

WATER PERMIT NO. 5972-3

Name of Applicant: Curry Seed Company

Address: PO Box 517, Elk Point SD 57025

Phone: 356-3366

Amount of Water Claimed: 0.10 add'l cfs

Total Acres: 5 add'l acres

Source of Water Supply: groundwater

Water to be used for: irrigation County: Union

Type of Waste Disposal System: NA

Location: 1/2 east of Elk Point

PRIORITY Date Received: 12-20-96

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: May 1 - September 30

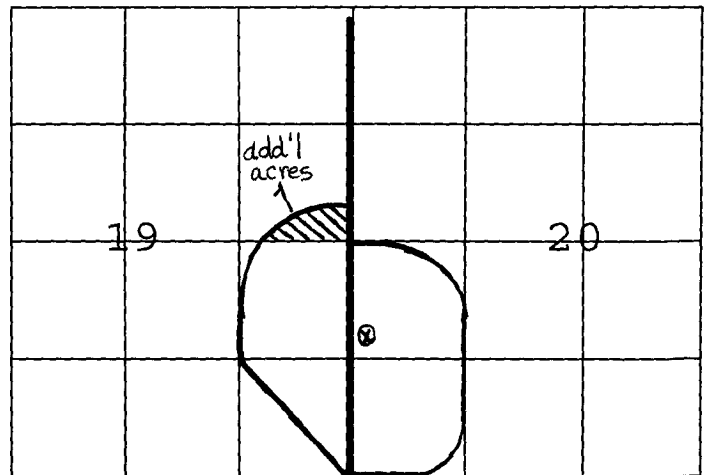
Remarks: Identifies correct location of diversion point authorized by 2371-3 and add 5 acres and 0.10 cfs

Diversion Point: NW 1/4 SW 1/4 Sec 20-

T91N-R49W

Land to be Irrigated: SE 1/4 NE 1/4 Sec 19-

T91N-R49W



Depth of Well: 105 feet

Well Driller: Nichols Drilling

Remarks: log not available-driller out of business

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 12-30-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5972-3

Date of first receipt of application December 20, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5972-3 to Curry Seed Company, PO Box 517, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5972-3 appropriates 0.10 cubic feet of water per second (cfs), irrigates 5 additional acres and corrects the location of the diversion point. Water Permit No. 2371-3 authorizes 1.90 cfs from one well (Missouri Elk Point Aquifer) 105 feet deep to irrigate 140 acres located in the W 1/2 SW 1/4 Section 20 and E 1/2 SE 1/4 Section 19; all in T91N-R49W. An inspection of Permit No. 2371-3 found one well developed and capable of diverting 2.00 cfs to irrigate 145 acres. The correct location of the well is the NW 1/4 SW 1/4 Section 20-T91N-R49W. The 5 additional acres being irrigated are located in the SE 1/4 NE 1/4 Section 19-T91N-R49W.
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 December 20, 1996 (0.10 cfs).
4. The date of approval of Permit No. 5972-3 is March 3, 1997.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 7 1997
date



FORM 2: Application for irrigation in South Dakota
(type or print)

BAM.
12-9-96
Return

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5972-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Elk Point Leader-Courier, Elk Point, SD</u>



Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Curry Seed Company ☒ Owner ☐ Tenant/Lessee Phone 356-3366
(check one)
- Mailing Address PO Box 517 Elk Point State SD 57025
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed .10 add'l *CFS or 45 **GPM ***AF Total Acreage 5 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout 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) 1 well in the NW1/4 SW1/4 section 20; T91N R49W.
County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 thru September 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
SE1/4 NE1/4 Section 19 T91N R49W	5		

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

This application proposes to identify the correct location of the diversion point under water permit NO. 2371-3 from the NE1/4 SE1/4 Section 19 to the NW1/4 SW1/4 Section 20; Both in T91N R49W. This application also adds an additional 5 acres and 45 GPM.

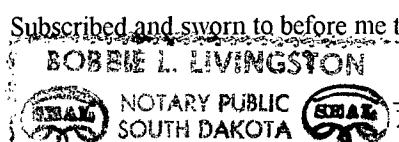
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Union ss

I, Curry Seed Co., 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 Curry Seed Co by Wm J Curry
17th day of December 1996



Bobbie L. Livingston
Notary Public

RECEIPT

415212

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 20 _____, 19 96

RECEIVED OF Curry Seed Company, PO Box 517, Elk Point SD 57025

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

Fee for Application for Permit No. <u>5972-3</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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

JOHN HATCH

ks

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415314

Pierre, April 14, 19 97

RECEIVED OF Curry Seed Company, P.O. Box 517, Elk Point, SD 57025-0517

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5972-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 1996

Curry Seed Company
ATTN: Bill Curry
PO Box 517
Elk Point, SD 57025

Dear Mr. Curry:

After an investigation of Water Permit No. 2371-3, I found a few things that need attention. There are approximately a total of 145 acres being irrigated with a cornering system center pivot in the E1/2 Section 19 and the W1/2 Section 20; Both in T91N R49W at a diversion rate of 900 Gallons Per Minute (GPM) or 2.00 CFS. The Water Permit for this acreage only allows irrigation of 140 acres and a diversion rate of 855 GPM or 1.90 CFS. Also, Water Permit No. 5030-3 is currently under Agnes Murphy's name. During the inspection you commented that Curry Seed Company had purchased this acreage from Agnes Murphy. Please find enclosed a "Notice Of Transfer Of Ownership" to change the ownership to Curry Seed Company. The enclosed Water Permit Application is for a new permit to irrigate the 5 additional acres in the SE1/4 NE1/4 Section 19; add 45 GPM and identify the correct location of the diversion point for Water Permit No. 2371-3.

Please fill out the bottom of the enclosed completed application. Note that the application and the Notice of Transfer of Ownership must both be signed in the presence of a Notary Public. Please return the application with an application filing fee of \$50.00 and the transfer of ownership with a \$2.50 transfer fee in the self-addressed envelope provided.

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

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5972-3
for Curry Seed Company
January 31, 1997

Application No. 5972-3 proposes to appropriate 0.10 cfs (45 gpm), irrigate five additional acres and correct the location of the diversion point. Water Permit No. 2371-3 authorizes 1.90 cfs from one well approximately 105 feet deep to irrigate 140 acres located in the W 1/2 SW 1/4 of Section 20 and the E 1/2 SE 1/4 of Section 19; all in T91N-R49W. An inspection of Permit No. 2371-3 found one well developed and capable of diverting 2.00 cfs to irrigate 145 acres. The correct location of the well is the NW 1/4 SW 1/4 of Section 20 with the additional irrigated acres located in the SE 1/4 NE 1/4 of Section 19; all in T91N-R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage (Niehus, 1994). The aquifer is hydraulically to the Lower Vermillion Missouri aquifer to the northwest, the Big Sioux South aquifer to the north, the Big Sioux and Missouri rivers and also extends into Clay and Yankton Counties to the west.

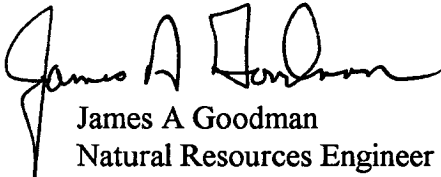
The Water Rights Program monitors four observation wells (UN-77M, UN-78A, UN-80E, UN-57B) which are located within two miles of this application. All of these wells are completed into the Missouri Elk Point aquifer except for UN-57B which is completed into alluvium overlying the aquifer. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these wells are included with this report. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous water permits/rights surrounding this application. Interference is not a concern. This is an existing well and has been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is confined and under artesian conditions at this site. Drawdown will occur as a result of pumping but this should not be significant. Interference is not expected to be a concern.
3. This is an existing well which has been in use for many years. There is no well completion information available for this well. It can not be determined if the well was constructed in accordance with SD Well Construction Standards.
4. This application is a result of a routine inspection and if approved will allow licensing of this system as built.



James A Goodman
Natural Resources Engineer

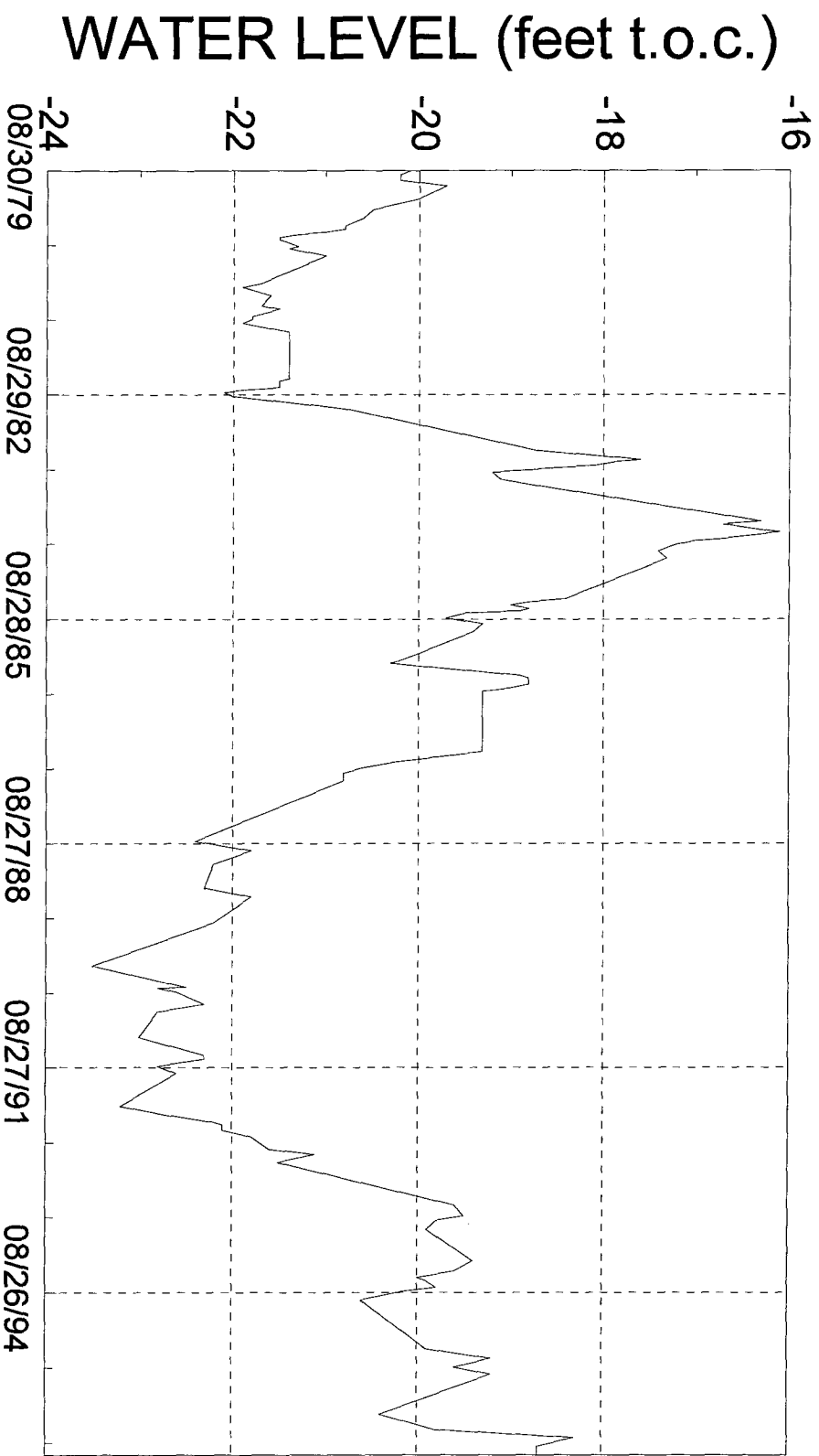
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1997, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

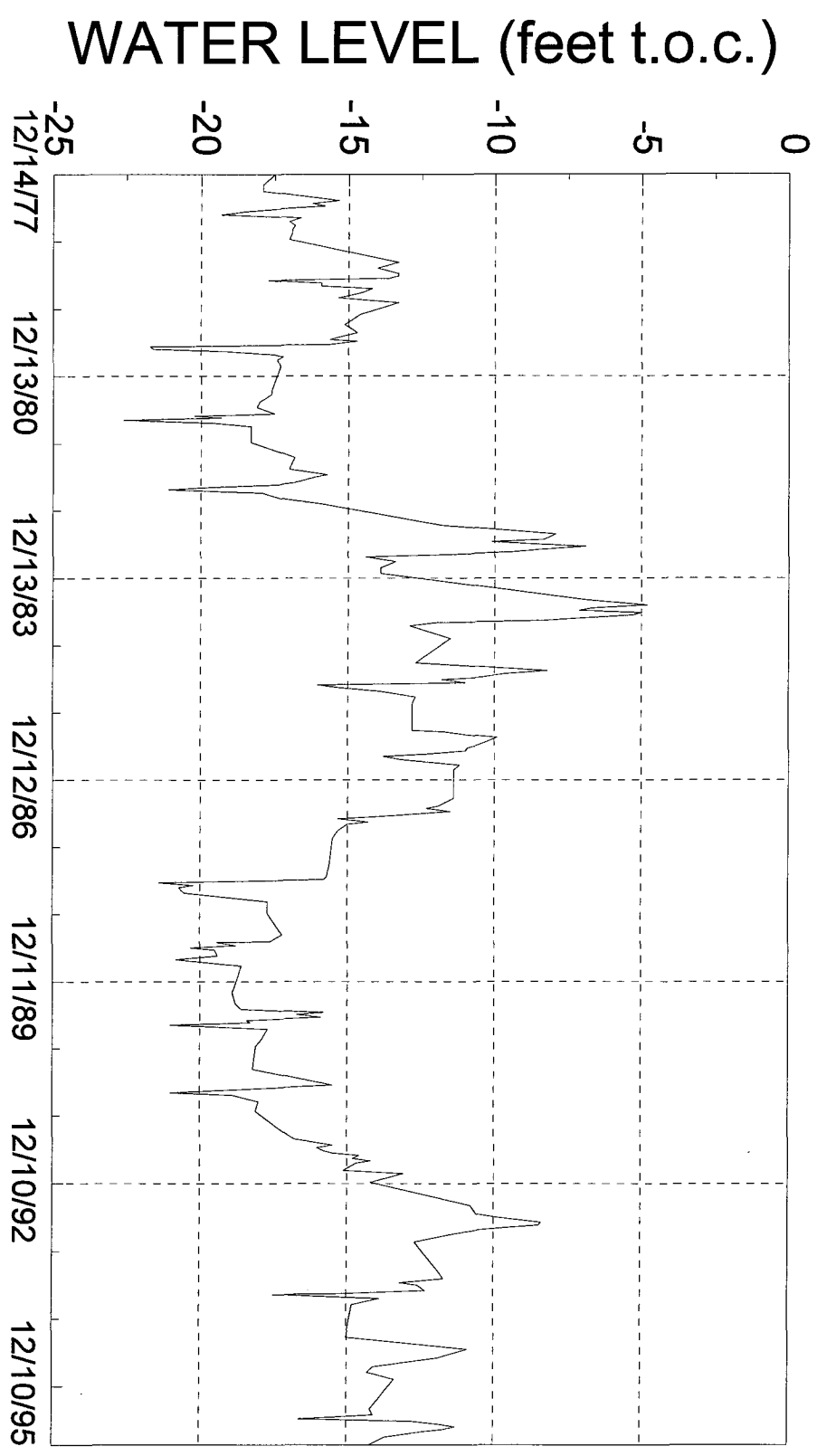
WATER RIGHTS OBSERVATION WELL

UN-78A



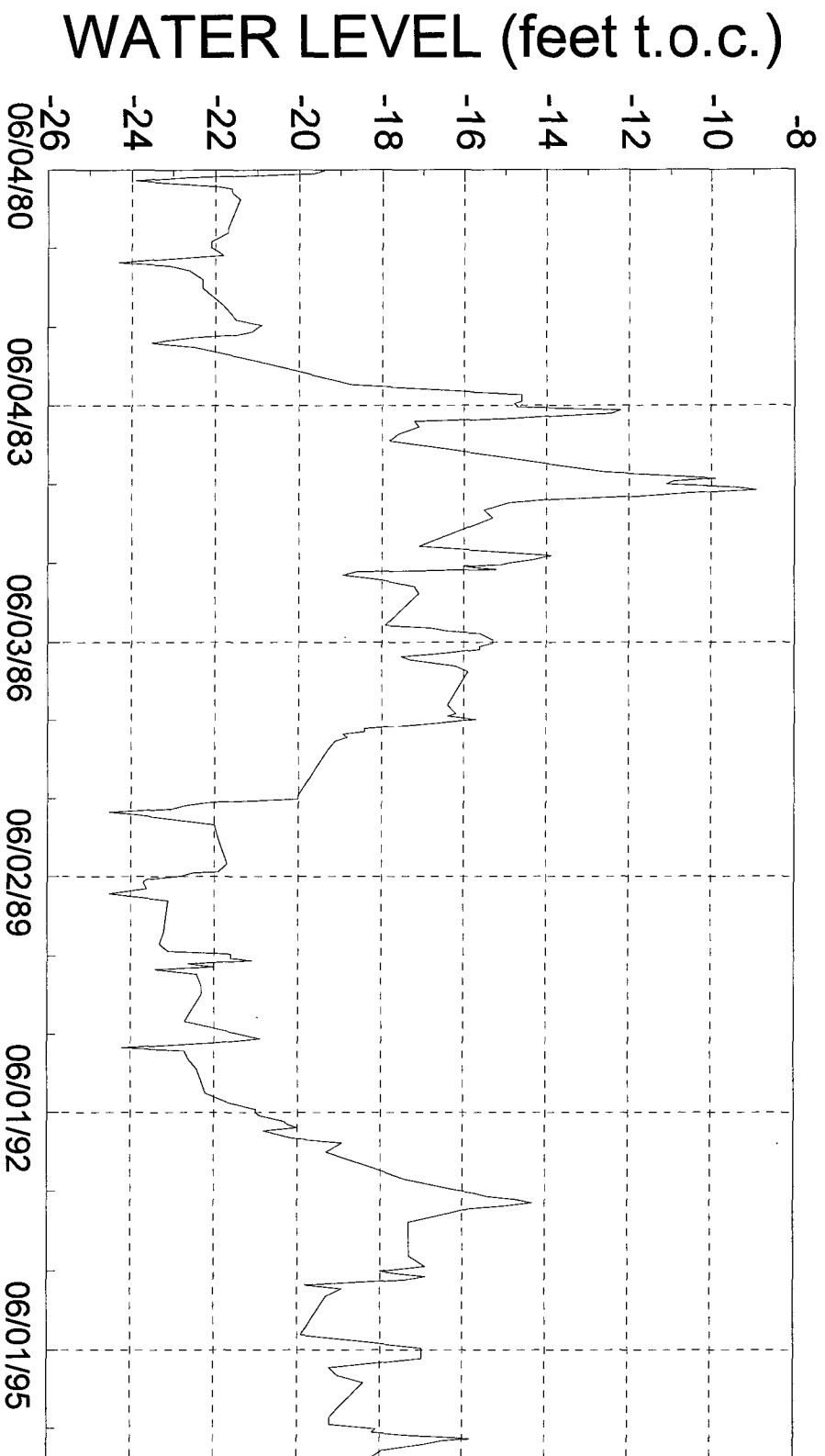
WATER RIGHTS OBSERVATION WELL

UN-77M



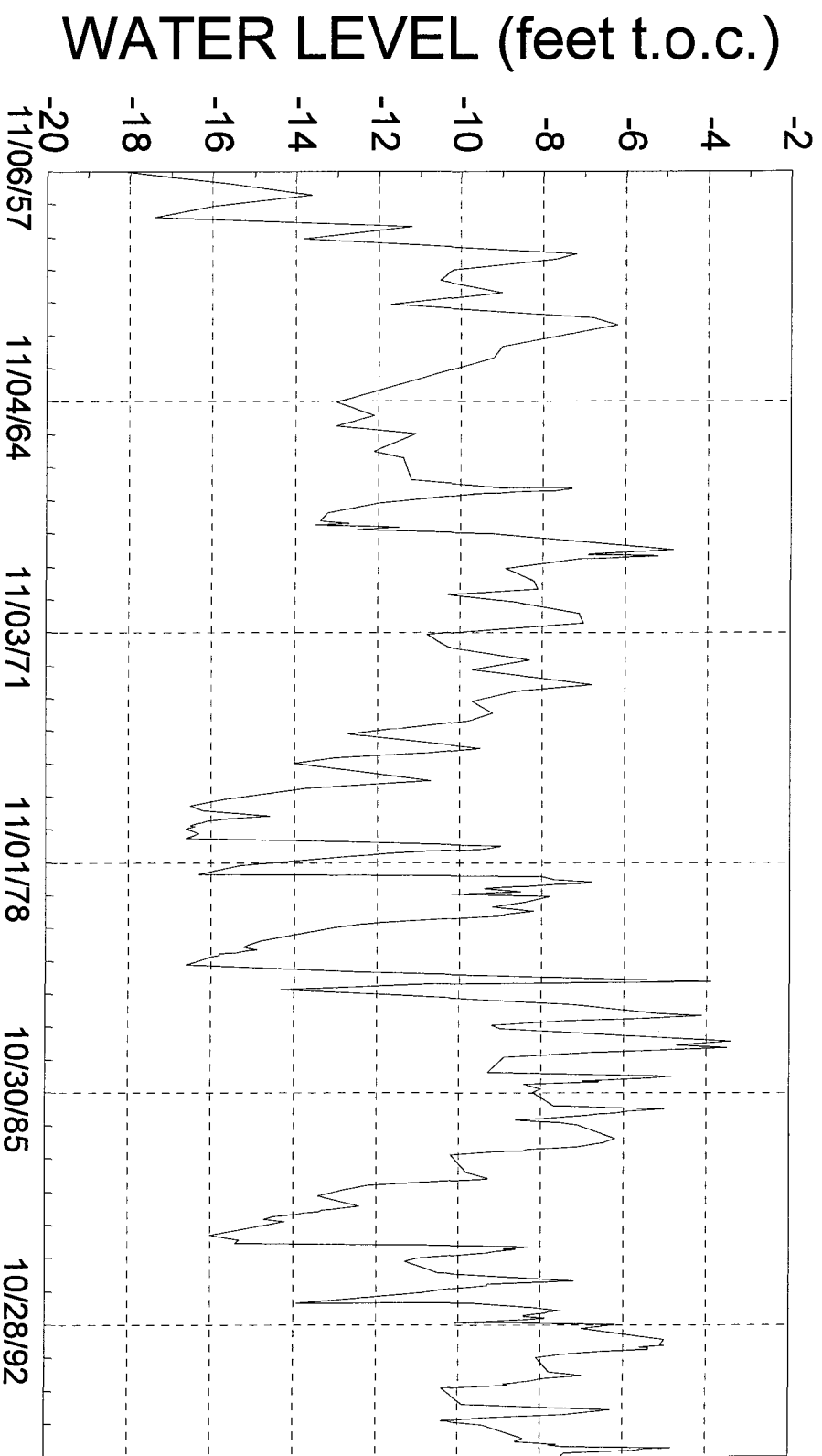
WATER RIGHTS OBSERVATION WELL

UN-80E



WATER RIGHTS OBSERVATION WELL

UN-57B



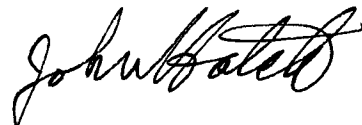
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5972-3, Curry Seed Company**

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. 5972-3, Curry Seed Company, c/o William Curry, PO Box 517, Elk Point, SD 57025.

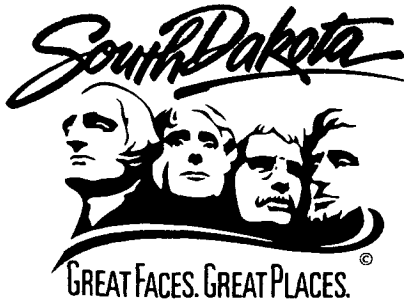
The Chief Engineer is recommending APPROVAL of Application No. 5972-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 3, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 4, 1997

Curry Seed Company
%William Curry
P.O. Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Water Permit Application No. 5972-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Elk Point Leader-Courier printed at Elk Point, SD (Ph # (605) 356-2632). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

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

February 4, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5972-3 to be published twice. Please publish the first notice on February 13, 1997, 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 Curry Seed Company, %William Curry, P.O. Box 517, Elk Point, SD 57025 (Ph # (605) 356-3366).

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. 5972-3

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 13, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5972-3 to Appropriate Water
and to Amend Water Permit No. 2371-3

Notice is given that Curry Seed Company, PO Box 517, Elk Point SD 57025 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (cfs), irrigate 5 additional acres and correct the location of the diversion point. Water Permit No. 2371-3 authorizes 1.90 cfs from one well (Missouri Elk Point Aquifer) 105 feet deep to irrigate 140 acres located in the W 1/2 SW 1/4 Section 20 and E 1/2 SE 1/4 Section 19; all in T91N-R49W. An inspection of Permit No. 2371-3 found one well developed and capable of diverting 2.00 cfs to irrigate 145 acres. The correct location of the well is the NW 1/4 SW 1/4 Section 20-T91N-R49W. The 5 additional acres being irrigated are located in the SE 1/4 NE 1/4 Section 19-T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5972-3 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 March 3, 1997.

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

State of South Dakota)
County of Union)

:ss

Kelly Kruithoff

an employee of the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and that has been such legal newspaper during the time herein-after mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 5972-3 to Appropriate Water

and Amend Water Permit No. 2371-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper as

The first publication being made on Thursday, the 13 day of February 19 97, and that the succeeding publications were

on Thursday, the 20 day of February, 19 97

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper

as aforesaid were \$ 37.57, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me this 20 day of February 19 97

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 5972-3 TO APPROPRIATE WATER AND AMEND WATER PERMIT NO. 2371-3

Notice is given that Curry Seed Company, PO Box 517, Elk Point, SD 57025 has filed an application permit to appropriate 0.10 cubic feet of water per second (cfs), irrigate 5 additional acres and correct the location of the diversion point. Water Permit No. 2371-3 authorizes 1.90 cfs from one well (Missouri Elk Point Aquifer) 105 feet deep to irrigate 140 acres located in the W 1/2 SW 1/4 Section 20 and E 1/2 SE 1/4 Section 19; all in T91N-R49W. An inspection of Permit No. 2371-3 found one well developed and capable of diverting 2.00 cfs to irrigate 145 acres. The correct location of the well is the NW 1/4 SW 1/4 Section 20-T91N-R49W. The 5 additional acres being irrigated are located in the SE 1/4 NE 1/4 Section 19-T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5972-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Capitol, Pierre, SD 57501 (605-773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 3, 1997.

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. Publish Feb. 13, and 20
31-4-68 37.57



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

Curry Seed Company
%William Curry
P.O. Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Enclosed is Water Permit No. 5972-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

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

enclosures

Permit No. 2371-3 & 5972-3**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, August 20, 1996, made a thorough examination of the water use system constructed by Curry Seed Company of Box 517 Elk Point, SD 57025 holder of Permit No. 2371-3 and 5972-3, bearing the priorities of October 6, 1975 and December 20, 1996 authorizing diversions of 1.90 and 0.10 (consecutively) cu. ft. of water per second from ground water for irrigation purposes, in Union County.

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

A. Works used to divert the water:

A 75 HP US Motor with a 900 GPM Western Land Roller Pump.

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

220 feet of 10" PVC.

C. Works used to apply water to beneficial use:

A 10 tower Valley Cornering System Center Pivot with a capacity of 900GPM.

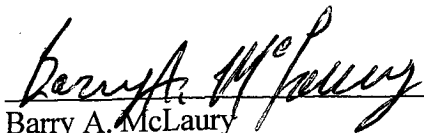
The system is in the following condition good. The point of diversion is located 1420 feet N and 130 feet E from the SW corner of Section 20; T091N R49W (NW1/4 SW1/4). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T91N R49W	SECTION 19	SE1/4 NE1/4	05 acres
		NE1/4 SE1/4	39 acres
		SE1/4 SE1/4	23 acres
	SECTION 20	NW1/4 SW1/4	39 acres
		SW1/4 SW1/4	39 acres

comprising a total of 145 acres of land and the license should be issued for 2.00 cfs.

NOTE:

On December 10, 1996, an application was made for 45 GPM, 5 additional acres and to correct the location of the diversion point authorized by Water Permit No. 2371-3. The new permit will be incorporated with No. 2371-3 when it is approved.

Applicable permit qualifications have been complied with: Yes ☒ NoExceptions to compliance are: None Date Report Completed: March 4, 1997


Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2371-3 & 5972-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: August 20, 1996

NAME OF INSPECTION CONTACT: Bill Curry

NAME & ADDRESS OF PERMIT HOLDER: Curry Seed Company, Box 517, Elk Point, SD 57025

DIVERSION POINT LEGAL LOCATION: 1420 feet N and 130 feet E from the SW corner of Section 20; T91N R49W (NW1/4 SW1/4).

WELL INFORMATION:

- | | |
|---|-----------------------------------|
| 1) Well Drilling Firm: <u>Nichols Well & Pump Service</u> | 3) Depth(s) <u>105</u> feet |
| 2) No. of Wells <u>1</u> | 4) Well log is available <u>N</u> |

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type transite

Screen:

- 1) Type Transite
- 2) Length 20 feet
- 3) Static water level 30 feet

Motor:

- 1) Make US Motor
- 2) Frame No. 365 TP
- 3) Horsepower rating 75 HP

Pump:

- 1) Make Western Land Roller
- 2) Model No. ?
- 3) Capacity 900 GPM

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>220</u> feet |
|--------------------|--------------------------|---------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|--|-------------------------------------|
| 1) Make <u>Valley Cornering System</u> | 4) End gun <u>Y</u> |
| 2) Overall length <u>1430?</u> feet | 5) High or low pressure <u>High</u> |
| 3) Number of towers <u>10</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS:

Couldn't get ahold of a well log for this permit. Information for the well came from Bill Curry. On December 10, 1996, an application was made for 45 GPM, 5 additional acres and to correct the location of the diversion point authorized by Water Permit No. 2371-3. The new permit will be incorporated with ~~the this~~ 2371-3 ~~permit~~ when it is approved.

NOT TO SCALE

NOT TO SCALE



Barry A. McLaury
Environmental Scientist
Water Rights Program
Date March 4, 1997

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5972-3

(1) Curry Seed Company, Box 517, Elk Point SD 57025 made Application No. 5972-3, December 20, 1996 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), irrigate 5 additional acres and correct the location of the diversion point authorized by Water Permit No. 2371-3. The entire system is located in Union County, South Dakota and used for irrigation purposes. Permit No. 5972-3, with a priority date of December 20, 1996 was approved March 3, 1997 and issued to the applicant for diversion of water with construction of the described water supply system completed and application to beneficial use of said water completed.

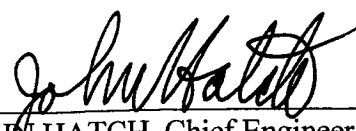
Water Permit No. 2371-3 authorizes irrigation of 140 acres in the E 1/2 SE 1/4 Section 19 and W 1/2 SW 1/4 Section 20 and retains a priority date of October 6, 1975. The remaining 5 acres retains a priority date of December 20, 1996 established by No. 5972-3. The applicable portions of Water Permit No. 2371-3 have been incorporated into this Water License No. 5972-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,420 feet north and 130 feet east from the southwest corner of Section 20-T91N-R49W (NW 1/4 SW 1/4).

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

Section 19-T91N-R49W	SE 1/4 NE 1/4	5 acres
	NE 1/4 SE 1/4	39 acres
	SE 1/4 SE 1/4	23 acres
Section 20-T91N-R49W	NW 1/4 SW 1/4	39 acres
	SW 1/4 SW 1/4	39 acres
Total		145 acres

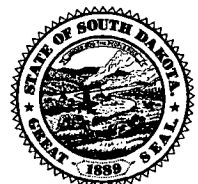
(4) Pursuant to South Dakota Water Law 46-5-30.1 Curry Seed Company, Box 517, Elk Point SD 57025 the holder and/or owner of Incorporated Water Permit No. 5972-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (one well) with priority dates of October 6, 1975 (1.90 cfs) and December 20, 1996 (0.10 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5972-3 and subject to South Dakota State Law.



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

JUN 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

5972-3

Curry Seed Company
%William Curry
Box 517
Elk Point, SD 57025

Dear Mr. Curry:

Enclosed is Water License No. 5972-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415314 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. 5972-3, 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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2371-3 have been incorporated into this Water License No. 5972-3.