

WATER PERMIT NO. 6139-3

Name of Applicant: Ray Farms, Tom Ray

Address: 307 Kurtz Dr, Box 151, Kingsley IA 51028

Phone: ⁷¹²
701 378-2536

Amount of Water Claimed: 1.77 cfs Total Acres: 115

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System: NA

Location: 2 miles west of Elk Point

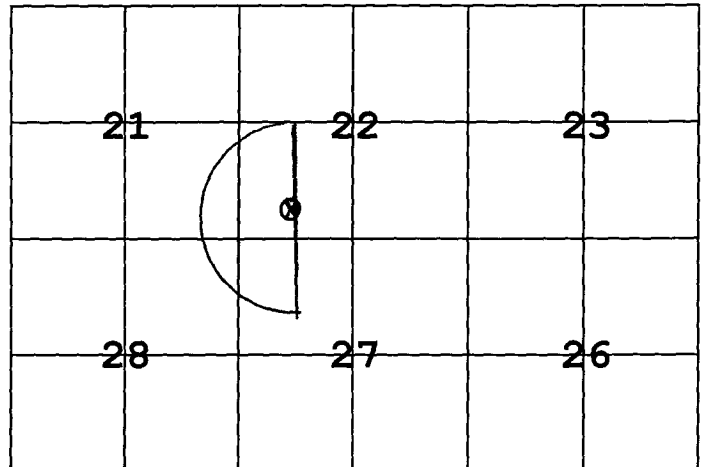
PRIORITY Date Received: 4-26-1999 Fee: \$225

Corrected Application Received: Period of Annual Use: June 1 – Sept 30

Remarks:

Diversion Point: S ½ SW ¼ Sec 22-T91N-R50W

Land to be Irrigated: W ½ SW ¼ Sec 22,
W ½ NW ¼ Sec 27, E ½ SE ¼ Sec 21, NE ¼ NE ¼
Sec 28; all in T91N-R50W



Depth of Well: 90 feet

Well Driller: Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Larry Wilcox, ASCS

Reviewed and the Number Assigned on: 4-27-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6139-3**

Date of first receipt of application April 26, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6139-3 to Ray Farms, Tom Ray, 307 Kurtz Dr, Box 151, Kingsley IA 51028 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. 6139-3 appropriates 1.77 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 90 feet deep located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 to irrigate 115 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; all in T91N-R50W. Portions of the land to be irrigated in Sections 21 and 28 will overlap areas authorized for irrigation under Water Permit Nos. 3679-3 and 3680-3.
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: June 1 – September 30.
3. The date from which applicant may claim right is April 26, 1999.
4. The date of approval of Permit No. 6139-3 is June 23, 1999.
5. One-fifth of the construction is to be completed on or before November 23, 2001.
6. All construction is to be completed on or before June 23, 2004.
7. Water is to be put to beneficial use on or before June 23, 2008.
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. SDCL 46-5-6 allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires. Therefore, Permit No. 6139-3 authorizes a maximum diversion rate of 1.77 cfs for irrigation of 115 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

AUG 6 1999
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>6139-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>EIK Point Leader Courier, EIK Point, SD</u>

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Tom Ray RAY FARMS Phone 1-712-378-2536
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 307 KURTZ DR. Box 151 Kingsley State IOWA 51028
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 1.77 *CFS or 800 **GPM 115 acres ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) S1/2 SW1/4 SEC 22
Twp 91 Rg 50 County _____
- County or counties where water will be used Union
- Annual period during which water is to be used June 1 - Sept 30
- 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
W1/2 SW1/4 Sec. 22	125		
W1/2 NW1/4 Sec. 27			
E1/2 SE1/4 Sec. 21			
NE1/4 NE1/4 Sec. 28			

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

STATE OF SOUTH DAKOTA) SS

County of Union

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)

I, Thomas M. Ray,

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

Signed

Thomas M. Ray

Subscribed and sworn to before me this 19th day of April, 1999

James Colwell
Notary Public

My commission expires: 8-7-2003

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416109

Pierre, _____ April 27, 1999

RECEIVED OF Thomas M. or Marsha L. Ray, P.O. Box 151, Kingsley, IA 51028
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6132-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6132-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

By John Hatch
Chief Engineer

1998

NOT TO SCALE

22

T-913

UNION COUNTY ASCS. OFFICE
Post Office Box 460
ELK POINT, SOUTH DAKOTA 57025

Garry D. Wilcox
CED

NHEL

Pivot

91-50

91-50

2127.3

NHEL
CRP

25.5

27

6139-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 1997

Tom Ray
Ray Farms
Box 151
Kingsley IA 51028

Dear Mr. Ray:

Forest Walter, with this office indicated you called concerning your water permits. A review of our files indicates that Ray Farms has two water permits.

Water Permit No. 3679-3 authorized 2.7 cubic feet of water per second (cfs) from one well located in the SW 1/4 NE 1/4 Section 28 to irrigate 240 acres located in the NE 1/4 and E 1/2 NW 1/4 Section 28; all in T91N-R50W.

Water Permit No. 3680-3 authorized 2.7 cfs from one well located in the NW 1/4 SE 1/4 Section 21 to irrigate 320 acres located in the S 1/2 NE 1/4, SE 1/4, SE 1/4 NW 1/4 and E 1/2 SW 1/4 Section 21; all in T91N-R50W.

These two permits were transferred to Ray Farms on September 26, 1996. I could not find a permit or application for the well located in the SW 1/4 Section 22-T91N-R50W. Enclosed are the necessary forms and instruction sheet for applying for an *Application for a Permit to Appropriate Water for Irrigation*.

Mr. Ray, if you have any questions or need assistance in completing the application, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1999

Tom Ray
Ray Farms
Box 151
Kingsley IA 51028

Dear Mr. Ray:

On November 13, 1997, we wrote you concerning an irrigation well located in the SW ¼ Section 22-T91N-R50W (copy enclosed). What is the status of water use from this well?

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. You can not legally divert water for irrigation use without a water permit.

Mr. Ray, please take the time to let us know that status of water use from this well. If you need an another set of forms and instruction sheet for applying for an *Application for Permit to Appropriate Water Within the State of South Dakota for Irrigation* or if you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

Water Rights Program - File Documentation

NAME: Tom Ray, Ray Farms

ADDRESS: Box 151, Kingsley IA

DATE: 4-28-1999 **COUNTY:** Union **TELEPHONE:** 712-378-2536

RE: Pending application

COMMENTS:

I called Tom Ray about his pending application. Mr. Ray indicated he is going to use a wind shield pivot that covers 115 acres all located in T91N-R50W as follows:

W ½ SW ¼ Sec 22

W ½ NW ¼ Sec 27

E ½ SE ¼ Sec 21

NE ¼ NE ¼ Sec 28

The pivot will overlap some acreage in the Sections 21 and 28 already covered under Water Permit Nos. 3679-3 and 3680-3.

Mr. Ray further stated that the location marked "pivot" on the aerial photo is the location of the well.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1999

Ray Farms
Tom Ray
307 Kurtz Dr., Box 151
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed is Water Permit No. 6139-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6139-3

for Ray Farms, Tony Ray

May 6, 1999

Application No. 6139-3 propose to appropriate 1.77 cfs (795 gpm) from one well approximately 90 feet deep located in the S 1/2 SW 1/4 of Section 22 to irrigate 115 acres located in the W 1/2 SW 1/4 of Section 22, W 1/2 NW 1/4 of Section 27, E 1/2 SE 1/4 of Section 21 and the NE 1/4 NE 1/4 of Section 28; all in T91N-R50W in Union County. Portions of the land to be irrigated in Sections 21 and 28 will overlap areas authorized for irrigation under Water Permit Nos. 3679-3 and 3680-3.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). Note, that the Missouri Elk Point aquifer is the equivalent of the Missouri aquifer as described in the Niehus report. The aquifer is hydraulically connected to the Lower Vermillion Missouri and Big Sioux South aquifer to the north, extends into Clay County to the west and to the Missouri River to the south. Ground water movement is from north to south and toward the Missouri River in this area.

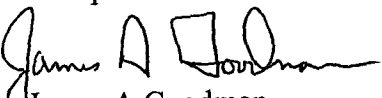
The Water Rights Program does monitor an observation well UN-77L which is completed into the Missouri Elk Point aquifer and located about one mile north of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1999). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing irrigation wells about one-half mile from this application. Drawdown will be created by pumping but this is not expected to be significant at the distance between wells. Interference is not a concern. There have been irrigation wells in this area for many years with no apparent problems. The observation well hydrograph verifies this conclusion.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions at this site. Drawdown created by pumping will not be significant and interference is not a concern.
3. The well authorized by the application has been constructed in accordance with SD Well Construction Standards.
4. This application requests slightly more than one cfs per 70 acres for a diversion rate. The additional rate of diversion can be approved because of the method of irrigation. This is proposed to be a center pivot which will operate in a wind shield wiper fashion.

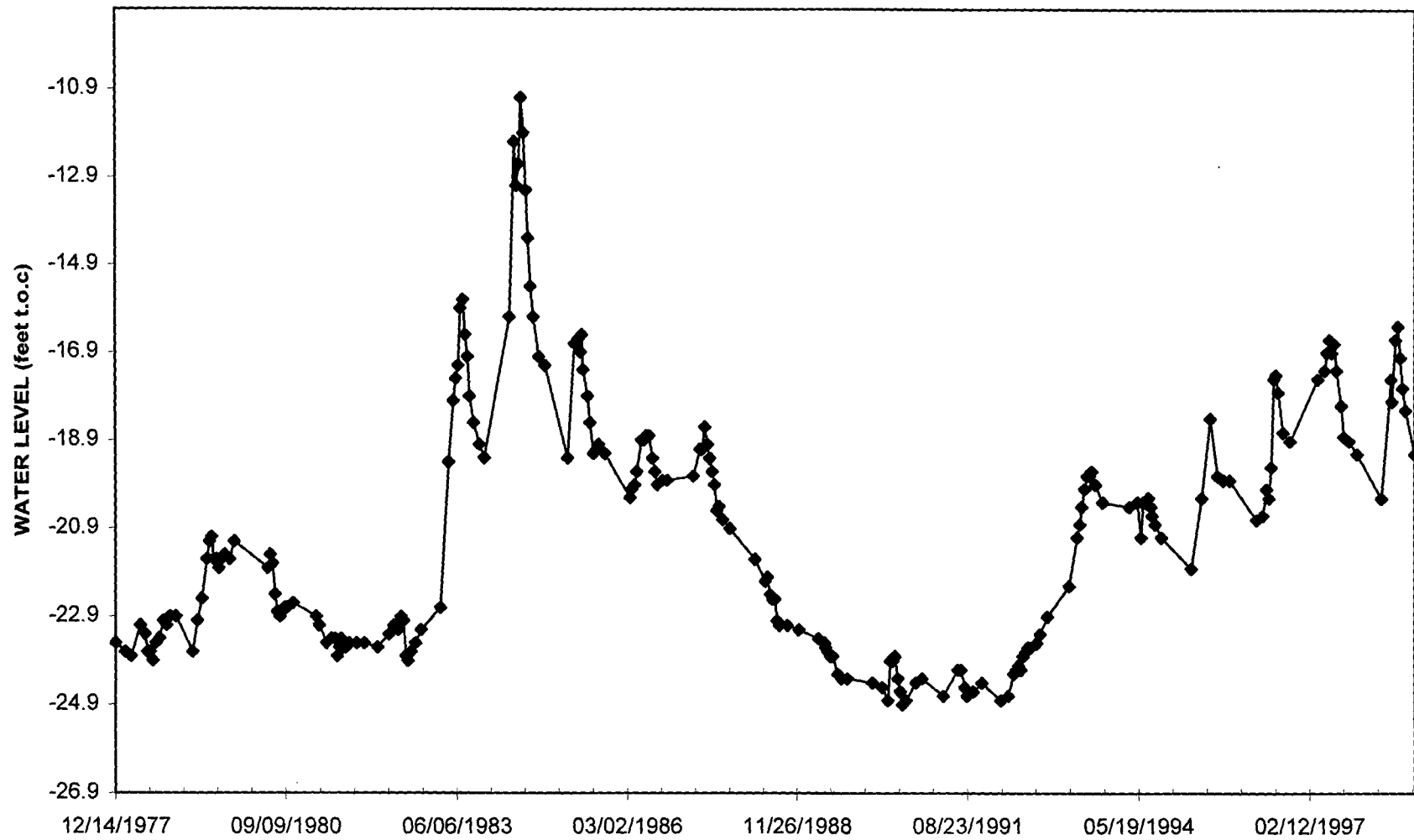

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 1999, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
UN-77L**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6139-3, Ray Farms**

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. 6139-3, Ray Farms, c/o Tom Ray, 307 Kurtz Drive, Box 151, Kingsley, Iowa 51028.

The Chief Engineer is recommending APPROVAL of Application No. 6139-3 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. SDCL 46-5-6 allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires. Therefore, Permit No. 6139-3 authorizes a maximum diversion rate of 1.77 cfs for irrigation of 115 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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 12, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 13, 1999

Ray Farms
%Tom Ray
307 Kurtz Dr., Box 151
Kingsley, IA 51028

Dear Mr. Ray:

Water Permit Application No. 6139-3 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
www.state.sd.us/denr

May 13, 1999

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6139-3 to Appropriate Water to be published twice. Please publish the first notice on May 20, 1999, 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 Ray Farms, %Tom Ray, 307 Kurtz Dr., Box 151, Kingsley, IA 51028 (Ph # (712) 378-2536).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6139-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 13, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6139-3 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 20, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6139-3 to Appropriate Water

Notice is given that Ray Farms, Tom Ray, 307 Kurtz Dr., Box 151, Kingsley IA 51028 has filed an application for a water permit to appropriate 1.77 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 90 feet deep located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 to irrigate 115 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; all in T91N-R50W. Portions of the land to be irrigated in Sections 21 and 28 will overlap areas authorized for irrigation under Water Permit Nos. 3679-3 and 3680-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6139-3 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 7, 1999.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 25, 1999

Ray Farms
%Tom Ray
307 Kurtz Dr., Box 151
Kingsley, IA 51028

Dear Mr. Ray:

Water Permit Application No. 6139-3 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). A copy of the notice is enclosed. The recommendation of the Chief Engineer and report on the application were previously sent to you. 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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 25, 1999

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6139-3 to Appropriate Water to be published twice. Please publish the first notice on June 3, 1999 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 Ray Farms, %Tom Ray, 307 Kurtz Dr., Box 151, Kingsley, IA 51028 (Ph # (712) 378-2536).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6139-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of May 25, 1999 enclosing Notice of Hearing to Appropriate Water by Application No. 6139-3 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 June 3, 1999 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6139-3 to Appropriate Water

Notice is given that Ray Farms, Tom Ray, 307 Kurtz Dr., Box 151, Kingsley IA 51028 has filed an application for a water permit to appropriate 1.77 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 90 feet deep located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 to irrigate 115 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; all in T91N-R50W. Portions of the land to be irrigated in Sections 21 and 28 will overlap areas authorized for irrigation under Water Permit Nos. 3679-3 and 3680-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6139-3 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 23, 1999.

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) SS

I, Kelly Kruthoff

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 3, 1999

June 10, 1999

Cost of Printing \$ 39.61

Kelly Kruthoff
 (Signature)

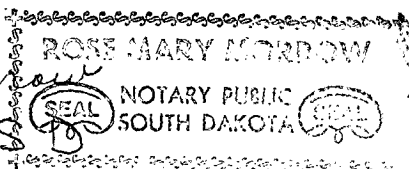
Editor

(Title)

6/9/99

(Date Signed)

Rose Mary Morrow
 Notary Public, \$



**NOTICE OF APPLICATION
 NO. 6139-3 TO
 APPROPRIATE WATER**

Notice is given that Ray Farms, Tom Ray, 307 Kurtz Dr., Box 151, Kingsley, IA 51028 has filed an application for a water permit to appropriate 1.77 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 90 feet deep located in the S1/2 SW1/4 Section 22 to irrigate 115 acres located in the W1/2 SW1/4 Section 22, W1/2 NW1/4 Section 27, E1/2 SE1/4, Section 21 and the NE1/4 NE1/4 Section 28; all in T91N-R50W. Portions of the land to be irrigated in Sections 21 and 28 will overlap areas authorized for irrigation under Water Permit Nos. 3679-3 and 3680-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6139-3 because 1) unappropriated water is available, 2) existing rights will not be lawfully 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 (605-733-3352)" 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 23, 1999.

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: June 3 & 10, 1999
 22-4

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

Date Aug 11 - 99

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

FROM: Ray Farms Tom Ray
(name)

307 KURTZ DR.
(address)

Kingsley Ia. 50028 1-712-328-2536
(city, state, zip) (phone)



I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6138-3 states that the water use system is to be constructed by Aug 1 (date), and water is to be put to beneficial use by Aug 1 (date).

The water use system was completed on June 18 (date).

Applying the water to beneficial use was completed on June 18 (date).

You may schedule an investigation so that the water license may be issued.

Thomas M. Roy
(signature)





December 7, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Tom Ray
302 Kurtz Drive
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are three partially completed application forms and an instruction sheet. You will not have to provide maps as stated in item 2.), on the instruction sheet. I have already prepared the maps. The enclosed copies of the maps are yours to keep.

Inspections of Permit Nos. 3679-3, 3680-3 and 6139-3 found additional acres being irrigated and additional water use to what is authorized. Permit No. 3679-3 authorizes the irrigation of 240 acres and the use of 2.7 cubic feet per second (cfs) or 1,215 gallons per minute (gpm) of water. The investigation found a center pivot that irrigates 300 acres and uses 4.44 cfs or 2,000 gpm of water. The maximum amount of water that can be applied to land is 1 cfs per 70 acres. For 300 acres the total allowed would be 4.29 cfs or 1930 gpm. A water permit application is needed for the additional 60 acres and 1.59 cfs or 715 gpm.

Permit No. 3680-3 authorizes the irrigation of 320 acres of land and the use of 2.7 cfs or 1,215 gpm of water. The investigation found a cornering center pivot that irrigates 326 acres and uses 4.44 cfs or 2,000 gpm of water. A water permit application is needed for the additional 6 acres and 1.74 cfs or 785 gpm.

Permit No. 6139-3 authorizes the irrigation of 115 acres of land and the use of 1.77 cfs or 796 gpm of water. The investigation found a ½ center pivot that irrigates 142 acres and uses 2.0 cfs or 900 gpm of water. A water permit application is needed for the additional 27 acres and 0.23 cfs or 104 gpm.

Each of the applications requires a \$150.00 application fee and an additional \$50.00 is needed for the inspection/licensing fee (\$200.00 per application). This fee will cover the inspection/licensing fee for the new application and the existing permit. Once the new application is approved the two permits will be licensed together. This will be done for each new application and corresponding existing permit.

If you have any question, please feel free to contact me at (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6179-3
6180-3
6181-3

MAY 12 2000

Ray Farms
%Tom Ray
307 Kurtz Drive
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are Water Permit and Water License Nos. 6179-3, 6180-3 and 6181-3. These are the final water right documents completing your process of obtaining a Water Right

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. 6179-3, 6180-3 and 6181-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of No. 3679-3 are incorporated into Water License No. 6179-3, the applicable portions of No. 3680-3 are incorporated into Water License No. 6180-3, and the applicable portions of No. 6139-3 are incorporated into Water License No. 6181-3.