

WATER PERMIT NO. 6047-3

Name of Applicant: Mike & Steve Allard

Address: RR Box 38A, Elk Point SD

Phone: 356-3175

Amount of Water Claimed: 2.89 cfs

Total Acres: 400 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 6 miles south of Elk Point

PRIORITY Date Received: 1-30-1998

Fee: \$350

Corrected Application Received: 2-3-1998

Period of Annual Use: May 1 - August 31

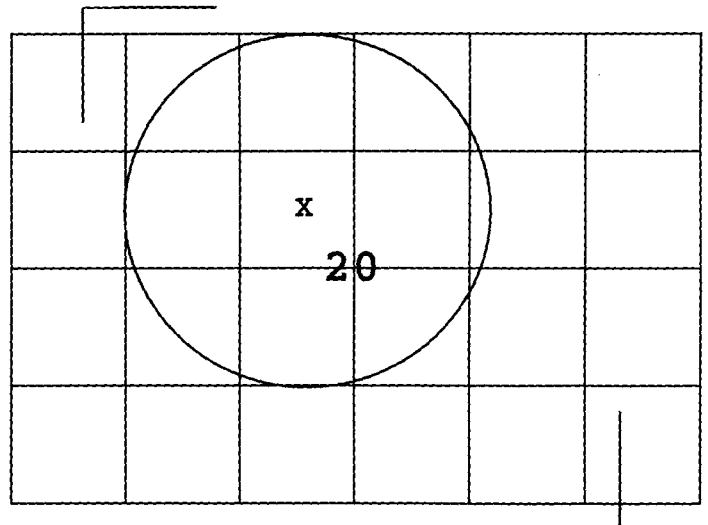
Remarks:

Diversion Point: SE 1/4 NW 1/4

Sec 20-T90N-R49W

Land to be Irrigated: N 1/2, N 1/2 S 1/2

Sec 20-T90N-R49W



Depth of Well: 110 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Audrey Morse, Union Co. FSA

Reviewed and the Number Assigned on: 2-4-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6047-3**

Date of first receipt of application January 30, 1998.

Date of return to applicant for corrections, amendments or changes February 2, 1998.

Date of receipt of corrected application February 4, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6047-3 to Mike and 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. 6047-3 appropriate 2.89 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 110 feet deep located in the SE 1/4 NW 1/4 Section 20 to irrigate 400 acres in the N 1/2, N 1/2 S 1/2 Section 20; 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 January 30, 1998.
4. The date of approval of Permit No. 6047-3 is March 23, 1998.
5. One-fifth of the construction is to be completed on or before September 23, 2000.
6. All construction is to be completed on or before March 23, 2003.
7. Water is to be put to beneficial use on or before March 23, 2007.
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. 6047-3 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
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998

date

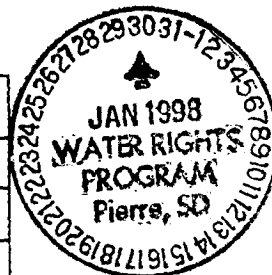


FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)

No. 6047-3 Hydrologic Unit 10170/01
Basin Missouri River
Newspaper EIK Point Leader-Courier, EIK Point, SD



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.) _____

- Name of Applicant Mike + Steve Allard ☒ Owner 605-356-3175 - Mike
Mailing Address RI Box 38A EIK Point ☐ Tenant/Lessee 605-356-2064 - Steve
(Street, RR, or Box) (check one) State SD 57025-9717
(Zip Code)
- Amount of water claimed 2.89 *CFS or 1300 **GPM 400 ***AF Total Acreage 400
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply 118' well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 NW 1/4 Sec 20
T-90N R-49W County UNION
- County or counties where water will be used Union
- Annual period during which water is to be used May 1 - August 31
- 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
NW 1/4 Sec. 20 - T90N-R49W	400		
NE 1/4			
N 1/2 SE 1/4			
N 1/2 SW 1/4			

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

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

STATE OF SOUTH DAKOTA)

County of Union ss

I, 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 Audrey L. Morse

Subscribed and sworn to before me this 28 day of January 19 98

My Commission Expires 10-27-02
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 110'
b) Casing Type PVC Diameter 16" Thickness Sch 40
c) Screen Type PVC Diameter 16" Thickness Sch 40
d) Gravel Pack Thickness 3" Length of Gravel Pack 60'
e) Depth to Top of Water Bearing Material 25
f) Depth to Water (ground surface to water level) 20

X g) Distance to nearest existing domestic well: 2065'

On applicants property ✓ On property owned by others XXXXXX

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

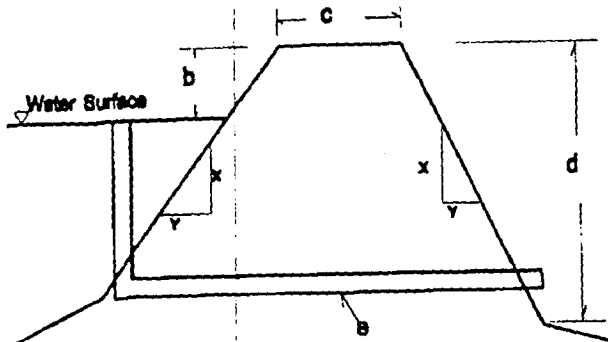
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 32" Depth 100'
b) Casing Type PVC Diameter 16" Thickness SCH 40
c) Screen Type PVC Diameter 16" Thickness SCH 40
d) Gravel Pack Thickness 3" Length of Gravel Pack 40'
e) Depth to Top of Water Bearing Material 3'
f) Depth to Water (ground surface to water level) 18'
g) Distance to nearest existing domestic well:
On applicants property 1700' On property owned by others 5000'

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) _____

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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

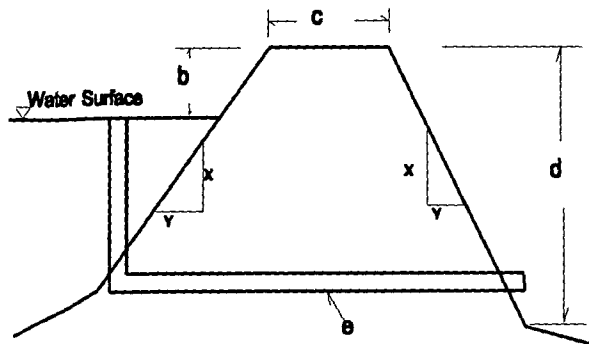
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





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

Date 5-5-98

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

FROM: Mike + Steve Allard RI Box 38 A
(name) (address)

EIK Point SD 57025-9717 605-356-2064
(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. 6047-3.

Water Permit No. 6047-3 states that the diversion system is to be constructed by 3-23-2003, and that the water is put to beneficial use by 3-23-2003.
(date) (date)

The diversion system was completed on 5-1-98.
(date)

Applying the water to beneficial use was completed on 5-1-98.
(date)

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

Mike Allard
(signature)

T-655

T-640

T-742

16.8 NHEL

NHEL

69.5

T-743

NHEL

133.7

175.5

127.7

T-2832

T-2833

T-744

NHEL

NHEL

129.0

20.0

20

159.1

NHEL

71.4

NHEL

36.4

114.5

90-49

110R

NHEL

NHEL

130.2

T-740

174.1

T-745

NHEL

110R

T-651

NHEL

130.2

18.10

37.6

0047-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

2 415626

Pierre, January 30, 19 98

RECEIVED OF Steve and Mike 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>6647-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	350	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	350 00

By _____
Chief Engineer

John H. Hatcher



Proud to be farmer-owned™

Owners of lands to be irrigated

Glenn Rosenbaum

Ronald Rosenbaum

Calvin Rosenbaum

Verna Rosenbaum

Myron Allard

Alfred Allard

Mike Allard

Steve Allard





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1998

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

Dear Mr. Allard:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application, a well log or driller's test log signed by a South Dakota Licensed well driller should accompany the application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

File No.

Water Rights Program - File Documentation

NAME: Mike Allard

ADDRESS: RR 1 Box 38A, Elk Point

DATE: 2-4-1998 **COUNTY:** Union **TELEPHONE:** 605 356-3175

RE: Pending application

COMMENTS:

Mike Allard called regarding my February 2, 1998 letter and the required well log or driller's test log. Mr. Allard told me they just had another permit approved (5992-3) 1/2 mile from this proposed project. He also said there was observation wells nearby. I told him it would be all right to use the well log from Permit No. 5992-3.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1998

Glenn Rosenbaum
102 W. Washington
Elk Point, SD 57025

Ronald Rosenbaum
RR 1, Box 36A
Elk Point, SD 57025

Calvin Rosenbaum
RR 1, Box 440
Jefferson, SD 57038

Alfred Allard
RR 1 Box 37
Elk Point, SD 57025

Alfred Allard
RR 1 Box 400
Jefferson, SD 57038

Dear Gentleman:

Please find enclosed a copy of a report, recommendation and notice of hearing on a water right permit application filed by Mike and Steve Allard. On their application they listed you as owners of the property. For that reason, I am sending you this information on their application.

Let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: Steve Allard, RR 1 Box 38A, Elk Point, SD 57025-9717



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

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

Dear Sirs:

Enclosed is Water Permit No. 6047-3 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.

REPORT ON WATER PERMIT APPLICATION NO. 6047-3

for Mike and Steve Allard

February 19, 1998

Application No. 6047-3 proposes to appropriate 2.89 cfs from one well approximately 110 feet deep located in the SE 1/4 NW 1/4 of Section 20 to irrigate 400 acres in the N 1/2, N 1/2 S 1/2 of Section 20; all in T90N-R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is composed of unconsolidated materials that range from a fine sand to very coarse gravel. The aquifer is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The aquifer is hydraulically connected to the Missouri and Big Sioux Rivers, to the Big Sioux South aquifer to the north, to the Lower Vermillion Missouri aquifer to the northwest and also extends laterally into Clay County to the west. Although, no well or test hole data was submitted with this application there is sufficient information available from surrounding irrigation wells, Water Right drilling and observation wells and information from the county study (Niehus, 1995) to evaluate this application. The Missouri aquifer underlies 180 square miles and contains and estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1995). The Missouri Elk Point and the Missouri aquifer of Niehus are the same for purposes of this report.

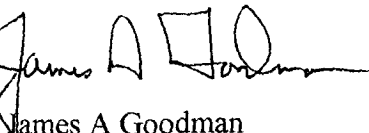
The Water Rights Program monitors 24 observation wells completed into the Missouri Elk Point aquifer in Union County. Two of these wells, UN-77O and UN-78B, are located about one and one-half mile north and two miles west of this application, respectively. Water levels for these wells show good response 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, 1998). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation wells within a one mile radius of this application. Interference is not a concern. Drawdown created by pumping is not significant at this distance. Many of these existing wells have been in use for many years with no apparent problems. The observation well hydrographs also show that drawdown has not been significant.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions and drawdown is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

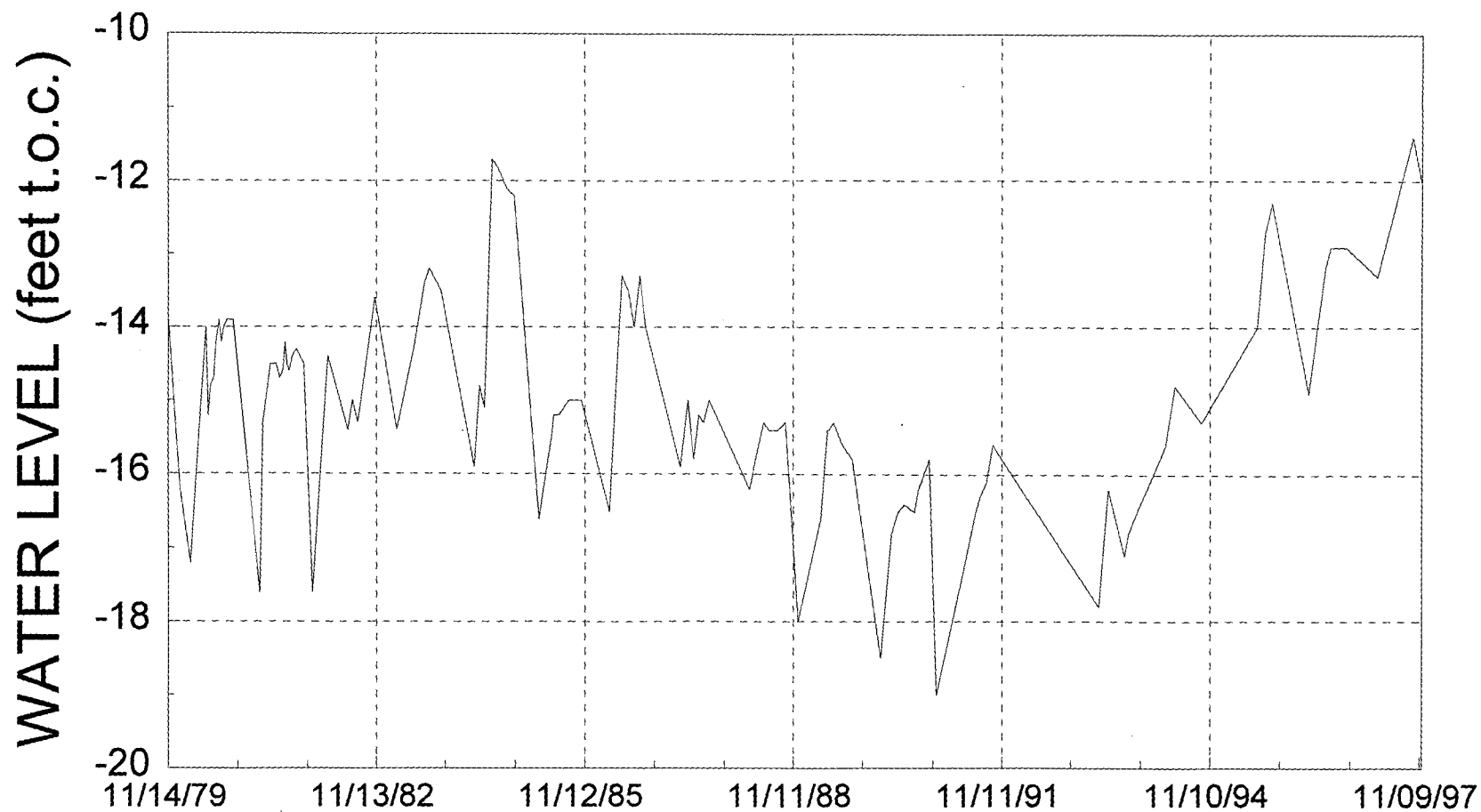
BIBLIOGRAPHY

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

Water Rights, 1998, Unpublished Observation Well Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

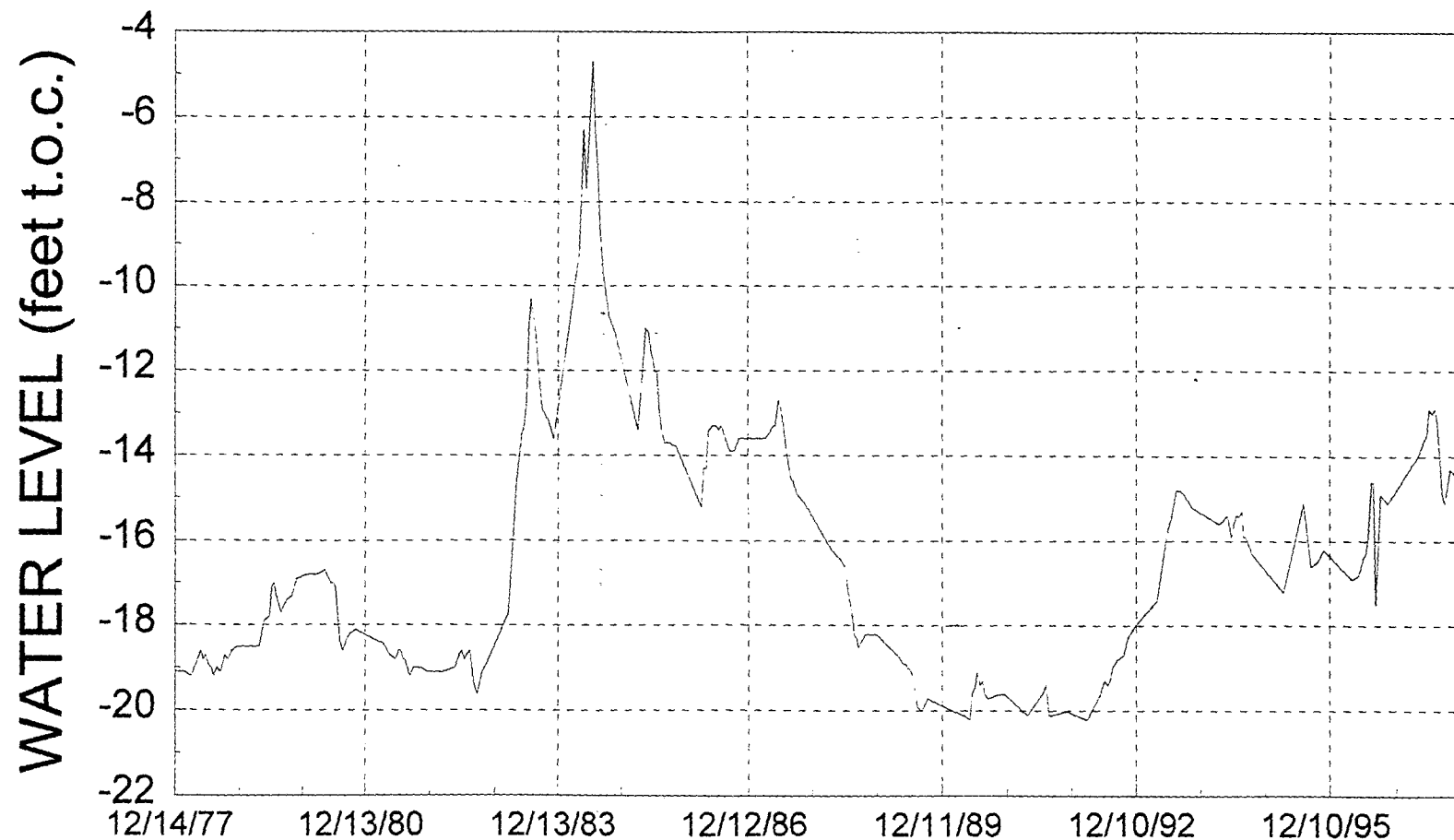
WATER RIGHTS OBSERVATION WELL

UN-78B



WATER RIGHTS OBSERVATION WELL

UN-770



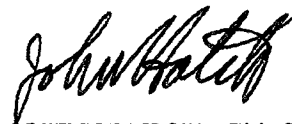
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6047-3, Mike and Steve Allard**

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. 6047-3, Mike and Steve Allard, RR 1 Box 38A, Elk Point, SD 57025-9717.

The Chief Engineer is recommending APPROVAL of Application No. 6047-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6047-3 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
February 23, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 24, 1998

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

Dear Sirs:

Water Permit Application No. 6047-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Elk Point Leader-Courier printed at Elk Point, SD (Ph # (605) 356-2632). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1998

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6047-3 to be published twice. Please publish the first notice on March 5, 1998, 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) 356-3175).

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. _____

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 March 5, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6047-3 to Appropriate Water

Notice is given that Mike and Steve Allard, RR 1 Box 38A, Elk Point SD 57025-9717 have filed an application for a water permit to appropriate 2.89 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 110 feet deep located in the SE 1/4 NW 1/4 Section 20 to irrigate 400 acres in the N 1/2, N 1/2 S 1/2 Section 20; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6047-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 23, 1998.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SSI, Danielle Wilkinson

certify that the attached printed Notice was taken

from the Leader-Courierprinted and published in Elk PointCounty of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 5, 1998March 12, 1998Cost of Printing 34.49Danielle Wilkinson
(Signature)Clerk
(Title)3-12-98
(Date Signed)
**NOTICE OF APPLICATION
NO. 6047-3 TO
APPROPRIATE WATER**

Notice is given that Mike and Steve Allard, RR 1 Box 38A, Elk Point SD 57025-9717 have filed an application for a water permit to appropriate 2.89 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 110 feet deep located in the SE1/4NW1/4 Section 20 to irrigate 400 acres in the N1/2, N1/2S1/2 Section 20; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6047-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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 March 5 and 12, 1998
34-4-60

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6047-3

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 2,180 feet east and 1,980 south of the NW corner (SE ¼ NW ¼) of Section 20, T90N, R49W</u>

WATER SUPPLY Source: Misouri: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>#</u> | 2) Model <u>#</u> |
| 3) Size <u>#</u> | 4) Capacity <u>1300</u> GPM |

Motor:

- | | |
|-----------------------------------|--------------------------------------|
| 1) Make <u>US Electric</u> | 2) IDl No. <u>6234A-A07A118R002M</u> |
| 3) Horsepower rating <u>60</u> hp | |

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|---------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1962</u> feet |
| 3) Number of towers <u>11</u> | 4) End gun <u>yes (91 foot throw)</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>1300</u> GPM |

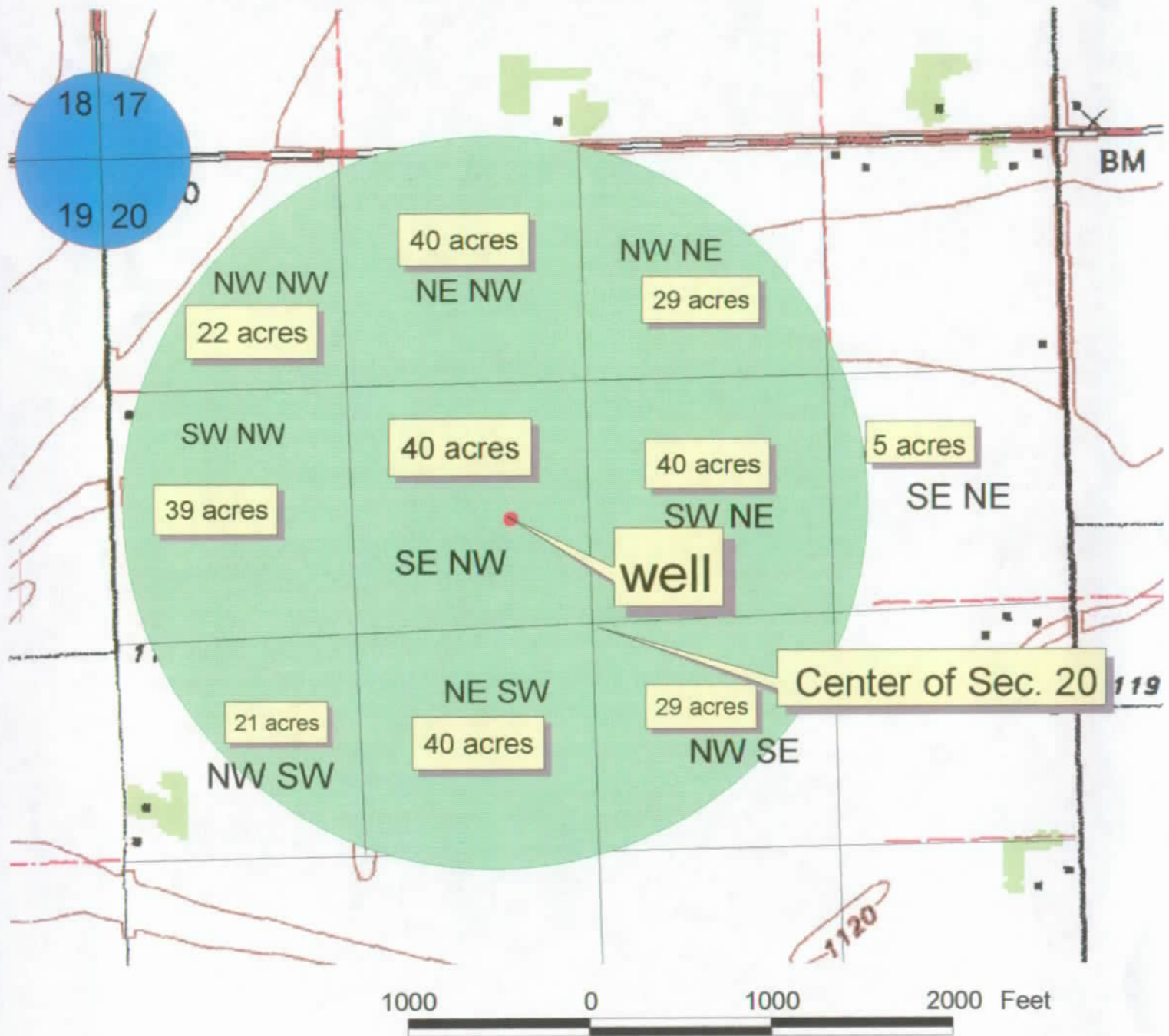
CHEMIGATION EQUIPMENT: Does not Chemigate

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

- End gun shuts down for road and for the farm yard located in the SW ¼ NW ¼



Well is located approximately 2,180' east & 1,980' south of the NW corner of Section 20, T90N, R49W



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

Eric Gronlund

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

Permit No. 6047-3
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. **6047-3** bearing the priority of **January 30, 1998** authorizing the diversion of **2.89** 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 U.S. Electric 60 HP motor with a 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 11 tower Valley center pivot

The system is in the following condition **excellent**. The point of diversion is located **approximately 2,180 feet east and 1,980 south of the NW corner (SE ¼ NW ¼) of Section 20, T90N, R49W**. The works are capable of diverting and conveying to the place of use **2.89** 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 20, T90N, R49W

NW ¼ NW ¼	22 acres	NW ¼ NE ¼	29 acres
SW ¼ NW ¼	39 acres	SW ¼ NE ¼	40 acres
NE ¼ NW ¼	40 acres	SE ¼ NE ¼	5 acres
SE ¼ NW ¼	40 acres	NW ¼ SE ¼	29 acres
NW ¼ SW ¼	21 acres	NE ¼ SW ¼	40 acres

comprising a total of **305** acres of land and the license should be issued for **2.89** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **September 22, 1999**



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program



**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

NE 416215

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>6047-3</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

Chief Engineer

Jake 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

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. 6047-3

(1) Mike Allard, 33073 477th Ave, Elk Point SD 57025 and Steve Allard, 33071 477th Ave, Elk Point SD 57025-9717 made Application No. 6047-3, January 30, 1998 for a water permit to divert 2.89 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6047-3, with a priority date of January 30, 1998 was approved March 23, 1998 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 23, 2003 and for the application to beneficial use of said water on or before March 23, 2007.

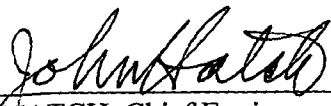
The permit holders submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 6, 1998. The *Notice* stated the diversion system was completed on May 1, 1998 and the water placed to beneficial use on May 1, 1998.

(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 2.89 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 2,180 feet east and 1,980 feet south of the northwest corner of Section 20-T90N-R49W (SE ¼ NW ¼).

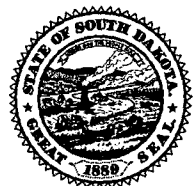
(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 20-T90N-R49W					
NW ¼ NW ¼	22 acres	NW ¼ NE ¼	29 acres	NW ¼ SW ¼	21 acres
SW ¼ NW ¼	39 acres	SW ¼ NE ¼	40 acres	NE ¼ SW ¼	40 acres
NE ¼ NW ¼	40 acres	SE ¼ NE ¼	5 acres		
SE ¼ NW ¼	40 acres			NW ¼ SE ¼	29 acres
Total 305 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. 6047-3 are issued a license to appropriate water, the right to use 2.89 cubic feet of water per second from groundwater (one well) with a priority date of January 30, 1998 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. 6047-3 and subject to South Dakota State Law.


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

DEC 6 1999
date





6047-3

**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



6047-3
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,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures