

WATER PERMIT NO. 5984-3

Name of Applicant: Marc T Bernard

Address: 145 N Harmon Dr., Mitchell SD 57301

Phone: 605 996-5980

Amount of Water Claimed: 0.57 cfs

Total Acres: 40 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 1 mile south of Elk Point

PRIORITY

Date Received: 3-17-97

Fee: \$150

Corrected Application Received: NA

Period of Annual Use: April 1 - October 31

Remarks:

Diversion Point: Tract 1, SW 1/4 NE 1/4

Sec 30-T90N-R48W

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

Sec 30-T90N-R48W

Depth of Well: approximately 100 feet deep

Well Driller: Wetmore Drilling

Remarks:

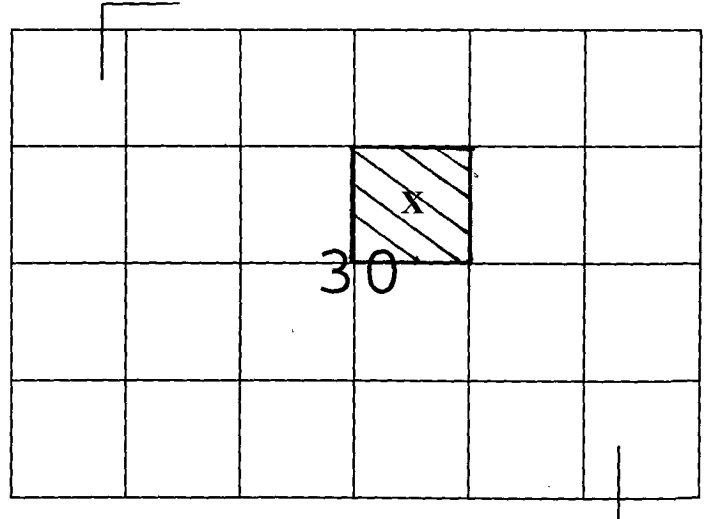
Type of Map: aerial

Prepared by: Wenton Peters, FSA

Reviewed and the Number Assigned on: 3-17-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 5984-3

Date of first receipt of application March 17, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5984-3 to Marc T Bernard, 145 N Harmon Dr, Mitchell SD 57301 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. 5984-3 appropriates 0.57 cubic feet of water per second from one well (Missouri Elk Point) 100 feet deep located in the SW 1/4 NE 1/4 Section 30 to irrigate 40 acres located in the SW 1/4 NE 1/4 Section 30; all in T90N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 17, 1997.
4. The date of approval of Permit No. 5984-3 is April 28, 1997.
5. One-fifth of the construction is to be completed on or before October 28, 1999.
6. All construction is to be completed on or before April 28, 2002.
7. Water is to be put to beneficial use on or before April 28, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5984-3 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

JUN 11 1997

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5984-3</u> Hydrologic Unit <u>10/70/01</u>
	Basin <u>Missouri 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 Marc T. Bernard ☒ Owner ☐ Tenant/Lessee Phone 605-996-5980
(check one)
- Mailing Address 145 N Harmon Dr., Mitchell State SD 57301
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.57 *CFS or 258 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Water Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
One well in tract 1, SW1/4 of NE 1/4 section 30-T90N-R48W
County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used Spring & Summer months, 1 Apr thru 31 Oct.
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
Tract 1, SW1/4 of NE 1/4, Section 30-T90N-R48W	40		

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

see attached sheet.

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 Davison ss

I, Marc T. Bernard, 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

Marc T. Bernard

Subscribed and sworn to before me this 12th day of March 19 97

Kristy Snabo
Notary Public

12-13-2003

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/2" Depth 100.0'
b) Casing Type PVC Diameter 8.0" Thickness SCH. 40
c) Screen Type PVC Diameter 8.0" Thickness SCH. 40
d) Gravel Pack Thickness 2 1/4" Length of Gravel Pack 40.0'
e) Depth to Top of Water Bearing Material 5.0'
f) Depth to Water (ground surface to water level) 18.0'
g) Distance to nearest existing domestic well:
On applicants property None On property owned by others 3,960'

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

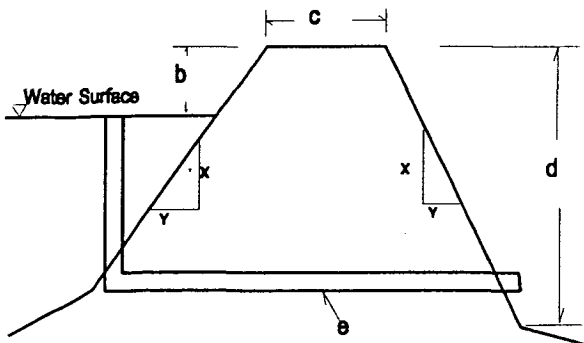
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



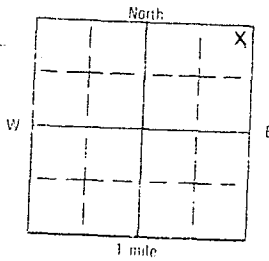
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4, NE 1/4, Sec. 30 Twp 90N Rg. 43W

County Union

Please mark well location with an "X"



Well Completion Date 11-25-92

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

250 LB/FT 5 IN 0 FT 109 FT 9 3/4 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUT

Was the well grouted? ☒ YES ☐ NO

To what depth? 30 FEET

What is grouting material? port cement

If cement, number of sacks? 10

Describe grouting procedure Pumped w/ tremie pipe
Ret. Comp. 70-100

What was grout weight? 15.5 LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 10 FEET

Material plastic

Slot Size 50 Set From 109 Feet To 119 Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Slot Size ____ Set From ____ Feet To ____ Feet

Other information Good water 70-100

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Well Owner

Name Jack Eastman

Address Rt 1, Jefferson, SD 57034

Well Log

formation	Depth	
	From	To
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Blu Clay</u>	<u>2</u>	<u>52</u>
<u>Fine Sand</u>	<u>52</u>	<u>71</u>
<u>Gravel Gravel</u>	<u>71</u>	<u>119</u>
<u>Boulder</u>	<u>119</u>	<u>120</u>

STATIC WATER LEVEL 24 Feet

If flowing closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☒ Pumped

☐ Bailed

Describe _____

☐ Other

Pumping Level Below Land Surface

29 ft After 12 Hrs. pumped 12 GPM

____ ft After ____ Hrs. pumped ____ GPM

____ ft After ____ Hrs. pumped ____ GPM

REMARKS.



This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Wetmore Drilling

Signature of License Representative: _____

Signature of Well Owner: _____

Jackie Eastman

Date 1-12-93

Was well disinfected upon completion? ☒ YES ☐ NO

Explain Chlorine Solution

Bacteriological analysis ☒ YES ☐ NO

Laboratory sent to SD Health Dept

NOT TO SCALE



● = Location of well.

The highlighted area is Bernard Tract 1 in the west 1/2 of NE 1/4, Section 38 - T 90N - R 48 W

59843

RECEIPT

Division of Water Rights

415273

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 17, 19 97

RECEIVED OF Yalc or Marilyn Bernard, 145 N. Hanson Drive, Mitchell, SD 57301

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

Fee for Application for Permit No. <u>5-284-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By *J. L. H. T. C.*
Chief Engineer

26 Feb 97

To: Eric Gronlund

From: Marc T. Bernard

Subject: Water permit for farm irrigation



I am submitting an application for a farm irrigation for the following forty acres: Tract 1, W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 30-79 $\emptyset$ N-R48W. This well will be used for irrigating my crops.

Mike Wetmore from Elk Point, SD. will do the test hole log. His address is P.O. Box 88 $\emptyset$, Elk Point, SD. 57025. Phone # 356-3757.

Enclosed is my check for \$150.00. I understand I am responsible for the cost of publication in the local newspaper.

A special thank you Eric for all your help. I really appreciated your assistance. Great job! I wish everyone I have worked with was as helpful as you!



Yours truly,
Marc Bernard

3/12/97

THIS TRACT OF THE LEGAL DESCRIPTION
OF BERNARD TRACT I IN THE W 1/2 N 4 1/2 S -
T 90 N, R 4 1/2 W of T1E S 7th P. M.
UNION COUNTY SD Appear to be
correct:

Wenton Peters
FSA 1820 N KIMBALL
Mitchell SD 57301
605-996-1021

Mr. Wenton Peters works in the FSA office in
Davison County. He is quite knowledgeable with legal
descriptions. I also showed him the actual survey that
was completed back in 1981.

Max Bennett

REPORT ON WATER PERMIT APPLICATION NO. 5984-3

for Marc T. Bernard

March 27, 1997

Application No. 5984-3 proposes to appropriate 0.57 cfs (256 gpm) from one well approximately 100 feet deep located in the SW 1/4 NE 1/4 of Section 30 to irrigate 40 acres located in the SW 1/4 NE 1/4 of Section 30; all in T90N-R48W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a buried alluvium mantled outwash (sand and gravel) at this site. The aquifer is confined and under artesian conditions at this site, however, over most of the area the aquifer is unconfined and under water table conditions. The Missouri Elk Point underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Lower Vermillion aquifer to the northwest, the Big Sioux South to the north, the Big Sioux and Missouri Rivers, and also extends into Clay and Yankton Counties to the west. The general direction of ground water movement is from northwest to southeast through this area.

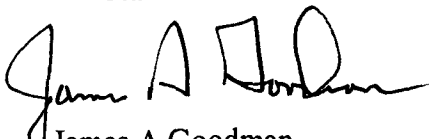
The Water Rights Program monitors two observation wells within a two mile radius of this application. UN-77P is located about one and one-half miles west of this application and UN-87B is located about one mile north of this application. Both of these monitor wells are completed in the Missouri Elk Point aquifer. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for these two wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is located about one-half mile north of this application. Interference is not a concern. Drawdown created by pumping should not be significant at this distance and at this pumping rate. There are many existing water permits/rights in this area which have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not a concern. The observation well hydrographs do not indicate that significant drawdown occurs from pumping and there is no history of problems associated with pumping for this area.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

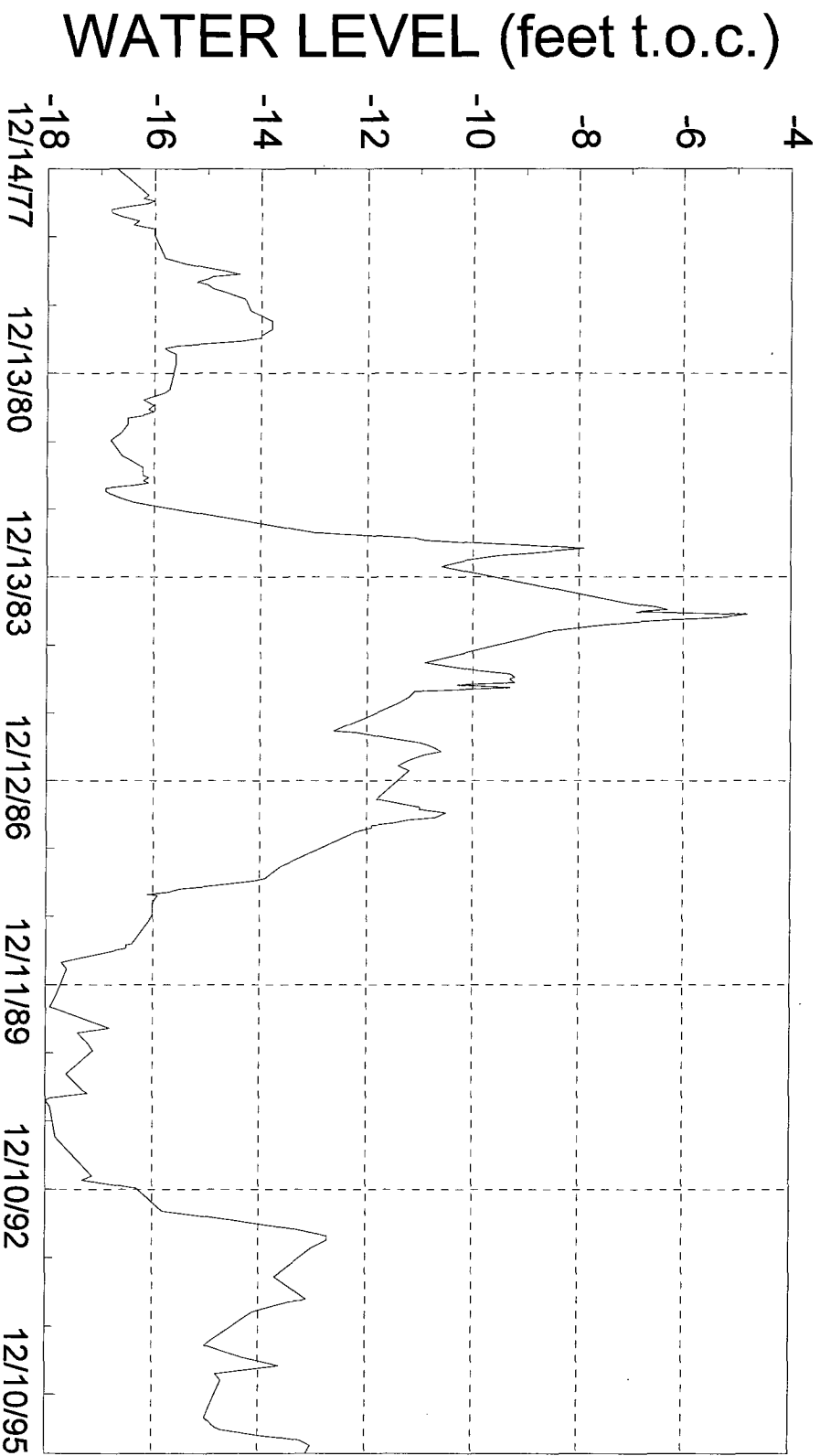
BIBLIOGRAPHY

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 Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

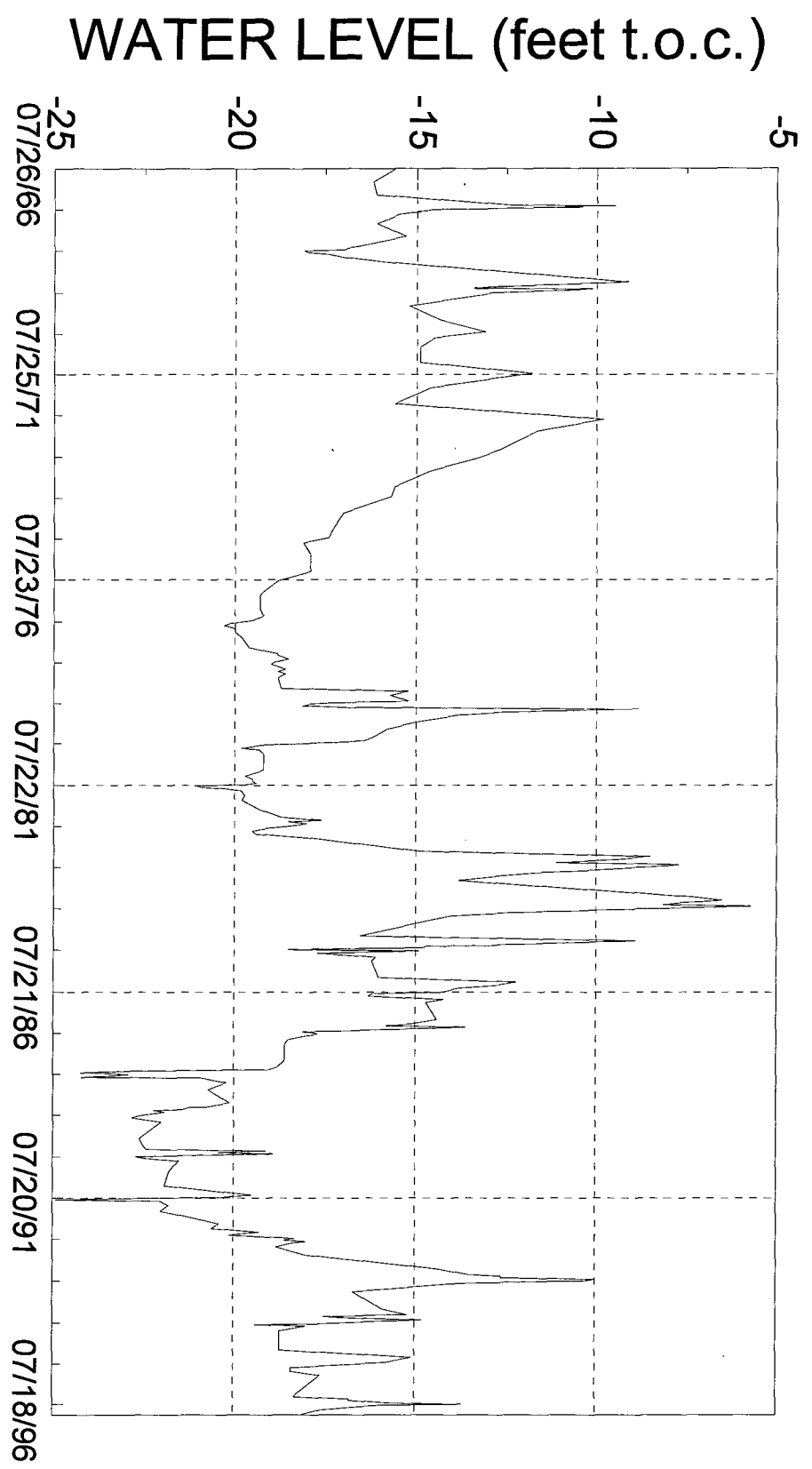
WATER RIGHTS OBSERVATION WELL

UN-77P



WATER RIGHTS OBSERVATION WELL

UN-87B



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5984-3, Marc T. Bernard**

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. 5984-3, Marc T. Bernard, 145 N Harmon Drive, Mitchell, SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 5984-3 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. The well authorized by Permit No. 5984-3 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
April 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.

April 4, 1997

Marc T. Bernard
145 N. Harmon Dr.
Mitchell, SD 57301

Dear Mr. Bernard:

Water Permit Application No. 5984-3 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

April 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. 5984-3 to be published twice. Please publish the first notice on April 10, 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 Marc T. Bernard, 145 N. Harmon Dr., Mitchell, SD 57301 (Ph # (605) 996-5980).

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. 5984-3

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 April 10, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5984-3 to Appropriate Water

Notice is given that Marc T Bernard, 145 N Harmon Dr., Mitchell SD 57301 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second from one well (Missouri Elk Point) 100 feet deep located in the SW 1/4 NE 1/4 Section 30 to irrigate 40 acres located in the SW 1/4 NE 1/4 Section 30; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5984-3 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 April 28, 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)

:ss

County of Union)

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. 5984-3 To Appropriate Water

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 10 day of April, 19 97, and that the succeeding publications were

on Thursday, the 17 day of April, 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 \$33.16, 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 17 day of April, 19 97

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 5984-3 TO APPROPRIATE WATER

Notice is given that Marc T. Bernard, 145 N. Harmon Dr., Mitchell, SD 57031 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second from one well (Missouri Elk Point) 100 feet deep located in the SW1/4NE1/4 Section 30 to irrigate 40 acres located in the SW1/4NE1/4 Section 30; all in T90N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5985-3 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 hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 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

Published April 10 and 17, 1997
39-9-60 33-16





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

Marc T. Bernard
145 N. Harmon Dr.
Mitchell, SD 57301

Dear Mr. Bernard:

Enclosed is Water Permit No. 5984-3 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.



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

Date 22 Aug 97

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

FROM: Marc T. Bernard 145 N Harmon Dr
(name) (address) Mitchell, SD
Mitchell SD 57301 996-5980 57301
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5984-3.

Water Permit No. 5984-3 states that the diversion system is to be constructed by 28 Apr 2002,
(date)

28 Apr 2006.
(date)

The diversion system was completed on 15 Jul 97.
(date)

Applying the water to beneficial use was completed on 15 Jul 97.
(date)

You may schedule an inspection so that the Water License may be issued.

Marc T. Bernard
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 15, 1998

5984-3

Marc T Bernard
145 N Harmon Dr
Mitchell, SD 57301

Dear Mr. Bernard:

I am contacting you in regard to your Water Permit No. 5984-3. Last October, I mailed the annual irrigation questionnaire to you and the post office ended up returning the mail marked "temporarily away". This morning, I spoke with Mrs. Bernard who indicated you were out of the country during that time frame.

I am hoping you still have last year's records for any irrigation that may have been done. Enclosed is the 1997 irrigation questionnaire and a postage paid envelope for your reply. If you need assistance in completing the form, please give me a call and I can step you through the process.

Thank you in advance for your assistance.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
605 773-3352

enclosures

REPORT ON INSPECTION OF PERMIT NO. 5984-3, Marc T. Bernard

DATE OF INSPECTION: August 10, 1999

Other permit(s) associated with the project: none

Contact Person & Address: Marc T. Bernard, 145 N. Harmon Drive, Mitchell SD 57301

DIVERSION POINT LEGAL LOCATION: Approximately 1960 feet south and 1960 feet west of the NE corner (SW ¼ NE ¼) of Section 30, T90N, R48W

WATER SUPPLY Source: Missouri: Elk Point Aquifer

Well Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore Drilling</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>120</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>60</u> feet |
| 3) Type <u>sch 40</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>pvc (slot size 50)</u> | 2) Length <u>60</u> feet |
| 3) Static water level <u>19</u> feet | |

Pump:

- | | |
|---------------------------------------|-------------------|
| 1) Make <u>Grundfos submersible *</u> | 2) Model <u>?</u> |
| 3) Size <u>?</u> | 4) Capacity GPM |

Motor:

- | | |
|-----------------------------------|-----------------------|
| 1) Make | 2) Model No. <u>_</u> |
| 3) Horsepower rating <u>15</u> hp | |

* - this is all the information known by Pierre Bernard (brother) who I talked to prior to viewing the system

SYSTEM TYPE:

Center pivot:

- | | |
|-------------------------------------|-----------------------------------|
| 1) Make <u>T-L Irrigation</u> | 2) Overall length <u>680</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>_</u> GPM |

CHEMIGATION EQUIPMENT:

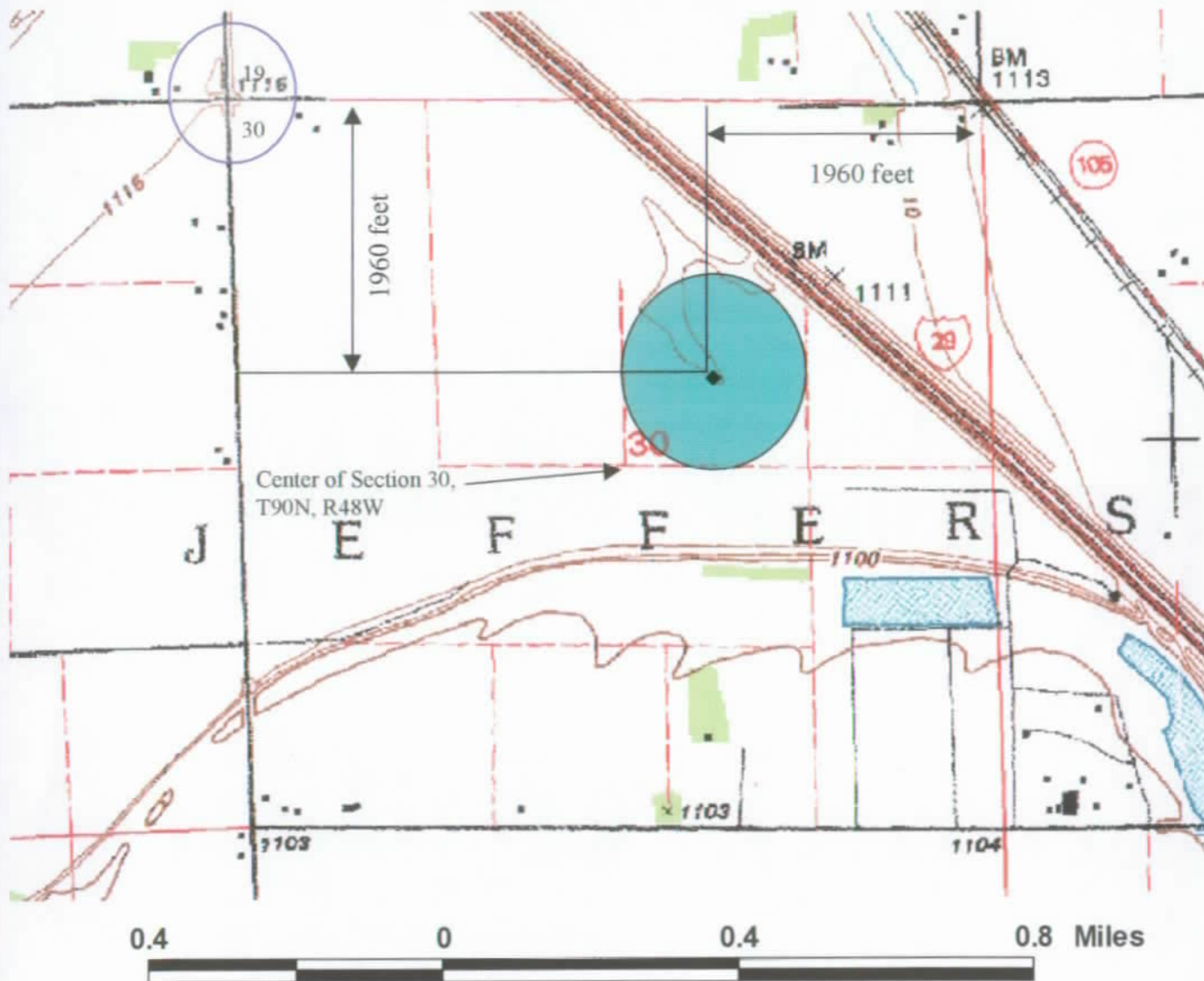
- 1) Does chemigate No
- 2) Main line check valve #
- 3) Inspection port/air relief #
- 4) Low pressure drain #
- 5) Discharge is 20' from source #
- 6) Interlock type #
- 7) Injection pump type #
- 8) Injection check valve #
- 9) Injection line check valve or positive displacement pump #
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules #
- 11) Comments : #

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
 - 2) All structures, wells and lands on map yeas
 - 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period construction period is not up but the system has been completed and was ready for a licensing investigation.
- ◆ The annual irrigation questionnaire states a diversion rate of 250 gpm. The well was test pumped at 275 gpm according to the drillers well completion report.
 - ◆ System is run off of electricity.
 - ◆ Well is located at the center of the pivot.
 - ◆ The system was not running at the time of the licensing investigation.
 - ◆ This system is hydraulic wheel driven. The number on the hydraulic unit is Weg – 0596 AH93664
 - ◆ The concrete pad at the center pivot has the date 4/26/97 etched into it.

Water Permit No. 5984-3

Marc Bernard



Location SW1/4 NE1/4 Section 30,
T90N, R48W

Eric Gronlund
Water Rights Program
Licensing Investigation - August 10, 1999

Permit No. 5984-3
Missouri 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

On, **August 10, 1999**, I made a thorough examination of the water use system constructed by **Marc T. Bernard** of **145 N. Harmon Drive, Mitchell SD 57301** holder of Permit No. **5984-3**, bearing the priority of **March 17, 1997** authorizing the diversion of **0.57** cu. ft. per second of **Missouri:Elk Point Aquifer** 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 120 foot well drilled into the Missouri Elk Point Aquifer

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

Well is located very near the center of the pivot

C. Works used to apply water to beneficial use:

A three tower T-L Irrigation center pivot

The system is in the following condition **excellent**. The point of diversion is located **Approximately 1960 feet south and 1960 feet west of the NE corner (SW ¼ NE ¼) of Section 30, T90N, R48W.** The works are capable of diverting and conveying to the place of use **0.57** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

SW ¼ NE ¼ Section 30, T90N, R48W – 36 acres

comprising a total of **36** acres of land and the license should be issued for **0.51** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**


Eric S. Gronlund
Natural Resources Engineer
DENR, Water Rights Program

August 25, 1999
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 1, 1999

5984-3

Marc T. Bernard
145 N. Harmon Drive
Mitchell, SD 57301

Dear Mr. Bernard:

The investigation of your water use system was conducted on August 10, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5984-3. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

NE 416201

Pierre, _____ September 23, 19 99

RECEIVED OF Marc Bernard, 145 N. Harmon Drive, Mitchell, SD 57301
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. 5984-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

DEC 6 1999

5984-3

Marc T. Bernard
145 N. Harmon Drive
Mitchell, SD 57301

Dear Mr. Bernard:

Enclosed is Water License No. 5984-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416201 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. 5984-3, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5984-3

(1) Marc T Bernard, 145 N Harmon Drive, Mitchell SD 57301 made Application No. 5984-3, March 17, 1997 for a water permit to divert 0.57 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5984-3, with a priority date of March 17, 1997 was approved April 28, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2002 and for the application to beneficial use of said water on or before April 28, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 25, 1997. The *Notice* stated the diversion system was completed on July 15, 1997 and the water placed to beneficial use on July 15, 1997.

(2) It is certified that the permit holder 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 0.51 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,960 feet south and 1,960 feet west from the northeast corner of Section 30-T90N-R48W (SW ¼ NE ¼).

(3) The permit holder 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 30-T90N-R48W SW ¼ NE ¼ 36 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marc T Bernard, 145 N Harmon Drive, Mitchell SD 57301 the holder and/or owner of Water Right No. 5984-3 is issued a license to appropriate water, the right to use 0.51 cubic feet of water per second from groundwater (one well) with a priority date of March 17, 1997 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 Water Right No. 5984-3 and subject to South Dakota State Law.



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

DEC 6 1999

date





5984-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: MARC T BERNARD, 145 N HARMON DR, MITCHELL, SD 57301

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5984-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5984-3 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 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5984-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

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:

MARC T BERNARD
145 N HARMON DR
MITCHELL SD 57301

2. Article Number (Copy from service label)

7000 0600 0026 9814 2683

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

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

Marilyn Bernard 1-20-01

C. Signature

X Marilyn Bernard

☐ Agent

☐ Addressee

D. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2001

5984-3

Marc T Bernard
145 N Harmon Dr
Mitchell, SD 57301

Dear Mr. Bernard:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5984-3.

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

5984-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: MARC T BERNARD, 145 N HARMON DR, MITCHELL, SD 57301 6243

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5984-3 & 8181-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5984-3 & 8181-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 5984-3 & 8181-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CWNXRL**

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.

5984-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

5984-3
8181-3

Marc T Bernard
145 N Harmon Dr
Mitchell SD 57301-6243

Dear Marc:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5984-3 and Water Permit No. 8181-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, next year's forms will be sent directly to Adam Bernard. Thank you for following up on getting the forms submitted. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us