

WATER PERMIT NO. 5992-3

Name of Applicant: Mike & Steve Allard

Address: RR 1 Box 38A, Elk Point SD 57025-9717

Phone: 605 3⁵6-3175

Amount of Water Claimed: 1.24 cfs

Total Acres: 87

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 6 miles west of Jefferson

PRIORITY

Date Received: 3-6-97

Fee: \$225

Corrected Application Received: 4-10-97

Period of Annual Use: May 1 - August 31

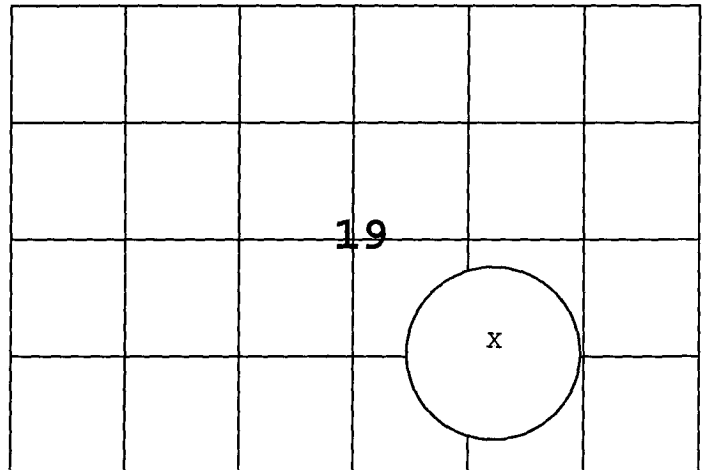
Remarks:

Diversion Point: NE 1/4 SE 1/4

Sec 19-T90N-R49W

Land to be Irrigated: SE 1/4

Sec 19-T90N-R49W



Depth of Well: 100 feet

Well Driller:

Remarks: well not drilled yet

Type of Map: aerial

Prepared by: Ron Olsen, Union Co. FSA

Reviewed and the Number Assigned on: 4-11-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5992-3**

Date of first receipt of application March 6, 1997.

Date of return to applicant for corrections, amendments or changes March 7, 1997.

Date of receipt of corrected application April 10, 1997.

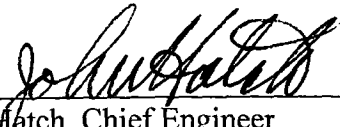
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5992-3 to Mike & Steve Allard, RR 1, Box 38A, Elk Point SD 57025-9717 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5992-3 appropriates 1.24 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE 1/4 SE 1/4 Section 19 to irrigate 87 acres located in the SE 1/4 Section 19; all in T90N-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 - August 31.
3. The date from which applicant may claim right is March 6, 1997.
4. The date of approval of Permit No. 5992-3 is June 2, 1997.
5. One-fifth of the construction is to be completed on or before December 2, 1999.
6. All construction is to be completed on or before June 2, 2002.
7. Water is to be put to beneficial use on or before June 2, 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. 5992-3 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 10 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>5992-3</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 Mike + Steve Allard ☐ Owner ☒ Tenant/Lessee Phone 605-356-2064 Steve
(check one) (check one) 605-356-3175 Mike
- Mailing Address RR1 Box 38A Elk Point, SD State SD 57025-9717
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.24 *CFS or 500 **GPM XXXX ***AF Total Acreage 87
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply 100' well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well NE 1/4 SE 1/4 Sec. 19-90-49 County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 - August 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SE 1/4 Sec 19-90-49	31.3		
SE 1/4 SE 1/4 Sec 19-90-49	25.2		
SW 1/4 SE 1/4 Sec 19-90-49	13		
NW 1/4 SE 1/4 Sec 19-90-49	17.5		

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

100 ft. well - 1000 ft. center pivot

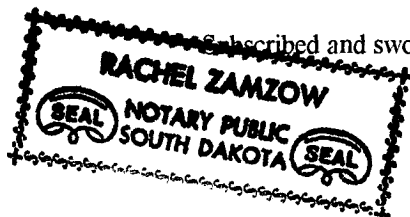
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA) ss

County of Union)

I, Mike Allard, Steve Allard, 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 Steve Allard Mike Allard
4 day of March 1997
Rachel Zamzow
Notary Public



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 19 Twp 90 Rg 49
County Union

Please mark well location with an "X"

Well Completion Date 5-20-97

North

W	E
---	---

1 Mile

Well Owner: Allard Farms
Business Name: _____
Address: Elk Point, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>sand</u>	<u>2</u>	<u>33</u>
<u>clay</u>	<u>33</u>	<u>43</u>
<u>Sand & Gravel</u>	<u>43</u>	<u>105</u>

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 900 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING: Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sch 40</u> LB/FT	<u>16</u> IN	<u>65</u> FT	<u>0</u> FT	<u>22</u> IN

GROUTING DATA

Grout Type	No. of Sacks	G. Weight	From	To
<u>bcmt</u>	<u>40</u>		<u>65</u> ft	<u>20</u> ft
<u>cmt</u>	<u>30</u>	<u>15.5</u> lb./gal	<u>20</u> ft	<u>0</u> ft

Describe grouting procedure Thence

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 40 FEET

Material PVC

Slot Size 50 Set From 105 Feet to 65 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion? ☒ Yes ☐ No

How? Cl

Laboratory sent to for water quality analysis _____

STATIC WATER LEVEL 18 F

If flowing: closed in pressure _____

GPM flow _____ through _____ inch p

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ Gf

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

29 ft. After 24 Hrs. pumped 600 GP

_____ ft. After _____ Hrs. pumped _____ GP

If pump installed, pump rate 600 GP

REMARKS

This well was drilled under license # 341

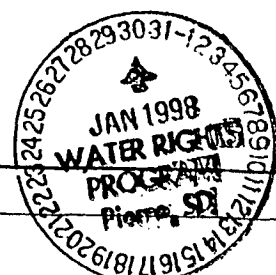
And this report is true and accurate.

Drilling firm Wetmore Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



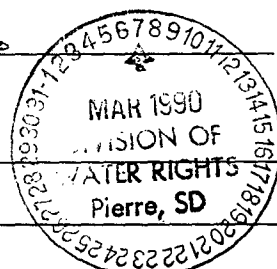
North

W

E

1 mile

Date _____



NOT TO SCALE

5922-3



RECEIPT

415264

Division of Water Rights

South Dakota Department of Environment and Natural Resources

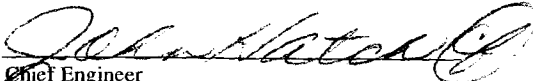
Pierre, _____ March 6, 19 97

RECEIVED OF Steve Allard, RR 1, Box 38, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5992-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1997

Mike & Steve Allard



a Permit to Appropriate Water for Irrigation.

the amount of water claimed to be 800 gallons per
er second (cfs). Under State Statutes you are allowed
is would mean that you are allowed 1.24 cfs (560
us know if you concur with this change on your

South Dakota Licensed well driller must accompany

Owners of Tract 637

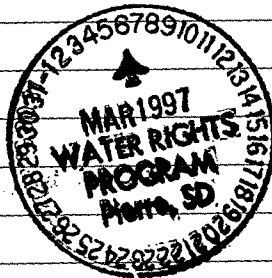
Alfred Allard

Myrtle Allard

Owners of Tract 746

Mike Allard

Steve Allard



Water Rights Program -- File Documentation

NAME: Mike Allard

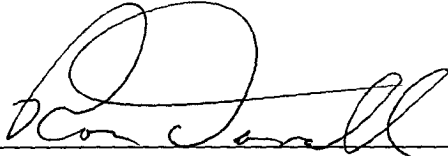
ADDRESS: RR 1, Box 38A, Elk Point SD

DATE: April 10, 1997 **COUNTY:** Union

RE: Diversion Rate and Test Hole Log

COMMENTS:

Mike Allard called in response to a March 7, 1997, letter concerning the proposed diversion rate and submission of a test hole log. Mr. Allard indicated that the diversion rate could be reduced to reflect a diversion rate of 1 cfs per 70 acres for the 87 acres listed on the application. In addition, Mr. Allard indicated that his father, Alfred Allard, had completed irrigation wells approximately 1,600 feet from his proposed well site. I informed Mr. Allard that we could use a copy of the existing well completion report provided the report was representative of the aquifer in the area of Mr. Allard's application.



Ron Duvall, Natural Resources Engineer
Water Rights Program

REPORT ON WATER PERMIT APPLICATION NO. 5992-3

for Mike and Steve Allard

April 14, 1997

Application No. 5992-3 proposes to appropriate 1.24 cfs (558 gpm) from one well approximately 100 feet deep located in the NE 1/2 SE 1/4 of Section 19 to irrigate 87 acres located the SE 1/4 of Section 19; all in T90N-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 unconfined or water table conditions in this area. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Big Sioux and Missouri Rivers, to the Big Sioux South aquifer to the north, to the Lower Missouri Vermillion aquifer to the northwest and also extends into Clay and Yankton Counties to the west. Ground water movement is generally from northwest to southeast and locally toward the Missouri River. No well log is filed with the application but a nearby irrigation well indicates fine sand and clay from 1.5-76 feet and coarse sand and gravel from 76-117 feet. This well had a static water level of 25 feet below land surface and was capable of producing 1200 gpm with 24 feet of drawdown. This results in a specific capacity of 50 gpm/ft of drawdown.

The Water Rights Program monitors 27 observation wells completed into the Missouri Elk Point aquifer in Union County. Two of these observation wells, UN-78B and UN-77O, are located within a two mile radius of this application. Observation well UN-78B is located about one and one-half miles northwest and UN-77O is located about two miles northeast of the diversion point for this application. Water levels for these well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for these two wells are included with this application.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 5369-3 with a well located about 1600 feet northwest of the well for this application. Interference is not expected to be a problem. Drawdown created by pumping is not expected to be significant at this distance. The observation well hydrographs verify this conclusion.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. Drawdown created by pumping should not be significant and interference is not a concern.
3. The well for this application must be completed in accordance with SD Well Construction Standards.
4. The production well for this application is located within one mile of the Missouri River and the stage of the river will dominate the ground water levels.



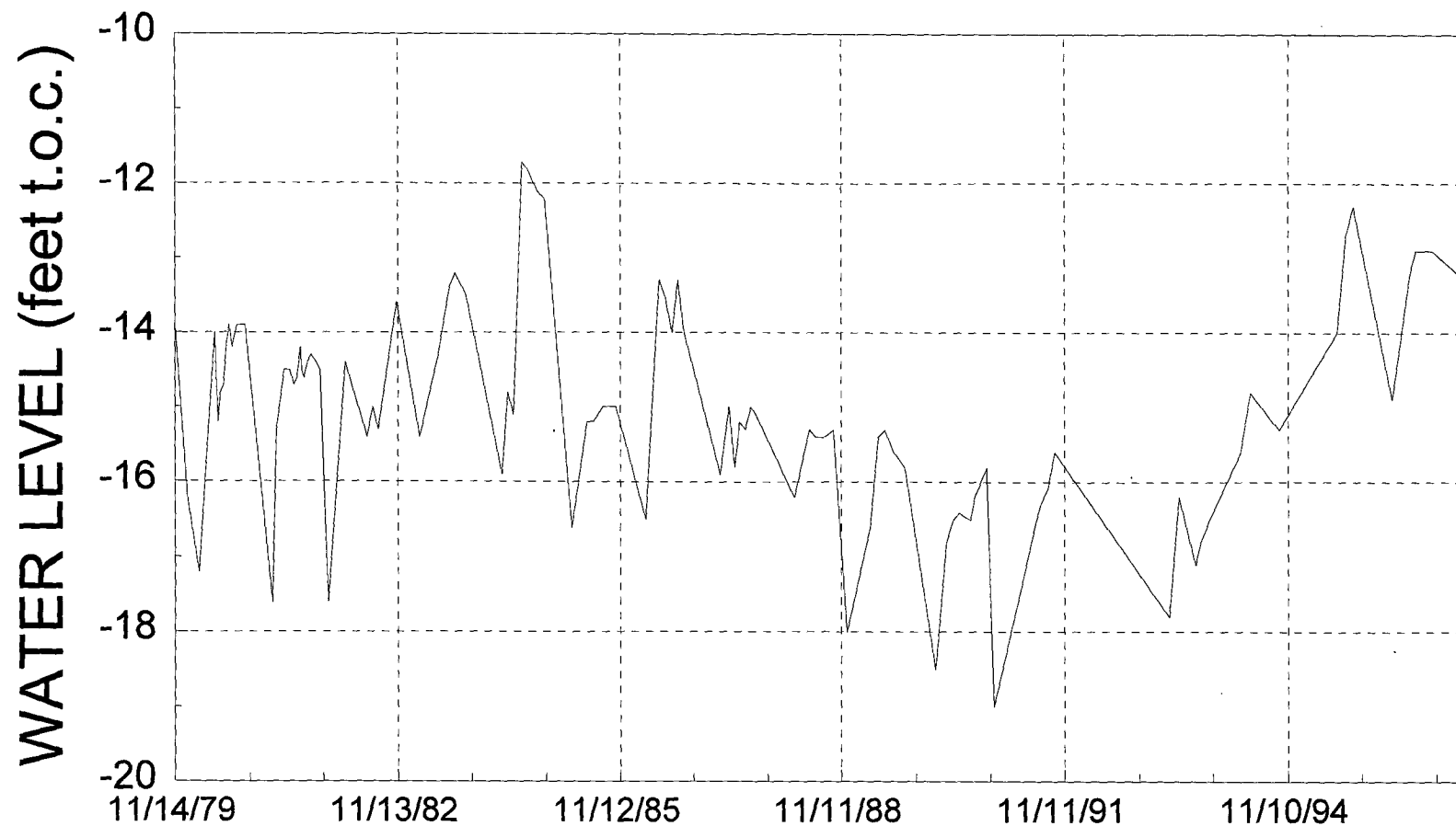
James A Goodman
Natural Resources Engineer

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water Resources Investigations Report No. 93-4195, 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-78B



WATER RIGHTS OBSERVATION WELL

UN-770



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 5992-3, Mike and Steve Allard**

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. 5992-3, Mike and Steve Allard, RR 1, Box 38A, Elk Point, SD 57025-9717.

The Chief Engineer is recommending APPROVAL of Application No. 5992-3 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. 5992-3 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
May 7, 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.

May 8, 1997

Mike and Steve Allard
RR 1, Box 38A
Elk Point, SD 57025-9717

Dear Sirs:

Water Permit Application No. 5992-3 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5992-3 to be published twice. Please publish the first notice on May 15, 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 APPLICANTS are Mike and Steve Allard, RR 1, Box 38A, Elk Point, SD 57025-9717 (Ph # (605) 336-3175).

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. 5992-3

Date _____

We are in receipt of your letter of 5/8/97 enclosing Notice of Hearing to Appropriate Water by Application No. 5992-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 15, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5992-3 to Appropriate Water

Notice is given that Mike & Steve Allard, RR 1, Box 38A, Elk Point SD 57025-9717 has filed an application for a water permit to appropriate 1.24 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE 1/4 SE 1/4 Section 19 to irrigate 87 acres located in the SE 1/4 Section 19; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5992-3 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 June 2, 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 Nos. 5989-3 and 5990-3

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 15 day of May 19 97, and that the succeeding publications were

on Thursday, the 22 day of May, 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 \$33.70, 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 22 day of May 19 97

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NOS. 5989-3 AND 5990-3 TO APPROPRIATE WATER

Notice is given that Mike and Steve Allard, RR1, Box 38A Elk Point, SD 57025-9717 has filed an application for a water permit to appropriate 1.24 cubic feet of water per second from one well (Missouri Elk Point Aquifer) approximately 100 feet deep located in the NE 1/4 SE 1/4 Section 19 to irrigate 87 acres located in the SE 1/4 Section 19, all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5992-3 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 June 2, 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 May 15 and 22, 1997.
44-10-61

33 70



Water Rights Program - File Documentation

NAME: Mike and Steve Allard

ADDRESS: RR 1 Box 38A, Elk Point SD 57025-9717

DATE: May 29, 1997 **COUNTY:** UN **TELEPHONE:** 605 336-3175

RE: Publication Notice

COMMENTS:

On May 23, 1997 we received the Affidavit of Publication for Water Permit Application No. 5992-3. The first notice of publication was not received. The legal description of the 87 acres irrigated was listed as being located in the SE 1.4 Section 19, all in T90N-R49W. The correct description should have been the SE 1/4. Also, the title of the publication notice listed incorrect permit application numbers. The errors in the publication notice have been noted. Staff does not believe the errors will invalidate the public notice.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 10 1997

Mike and Steve Allard
RR 1, Box 38A
Elk Point, SD 57025-9717

Dear Sirs:

Enclosed is Water Permit No. 5992-3 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 7-25-97

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

FROM: Mike & Steve Allard R1 Box 38 A Elk Point, SD 57025
(name) (address)

Elk Point SD 57025 605-356-2864
(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. 5992-3.

Water Permit No. 5992-3 states that the diversion system is to be constructed by June 2 ²⁰⁰² ~~1997~~, and that the water is put to beneficial use by

June 2 2006
(date)

The diversion system was completed on July 1 1997
(date)

Applying the water to beneficial use was completed on July 10, 1997
(date)

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

Mike Allard
(signature)

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5992-3

DATE OF INVESTIGATION:	August 11, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mike Allard RR 1 Box 37 Elk Point SD 57025-9717
NAME & ADDRESS OF PERMIT HOLDER	Mike and Steve Allard
DIVERSION POINT LEGAL LOCATION	<u>Approximately 1,035 feet west and 1,385 north of the SE corner (NE ¼ SE ¼) of Section 19, T90N, R49W</u>

WATER SUPPLY Source: Missouri:Elk Point Aquifer

Well Information:

- | | |
|---------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>105</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>65</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>40</u> feet |
| 3) Static water level <u>18</u> feet | |

Pump:

- | | |
|----------------------------|----------------------------|
| 1) Make <u>Submersible</u> | 2) Model # |
| 3) Size # | 4) Capacity <u>575</u> GPM |

Motor:

- | | |
|-----------------------------------|--------------|
| 1) Make | 2) Model No. |
| 3) Horsepower rating <u>20 HP</u> | |

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|---------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>995</u> feet |
| 3) Number of towers <u>5</u> | 4) End gun <u>yes (90 foot throw)</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>575</u> GPM |

CHEMIGATION EQUIPMENT: Does not Chemigate

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 construction period has not expired and the system is constructed and operational

COMMENTS

- System was operating at time of licensing investigation.
- The control box indicated the system was set to use 575 gpm to irrigate 85.6 acres
- Mr. Allard indicated that approximately 150 foot of the tree belt on the south edge of pivot has been removed

Permit No. 5992-3
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

I have this day, August 11, 1999, made a thorough examination of the water use system constructed by Mike and Steve Allard of RR 1 Box 37, Elk Point SD 57025-9717 holder of Permit No. 5992-3 bearing the priority of March 6, 1997 authorizing the diversion of 1.24 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 105 foot well with a submersible pump

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

Well is located at the pivot center

C. Works used to apply water to beneficial use:

An 5 tower Valley center pivot

The system is in the following condition excellent. The point of diversion is located approximately 1,035 feet west and 1,385 north of the SE corner (NE ¼ SE ¼) of Section 19, T90N, R49W. The works are capable of diverting and conveying to the place of use 1.28 cu. ft. per second of water which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 19, T90N, R49W

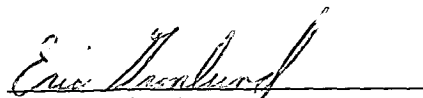
NW ¼ SE ¼	17 acres	NE ¼ SE ¼	28 acres
SW ¼ SE ¼	15 acres	SE ¼ SE ¼	26 acres

comprising a total of 86 acres of land and the license should be issued for 1.23 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: amount of water diverted is slightly over statutory limit of 1 cfs per 70 acres.

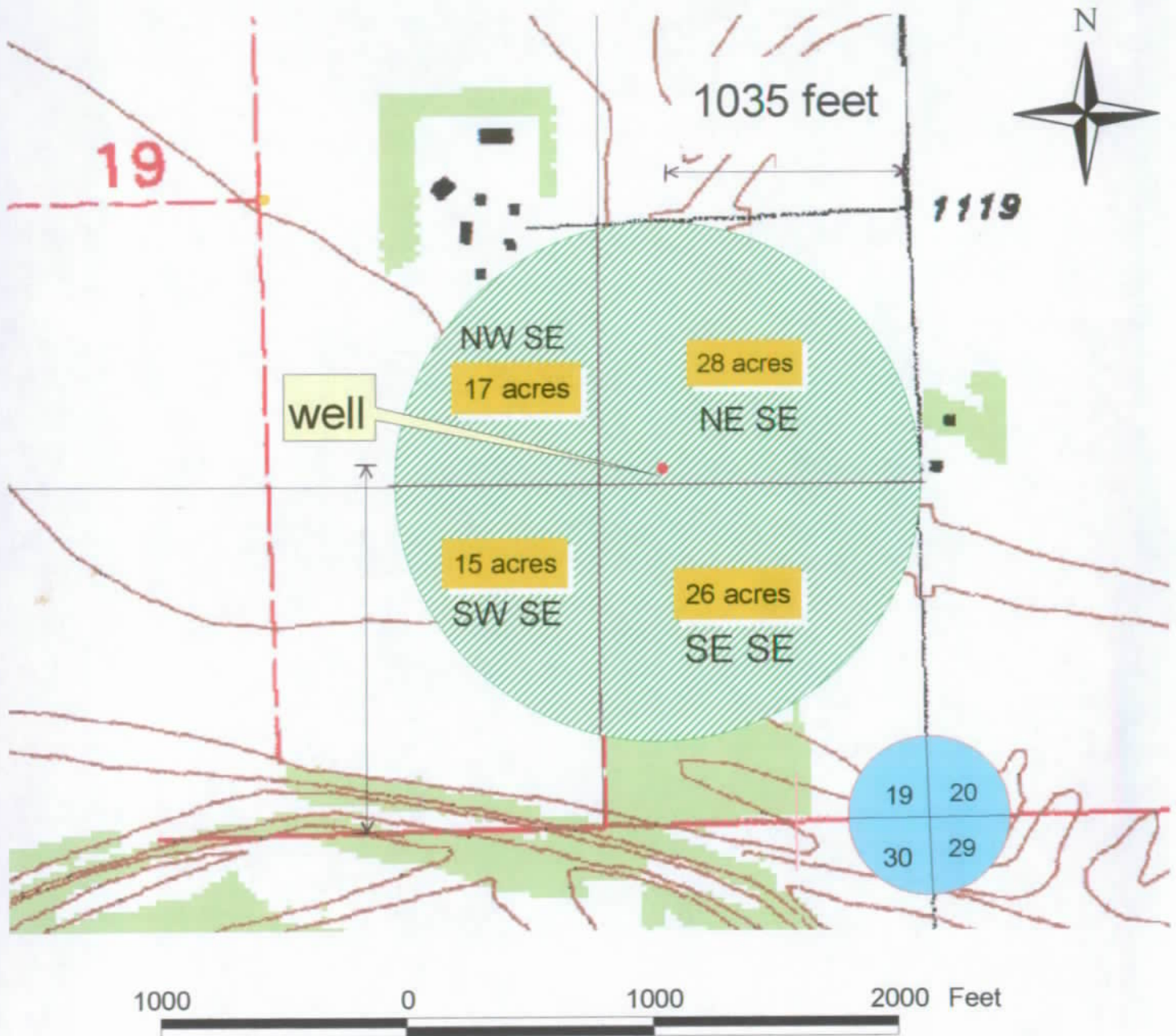
Date Report Completed: September 22, 1999



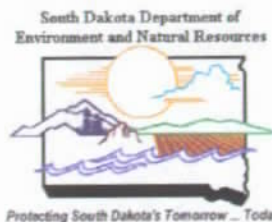
Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program



Well location - approx.
1,035 feet west & 1,385
feet north of SE corner
Section 19, T90N, R49W



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing investigation
conducted August 11, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1999

5369-3
5992-3
6047-3

Mike and Steve Allard
RR 1, Box 37
Elk Point, SD 57025-9717

Dear Sirs:

The investigation of your water use systems was conducted on August 11, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5369-3, 5992-3 and 6047-3. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

**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 numbers. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416214

Pierre, October 7, 19 99

RECEIVED OF Steve Allard, 33071 477th Ave., Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>5992-3</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
www.state.sd.us/denr

DEC 6 1999

5369-3
5992-3
6047-3

Mike Allard
33073 477th Ave.
Elk Point, SD 57025

Steve Allard
33071 477th Ave.
Elk Point, SD 57025-9717

Dear Sirs:

Enclosed are Water License Nos. 5369-3, 5992-3 and 6047-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416213, 46214 and 416215 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5369-3, 5992-3 and 6-47-3, 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 Licenses, 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. 5992-3

(1) Mike Allard, 33073 477th Ave, Elk Point SD 57025 and Steve Allard, 33071 477th Ave, Elk Point SD 57025-9717 made Application No. 5992-3, March 6, 1997 for a water permit to divert 1.24 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5992-3, with a priority date of March 6, 1997 was approved June 2, 1997 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 2, 2002 and for the application to beneficial use of said water on or before June 2, 2006.

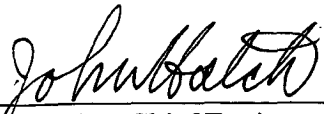
The permit holders submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on July 28, 1997. The *Notice* stated the diversion system was completed on July 1, 1997 and the water placed to beneficial use on July 10, 1997.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.23 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,035 feet west and 1,385 feet north of the southeast corner of Section 19-T90N-R49W (NE ¼ SE ¼).

(3) The permit holders have 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-T90N-R49W	NW ¼ SE ¼	17 acres
	SW ¼ SE ¼	15 acres
	NE ¼ SE ¼	28 acres
	SE ¼ SE ¼	26 acres
Total 86 acres		

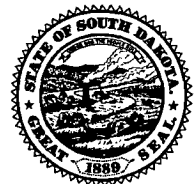
(4) Pursuant to South Dakota Water Law 46-5-30.1 Mike Allard, 33073 477th Ave, Elk Point SD 57025 and Steve Allard, 33071 477th Ave, Elk Point SD 57025-9717 the holders and/or owners of Water Right No. 5992-3 are issued a license to appropriate water, the right to use 1.23 cubic feet of water per second from groundwater (one well) with a priority date of March 6, 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. 5992-3 and subject to South Dakota State Law.



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

DEC 6 1999

date



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:

MIKE & STEVE ALLARD
33073 477TH AVE
ELK POINT SD 57025

2. Article Number (Copy from service label)

7000 0600 0026 9814 2751

COMPLETE THIS SECTION ON DELIVERY

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

Steve Allard

11/22/01

C. Signature

X

Steve Allard

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒

Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

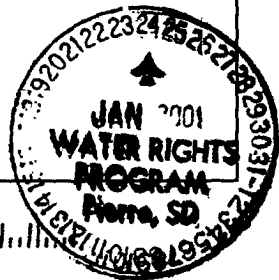
4. Restricted Delivery? (Extra Fee)

☐ Yes

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

DEPT/ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501





5992-3

**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: MIKE & STEVE ALLARD, 33073 477TH AVE, ELK POINT, SD 57025

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) 5992-3 & 6047-3. 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) 5992-3 & 6047-3 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) 5992-3 & 6047-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2001

5992-3
6047-3

Mike & Steve Allard
33073 477th Ave
Elk Point SD 57025

Dear Sirs:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 5992-3 and 6047-3.

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

If you have any questions, please contact me.

Sincerely,

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



5992-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 5, 2018

Mike & Steve Allard
33075 477th Ave
Elk Point SD 57025

RE: Address changes for Water Permit/Right Nos. 5369-3, 5992-3, 6047-3, 7011-3 & 7856-3

Dear Sirs:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires for the above referenced water permit and water rights.

The notice was originally mailed to 33073 477th Ave, Elk Point. The post office notified us that your address has changed and I will update our records accordingly.

One thing to note, Water Right No. 5369-3 is still listed as owned by Alfred Allard with you as the manager. Please let me know if this should be transferred and I can send you paperwork for that.

If you have any questions, please contact me.

Sincerely,

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

enclosures