groundwater (two wells) to irrigate 92 acres.

The diversion points are located: Well #1 – 820 feet south and 300 feet west from the northeast corner Section 29 and Well #2 – 35 feet south and 280 feet west of the northeast corner Section 29; all in T114N-R57W (NE ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 29-T114N-R57W			
NE ¼ NE ¼	14 acres	SW ¼ NE ¼	33 acres
NW ¼ NE ¼	12 acres	SE ¼ NE ¼	33 acres
Total 92 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5857A-3 including the following now applicable qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 5857-3 and 5857A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 19 2007

date



5857A-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

OCT 19 2007

5857-3
5857A-3

Clinton (Lee) Houghton
710 W 9th Ave
Webster SD 57274

Dear Mr. Houghton:

Enclosed is Water License No. 5857A-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5857A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 5857-3 are incorporated into Water License No. 5857A-3.

enclosures



5857A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2009

NOTICE

TO: CLINTON (LEE) HOUGHTON, 710 W 9TH AVE, WEBSTER, SD 57274
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5857A-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 5857A-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 5857A-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 **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6852
Status: **Delivered**

Your item was delivered at 3:50 PM on January 24, 2009 in WEBSTER, SD 57274. The item was signed for by L HAGEN.

Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6852

CLINTON (LEE) HOUGHTON
710 W 9TH AVE
WEBSTER SD 57274

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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www.state.sd.us/denr

February 3, 2009

5857A-3

Clinton (Lee) Houghton
710 W 9th Ave
Webster SD 57274

Dear Mr. Houghton:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 5857A-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
email: genny.mcmath@state.sd.us