

WATER PERMIT NO. 5964-3

Name of Applicant: Maurice S Dorsett

Address: 2821 3rd Ave SE, #405, Aberdeen SD 57401

Phone: 605 226-3178

Amount of Water Claimed: 2.28 cfs

Total Acres: 160 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Day

Type of Waste Disposal System: NA

Location: 1/2 southwest of Waubay

PRIORITY

Date Received: 10-18-96

Fee: \$250.00

Corrected Application Received:

Period of Annual Use: May 1 - September 30

Remarks:

Diversion Point: center of SE 1/4

Sec 5-T121N-R54W

Land to be Irrigated: SE 1/4 Sec 5-T121N-R54W

Depth of Well: 57 feet

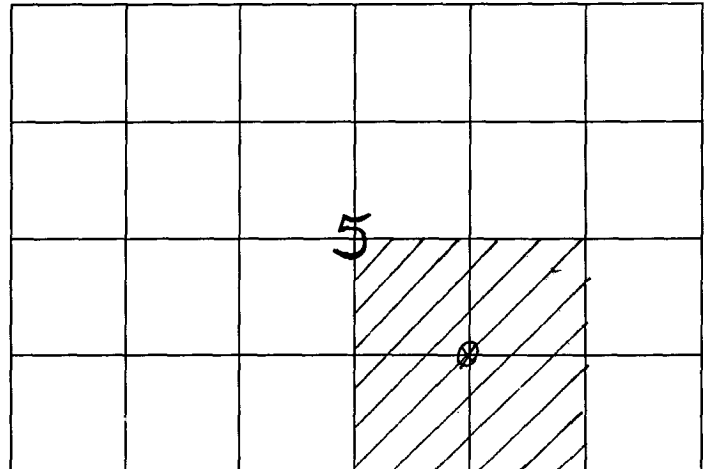
Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Ron Christensen, District

Conservationist



Reviewed and the Number Assigned on: 10-21-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5964-3</u> Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Day Co. Reporter & Farmer</u> <u>Webster, S. D 57274</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

1. Name of Applicant Maurice S. Dorsett ☒ Owner ☐ Tenant/Lessee Phone 605-226-3178
(check one)
- Mailing Address 2821 3rd Ave S. E. # 405 State Aberdeen, S. D. 57401
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 2.28 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Well (possible second well)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) One Well center of
S E 1/4 S-5 T-121 R-54
- County Day

5. County or counties where water will be used Day
6. Annual period during which water is to be used May/Thru. Sept. 30
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
S E 1/4 5-121-54	160		

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

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)

STATE OF SOUTH DAKOTA)

County of Day ss

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

Signed Maurice S. Dorsett

Subscribed and sworn to before me this 16th day of October 19 96

Margaret Kwasniewski
Notary Public

SOUTH DAKOTA
WATER PERMIT NO. 5964-3

Date of first receipt of application October 18, 1996.

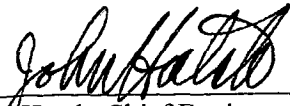
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5964-3 to Maurice S. Dorsett, 2821 3rd Ave SE #405, Aberdeen SD 57401 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5964-3 appropriates 2.28 cubic feet of water per second from a well (Coteau Lake Aquifer) 57 feet deep located in the center of the SE 1/4 Section 5 to irrigate 160 acres located in the SE 1/4 Section 5; all in T121N-R54W. This permit proposes to construct a second well if the initial well does not produce the amount of water requested. The second well will have be to constructed within the time to complete works set forth in the water 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 - September 30.
3. The date from which applicant may claim right is October 18, 1996.
4. The date of approval of Permit No. 5964-3 is December 12, 1996.
5. One-fifth of the construction is to be completed on or before June 12, 1999.
6. All construction is to be completed on or before December 12, 2001.
7. Water is to be put to beneficial use on or before December 12, 2005.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 5964-3 shall be constructed by a licensed well driller and construction 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: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 14" Depth 57'
- b) Casing Type Steel Diameter 14" Thickness $\frac{1}{4}$
- c) Screen Type Stainless Steel Diameter 14" Thickness $\frac{1}{4}$
- d) Gravel Pack Thickness 10" Length of Gravel Pack 17'
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 6'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 2596'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) 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

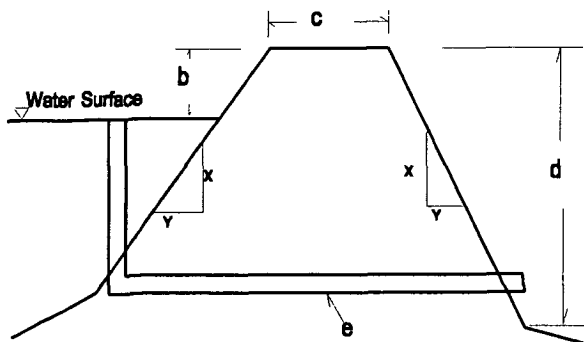
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



South Dakota Department of Environment and Natural Resources

415164

Pierre, _____, October 18, 1996

RECEIVED OF Dr. M. S. Dorsett, 2821 - 3rd Ave. SE, #405, Aberdeen, SD 57401

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

Fee for Application for Permit No. <u>5464-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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	250	00

By John Hatcher
Chief Engineer

07-92

Date: 8-13-97

In Water Since 1946

LACEY WELL DRILLING

RR 1 Box 24

Dell Rapids, South Dakota 57022

Telephone (605) 428-5979

Wells
Dewatering Work
Test Drilling

Pumps
Water Specialists
Irrigation Supplies

6-25-96

Dr Dorsett,

Have a log on the test well
we drilled + pumped 600' E
of the center of SE4 SEC 5
121-54 in Central Point Twp
Day Co, S.D.

0-2 topsoil
2-40 CLAY w sand lenses
40-57 sand + gravel

Thanks
Jim
Lacey



REPORT OF WATER ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, SD 57007

07/02/1996

Bill To: Lacey Well Drilling
RR 1 Box 24
Dell Rapids, SD 57022
cc: ~~Dorsett, Matt~~
2821 3rd Ave SE #405
Aberdeen, SD 57401-2324

Date Rec'd 06/25/1996
Lab Sample No 96-0174
Source Well
Depth
Legal ID: T 121 R 53 S 1 d

Calcium (Ca)	102 ppm	5.10 me/l
Magnesium (Mg)	49 ppm	4.03 me/l
Sodium (Na)	17 ppm	0.74 me/l
Potassium (K)	6 ppm	0.15 me/l
Sulfate (SO4)	243 ppm	5.06 me/l
Nitrate as N (NO3)	0.05 ppm	me/l
Organic Nitrogen as N	ppm	
Ammonia Nitrogen as N	ppm	
Nitrite as N (NO2)	ppm	
Ortho Phosphorus	ppm	
Total Phosphorus	ppm	
Chloride (Cl)	3 ppm	0.08 me/l
Bicarbonate (HCO3)	376 ppm	6.16 me/l
Carbonate (CO3)	0 ppm	me/l
Iron (Fe)	ppm	me/l
Fluoride (F)	ppm	me/l
Manganese (Mn)	ppm	
Boron (B)	0.01 ppm	
Hardness (EDTA as CaCO3)	456 ppm	26.70 gpg
Total Solids	ppm	
Total Cations		10.02 me/l
Total Anions		11.30 me/l
Alkalinity (Methyl Orange)	308 ppm(as CaCO3)	
Alkalinity (Phenolphthalein)	0 ppm(as CaCO3)	
Electrical Conductivity	787 micromhos per cm at 25°C	
Sodium Adsorption Ratio (SAR)	0.35 Adjusted SAR	0.90
Sodium	7.39 % of Cations	
Residual Sodium Carbonate	0.00 me/l	
pH	7.38	

gpg = grains per gallon
me/l = milliequivalents per liter

ppm = parts per million

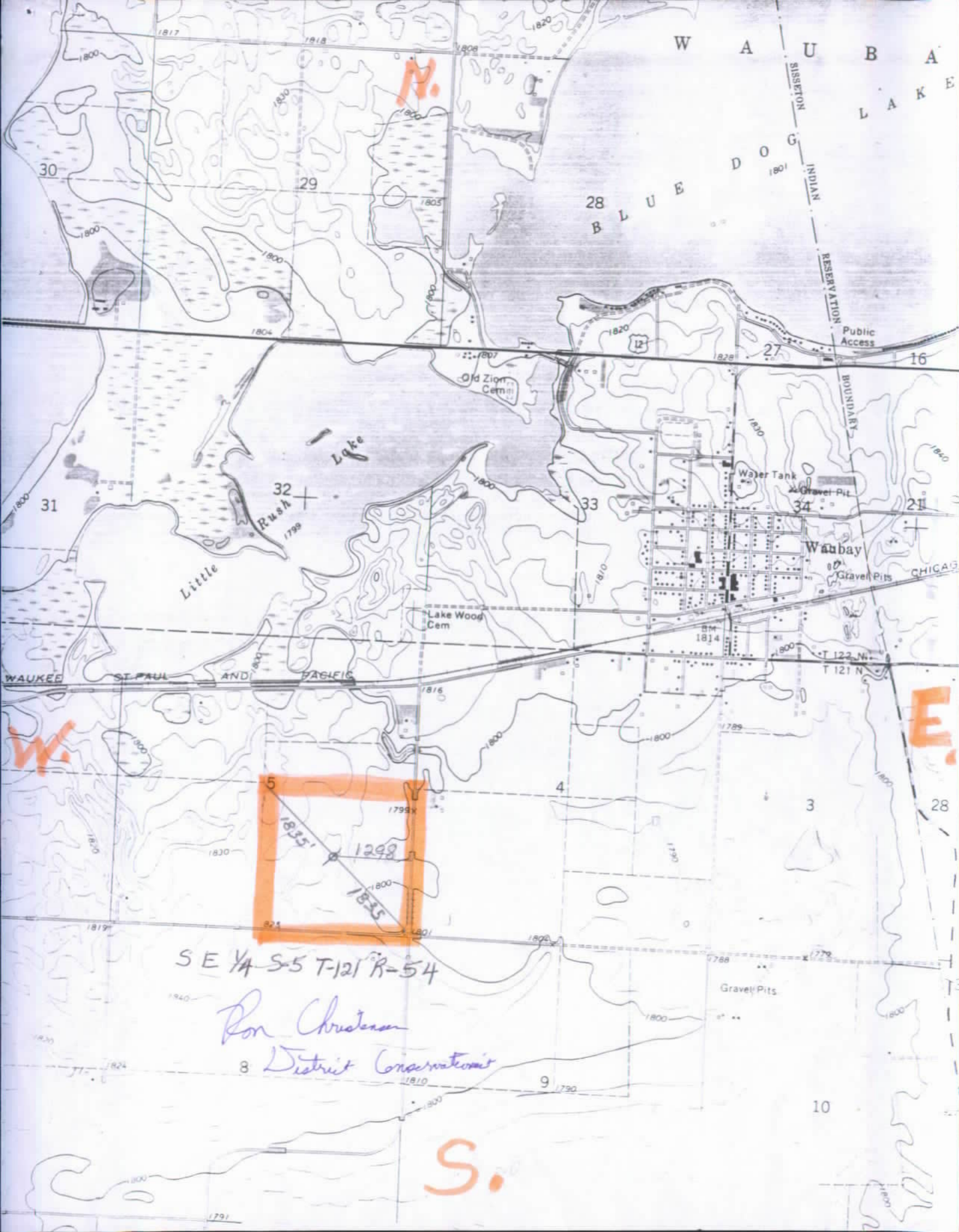
COMMENTS:

Analysis By: Shirley Mittan

Service Performed:	Analysis Cost:	60.00	Amount Received:	.00
Irrigation Analysis	Sales Tax:	2.40	AMOUNT DUE:	62.40
	Total Cost:	62.40		

Make checks payable to: SDSU Water Quality Lab
Please write lab number on your check!
Lab Sample No. 96-0174





S.

SE 1/4 S-5 T-121 R-54

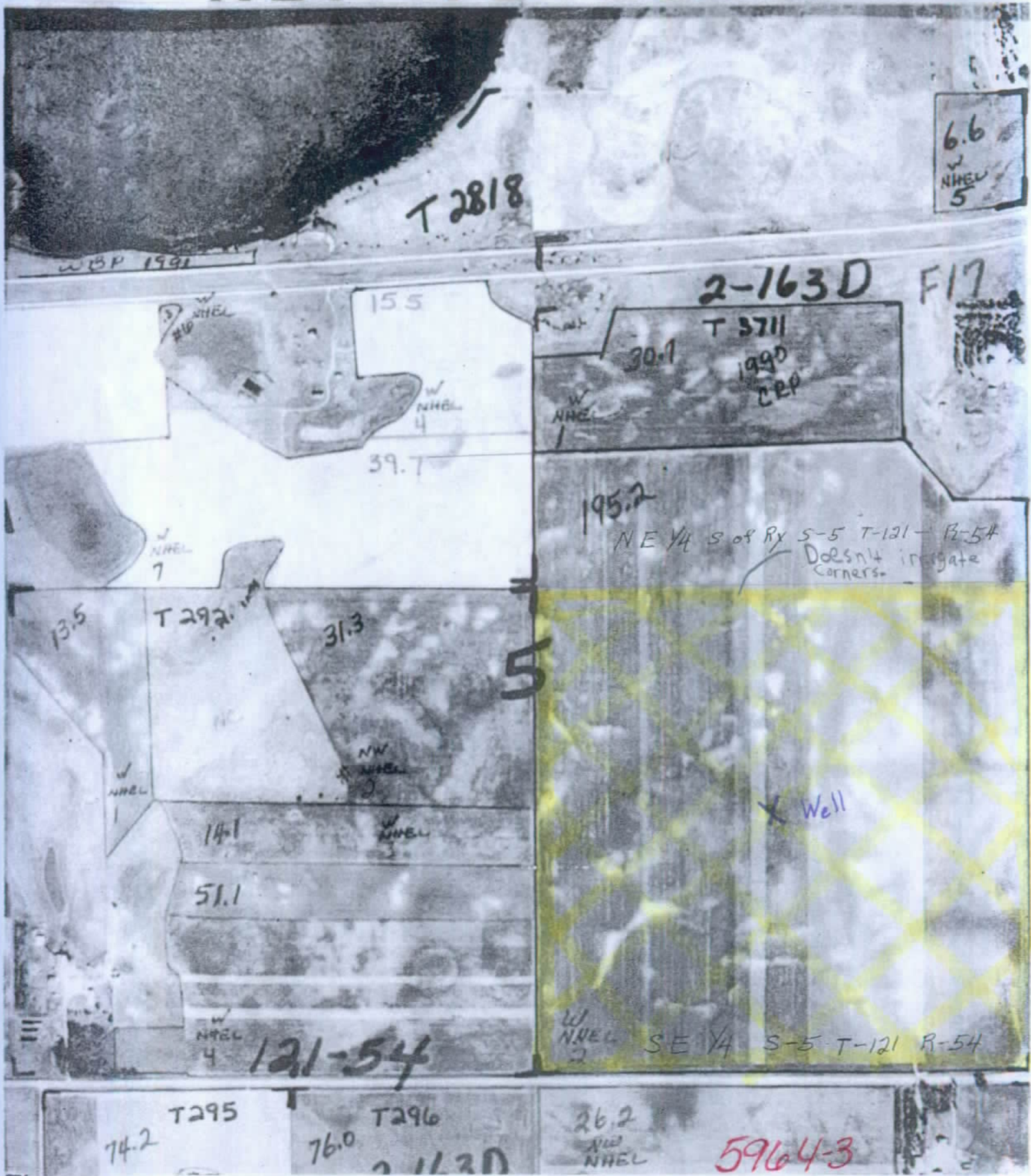
Ron Christman

8 District Conservator

Day

Ron Christensen
District
Conservation

NOT TO SCALE



10-16-96

Dear Eric,

I would appreciate
getting permission
to dig the well
as soon as
possible. In
hopes of getting
the work done
or at least
started this
fall. Thanking
you in advance.

Sincerely,
Maurice



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 1996

Maurice Dorsett
2821 3rd Ave. SE
Aberdeen, SD 57401

Dear Mr. Dorsett:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well prior to approval of a water permit. A water permit must be approved prior to any use of water. The well is to be completed into the Coteau-Lake Aquifer in the SE¼ Section 5; all in T21N-R54W. The test well must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

James A. Goodman, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Maurice S. Dorsett

ADDRESS: 2821 3rd Ave. SE, #405, Aberdeen, SD COUNTY:

DATE: 11/14/96 TELEPHONE: 605 226-3178

RE: Water Permit Application No. 5964-3

COMMENTS:

Mr. Dorsett returned my phone call. I explained that the report on the application indicates that he may not be able to obtain enough water from one well. The report was based on test hole information submitted and the information know about the aquifer. I asked Mr. Dorsett whether he may want to construct a second well if the first well did not produce the amount of water requested in the application. Mr. Dorsett indicated he would and asked that I amend the application to be for two wells. This way he can construct a second well within the construction period if needed.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: *Eric Hundert*

WATER PERMIT APPLICATION NO. 5964-3
MAURICE S. DORSETT
NOVEMBER 5, 1996

Water Permit Application No. 5964-3 proposes to appropriate 2.28 cubic feet of water per second from a well (Coteau-Lakes Aquifer), 57 feet deep located in the center of the SE¼ Section 5, to irrigate 160 acres in the SE¼ Section 5; all in T21N-R54W. The application proposes to construct an additional well if the initial well does not provide sufficient water.

AQUIFER: Coteau Lakes Aquifer (COL)

GENERAL:

The Coteau Lakes Aquifer is actually a group of unconsolidated sand and gravel outwash deposits that are at or near the surface. These deposits may or may not be connected with each other, but because of their similarities they are considered collectively as the Coteau Lakes Aquifer. The water in Coteau Lakes Aquifer is mainly under unconfined conditions. The Coteau Lakes Aquifer underlies approximately 58,200 acres of Day County and contains over 130,910 acre-feet of recoverable water in storage in the county (Hedges, 1982). In places, the outwash is probably hydrologically connected to surface water bodies.

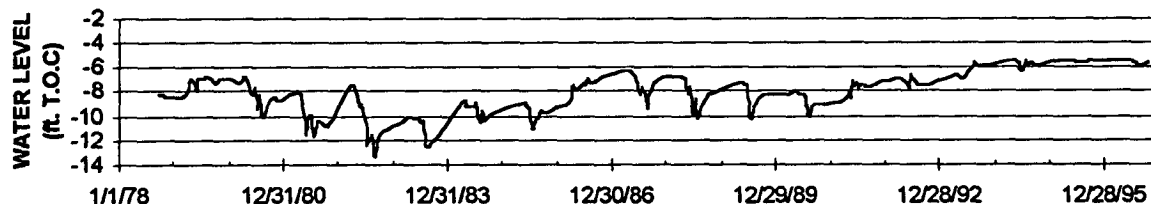
Leap, 1988, considered the outwash that lies between Blue Dog and Bitter Lakes, the "Waubay Aquifer". The maximum thickness of this portion of the Coteau Lakes Aquifer is estimated to be approximately 200 feet in Sec. 34, T122N-R54W" (approximately two miles from this well site). Several test holes were drilled in this general area for the Ground-Water Supply for the City of Waubay, (1967). Three test holes were drilled within one quarter of mile of the site proposed by this application. The thickness of the outwash was reported to be 31', 83', and 106' respectively. The test hole information submitted with this application identifies 17 feet of sand and gravel at the proposed well site.

The transmissibility of the aquifer in this area has been estimated to be fairly low, (3,000 gallons per day per foot, (Leap, 1988)). The low transmissibility estimate is the result of "substantial" amounts of silt and clay mixed with the sand and gravel. If the aquifer is thin and has a low transmissivity as suggested by test hole drilling and Leap's estimate, it is unlikely that a single well at this proposed location can supply the requested 2.28 cubic feet per second.

WATER AVAILABILITY:

The Water Rights Program 1 observation well completed into the Coteau Lakes Aquifer in Day County. Observation well DA-78D is located approximately 4½ miles north east of the diversion point proposed for this application. The outwash this observation well is completed into may or may not be connected to the outwash this application proposes as a water supply. However, the general trend of the hydrograph (figure 1) is expected to be representative for the entire Coteau Lakes Aquifer.

figure 1
DA-78D Hydrograph



The water levels of this well rise during wet years and gradually decline during dry years, in other words responds well to climatic conditions. The aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

The nearest Water Rights/Permit appropriating water from the Coteau Lakes Aquifer (No. 5644-3) is approximately 2 miles north of the site proposed by this application. Interference is not expected to be a concern because of the relatively low diversions and the proximity to Blue Dog Lake of Permit No. 5644-3.

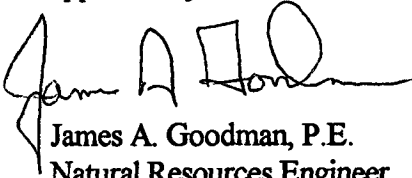
CONCLUSIONS:

1. Water is available from the Coteau Lakes aquifer.
2. Well interference is not expected to be a problem from this appropriation.
3. There is some question regarding the potential of a single well to produce the requested 2.28 cubic feet of water per second at this site. The applicant has amended the application to authorize a second well if the initial well does not produce the amount of water requested.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Beffort, J.D., S. Hedges, 1967, Ground-Water Supply for the City of Waubay, Special Report 40, South Dakota Geological Survey, Vermillion, SD
- Leap, D.I., 1988, Geology and Hydrology of Day County, South Dakota, Bulletin 24, South Dakota Department of Water and Natural Resources, Division of Geological Survey, Science Center, University of South Dakota, Vermillion, SD
- Hedges, L.S., S.Burch, S.Iles, R.Barrari, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, prepared for US Army Corps of Engineers, Contract DACW 45-80-C-0185, SD Geological Survey, Vermillion SD
- Water Rights Program, 1996, "Domestic Well Log Files, Observation Well Files, and Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5964-3, Maurice S. Dorsett

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. 5964-3, Maurice S. Dorsett, 2821 3rd Avenue S. E. #405, Aberdeen, SD 57401.

The Chief Engineer is recommending APPROVAL of Application No. 5964-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 5964-3 shall be constructed by a licensed well driller and construction 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.



JOHN HATCH, Chief Engineer
November 14, 1996



**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.

November 15, 1996

Maurice S. Dorsett
2821 3rd Ave. SE #405
Aberdeen, SD 57401

Dear Dr. Dorsett:

Water Permit Application No. 5964-3 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 Reporter & Farmer printed at Webster, SD (Ph # (605) 345-3356). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 1996

Reporter & Farmer
Box 30
Webster, SD 57274-0030

ATTENTION: Legal Department

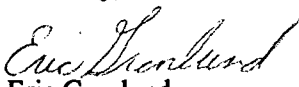
Enclosed is a Notice of Hearing on Application No. 5964-3 to be published twice. Please publish the first notice on November 25, 1996, with the second publication 7 days later.

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 Maurice S. Dorsett, 2821 3rd Ave. SE #405, Aberdeen, SD 57401 (Ph # (605) 226-3178).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 November 25, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5964-3 to Appropriate Water

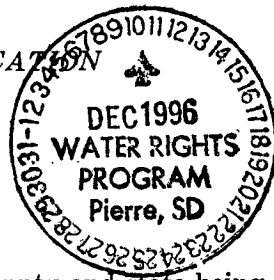
Notice is given that Maurice S. Dorsett, 2821 3rd Ave. SE #405, Aberdeen, SD 57401 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from a well (Coteau-Lakes Aquifer) 57 feet deep located in the center of the SE 1/4 Section 5 to irrigate 160 acres located in the SE 1/4 Section 5; all in T121N-R54W. The application proposes to construct a second well if the initial well does not produce the amount of water requested. The second well will have to be constructed within the time to complete works set forth in the water permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5964-3 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 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 December 12, 1996.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION



County of Day
State of South Dakota,

ss.

Larry Ingalls, of said county and state being duly sworn on oath, says: That the Reporter and Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, Larry Ingalls, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed

Notice of application No. 5964-3

to appropriate water

Maurice S. Dorsett

a printed copy of which is hereunto attached, was printed and published in the said newspaper two successive and complete issues as follows:

First Publication November 25 19 96;

Second Publication December 2 19 96;

Third Publication 19;

Fourth Publication 19;

Fifth Publication 19;

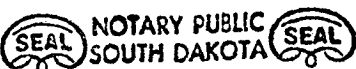
That the full amount of fees for publication of the annexed notice is \$ 38.33 and inures solely to the Reporter and Farmer, published by the Day County Printing Company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Larry Ingalls

Subscribed and sworn to before me this 2nd

day of December 19 96

KIMBERLY K. AUSTIN



Kimberly K. Austin
Notary Public, Day County, South Dakota.
KIMBERLY K. AUSTIN

Day County, South Dakota

My Commission Expires April 17, 2004.

Publication

Nov. 25 '96

Application form filed

(First Nov. 25)

NOTICE OF APPLICATION NO. 5964-3 TO APPROPRIATE WATER

Notice is given that Maurice S. Dorsett, 2821 3rd Ave. SE #405, Aberdeen, SD 57401 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from a well (Coteau-Lakes Aquifer) 57 feet deep located in the center of the SE 1/4 Section 5 to irrigate 160 acres located in the SE 1/4 Section 5; all in T121N-R54W. The application proposes to construct a second well if the initial well does not produce the amount of water requested. The second well will have to be constructed within the time to complete works set forth in the water permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5964-3 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 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 December 12, 1996.

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.

Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources.

(Last Dec. 2)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Maurice S. Dorsett
2821 3rd Ave. SE #405
Aberdeen, SD 57401

Dear Mr. Dorsett:

Enclosed is Water Permit No. 5964-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

5964-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MAURICE S DORSETT, 2821 3RD AVE SE #405, ABERDEEN, SD 57401 2324
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5964-3, 3931-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 3931-3 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) 5964-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5964-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3931-3 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 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MAURICE S DORSETT
2821 3RD AVE SE #405
ABERDEEN SD 57401 2324

4a. Article Number

Z 179 157 141

4b. Service Type

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

7. Date of Delivery

JAN 10 1995

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Maurice Dorsett

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

3931-3
5964-3

Maurice S Dorsett
2821 3rd Ave SE #405
Aberdeen, SD 57401

Dear Mr. Dorsett:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 3931-3 and 5964-3.

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

I am including a copy of the questionnaires, as completed by Mr. Davis. You may keep them for your files. If you have any questions, please contact me.

Sincerely,

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



January 16, 2002

NOTICE

5964-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: MAURICE S DORSETT, 2821 3RD AVE SE #405, ABERDEEN, SD 57401 2324

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5964-3, 3931-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 3931-3 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) 5964-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 5964-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3931-3 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 March 8, 2002, 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.

5964-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAURICE S DORSETT
2821 3RD AVE SE #405
ABERDEEN SD 57401 2324

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

M. Dorsett

1-18-02

C. Signature

X M. S. Dorsett

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2.

7001 2510 0004 4797 5781



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2002

3931-3
5961-3

Maurice S Dorsett
2821 3rd Ave SE #405
Aberdeen SD 57401 5414

Dear Mr. Dorsett:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 3931-3 and Water Permit No. 5964-3.

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



July 30, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Maurice S Dorsett
2821 3rd Ave SE #405
Aberdeen SD 57401

Dear Maurice S Dorsett:

Our office will now send the irrigation questionnaire for your Water Permit No. 5964-3 (near Waubay) to Will Davis. Do we need to send the irrigation questionnaire for your Water Permit No. 3931-3 (in Roberts County) to Will Davis, also?

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

5964-3

Maurice S Dorsett
2821 3rd Ave SE #405
Aberdeen SD 57401

Dear Mr. Dorsett:

On July 24, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5964-3, was completed by Stacy Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

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

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 3, 20 02

RECEIVED OF Dr. M. S. Dorsett, 2821 3rd Ave SE #405, Aberdeen SD 57401

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. <u>3964-3</u>		
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	50.00

No.

000004

By

Donald E. Ebele
Chief Engineer *gm*

Permit No. 5964-3
James River - Water District

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

Contact Person & Address: Maurice S Dorsett, 2821 3rd Ave SE #405, Aberdeen SD 57401

Report Of Examination Of Works

On, July 24, 2002, I made a thorough examination of the water use system constructed by Maurice S Dorsett of 2821 3rd Ave SE #405, Aberdeen SD 57401 holder of Permit No. 5964-3, bearing the priority of October 18, 1996, authorizing the diversion of 2.28 cu. ft. per second of water from Coteau Lake Aquifer one well for irrigation purposes, in Day County.

The system is in the following condition good. The point of diversion is located in the center of the SE 1/4 of Section 5 T121N-R54W with a longitude of -97.330327 and a latitude of 45.315623. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water that is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 5 T121N-R54W

NE 1/4 SE 1/4 = 33 Acres

SE 1/4 SE 1/4 = 33 Acres

SW 1/4 SE 1/4 = 34 Acres

NW 1/4 SE 1/4 = 33 Acres

Total Lands Irrigated = 133 Acres

comprising a total of 133 acres of land and the license should be issued for 1.78 cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling Inc.</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>54</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>14</u> inches | 2) Length <u>39</u> feet |
| 3) Type <u>Plastic</u> | |

Screen:

- 1) Type Manufactured
- 2) Length 15 feet
- 3) Static water level 7 feet

Pump\ Motor:

- 1) Pump Make Fairbanks Morse
- 2) Pump Model unknown
- 3) Capacity 800 GPM
- 4) Motor Make Fairbanks Morse
- 5) Motor Model No. unknown
- 6) Horsepower rating 50 hp

Distribution System:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 400 feet

System Type:

Center pivot:

- 1) Make Pierce Manufacturing Company
- 2) Overall length 1298 feet
- 3) Number of towers 8 with center pivot
- 4) End gun yes
- 5) High or low pressure High
- 6) Capacity 800 GPM

Chemigation:

- 1) Does chemigate no

Stacy J. Johnson

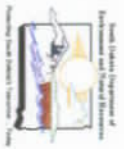
Stacy J. Johnson

Natural Resources Project Engineer
DENR, Water Rights Program

9-24-02

Date

Water Permit No. 5964-3



R54W

T121N

Well
Located at the center of SE 1/4

Land irrigated
NE 1/4 SE 1/4 = 33 Acres
SE 1/4 SE 1/4 = 33 Acres
SW 1/4 SE 1/4 = 34 Acres
NW 1/4 SE 1/4 = 33 Acres
Total Irrigated Lands = 133 Acres

Well

Stacy J. Johnson 8-21-02
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5964-3

(1) Maurice S. Dorsett, 2821 3rd Ave SE #405, Aberdeen SD 57401 made Application No. 5964-3, October 18, 1996 for a water permit to divert 2.28 cubic feet of water per second from groundwater (one well), Day County, South Dakota for irrigation purposes. Permit No. 5964-3, with a priority date of October 18, 1996 was approved December 12, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 12, 2001 and for the application to beneficial use of water on or before December 12, 2005.

(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 Water Right No. 5964-3 is issued a license, bearing a priority date of October 18, 1996, to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 133 acres.

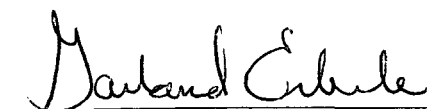
The diversion point is located in the center of the SE ¼ Section 5-T121N-R54W.

The acres authorized for irrigation are as follows:

Section 5-T121N-R54W	NE ¼ SE ¼	33 acres
	SE ¼ SE ¼	33 acres
	SW ¼ SE ¼	34 acres
	NW ¼ SE ¼	33 acres
Total 133 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5964-3 including the following qualifications:

- 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.
- The well authorized by Permit No. 5964-3 shall be constructed by a licensed well driller and construction 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 25 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 25 2002

5964-3

Maurice Dorsett
2821 3rd Ave SE #405
Aberdeen SD 57401

Dear Ms. Dorsett:

Enclosed is Water License No. 5964-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000304 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5964-3, 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

enclosures

cc: Will Davis, RR 2 Box 44, Waubay SD 57273



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2008

3665-3
3931-3
5964-3

Will Davis
1225 Cherry Dr
Watertown SD 57201-8208

Dear Mr. Davis:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaires for Florence Davis and Maurice Dorsett. The notice was originally mailed to 44236 152nd St, Waubay SD. The post office notified us that your address has changed and I will update our records accordingly.

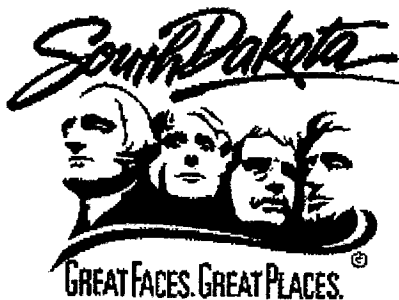
If you have any questions, please contact me.

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

enclosures



5964-3
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: WILL L DAVIS, RENTER, 1225 CHERRY DR, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 3931-3 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) 5964-3 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) 5964-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3931-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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>

c: MAURICE S DORSETT, 2821 3RD AVE SE #405, ABERDEEN, SD 57401-2324

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2009

3665-3
3931-3
5964-3

Will Davis
1225 Cherry Dr
Watertown SD 57201

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit No. 3665-3 and Water License Nos. 3931-3 and 5964-3.

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

c: Florence Davis
Maurice Dorsett

5964-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2009

3665-3
3931-3
5964-3

Will Davis
1214 23rd St NE
Watertown SD 57201-6798

Dear Mr. Davis:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 1225 Cherry Dr, Watertown. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


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

enclosures

5964-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

3665-3
3931-3
5964-3

Will Davis, Mgr
44236 152nd St
Waubay SD 57273-6118

Dear Mr. Davis:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaires..

The notice was originally mailed to 1214 23rd St NE, Watertown SD. The post office notified us that your address has changed and I will update our records accordingly.

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Maurice Dorsett, 2715 1st Ave SE, Aberdeen SD 57401

DATE: November 7, 2019

TELEPHONE: 605 226-3178

RE: , Water Right No. 5964-3

COMMENTS:

The 2019 irrigation questionnaire submitted by Will Davis (renter) indicated the use of water under Water Right No. 5964-3 had been abandoned. He reported that Bitter Lake continues to flood the acreage.

Prior to doing anything with the water right I contacted Maurice Dorsett who owns the land. Mr. Dorsett agreed that the land has not been able to be irrigated due to Bitter Lake flooding however he said it was most definitely not abandoned.

I told him I would follow-up with Mr. Davis and relay the information to him.



Genny McMath
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Maurice S Dorsett, 2821 3rd Ave SE #405, Aberdeen SD 57401

DATE: June 7, 2022

TELEPHONE: 605 226-3178

RE: status of irrigation under Water Right No. 5964-3

COMMENTS:

The land described in Water Right No. 5964-3 was last irrigated in 2011. The last three years, the renter has checked the box "use abandoned". Prior to that – he put down the land was flooded by Bitter Lake.

I called Will Davis who has rented the land for several years. He indicated they have not been able to irrigate. This year (2022) he said only half the field was flooded so they could maybe get some of the ground planted and irrigated but he doubted it.

I called and spoke with Mr. Dorsett, he acknowledged the land had not been irrigated due to problems with flooding and indicated he did not want to give up the water right.

I told Mr. Dorsett that we didn't need to do anything with the water right at this time. Flooding would be considered legal excuse and not cause the water right to be forfeited. I explained the reason I called was that the renter had checked the box "abandoned" and I didn't want to continue sending irrigation questionnaires out if they had made a business decision to stop irrigating.

I recommend continuing to send out annual irrigation questionnaires until they make a decision to discontinue irrigation altogether.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

5964-3

Maurice Dorsett
2715 1st Ave SE
Aberdeen SD 57401

Dear Mr. Dorsett:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire submitted for Water Right No. 5964-3, which authorizes the diversion of 1.78 cfs (approx. 800 gpm) from one well completed into the Coteau Lakes Aquifer for the irrigation of 133 acres located in the SE $\frac{1}{4}$ Section 5-T121N-R54W, Day County.

On this year's questionnaire it was reported that use of the irrigation system had been abandoned, with irrigation last reported in 2011.

Pursuant to SDCL 46-5-37, water appropriated under a permit/right that is not placed to beneficial use for a period of three (3) or more years, is subject to cancellation for abandonment, or forfeiture, or both. However, AR 74:02:01:37.1 allows for certain legal excuses for non-use.

Please contact me via email or telephone to discuss the possible cancellation of Water Right No. 5964-3.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: Will Davis (renter), 44236 152nd St, Waubay SD 57273

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: William Davis (renter), 44236 152nd St, Waubay ST 57273

DATE: 11/18/2025

TELEPHONE: 605-881-6004

RE: Temporary Abandonment

COMMENTS:

I spoke with William Davis today when he called in response to my letter, dated November 14, 2025. The 2025 Irrigation Questionnaire for 5964-3 was submitted with the box for "use abandoned" checked.

In discussing regarding the abandonment of irrigation on that property, Mr. Davis informed me that the system had temporarily been removed from the property due to increased flooding in the Waubay Lake area. A large portion of the acres authorized for irrigated under 5964-3 are under water.

While not a perfect fit, I believe this would be acceptable as "sufficient moisture" which is a legal excuse for not practicing irrigation, per ARSD 74:02:01:37.1

Cancellation of 5964-3 will not be pursued at this time.

A handwritten signature in blue ink that reads "Amanda Dewell". The signature is cursive and fluid.

Amanda Dewell
Water Rights Program