

WATER PERMIT NO. 6198-3

Name of Applicant: Matt Bowen / Donna Bowen

Address: 706 N Monroe, Pierre SD 57501 Phone: 224-6937

Amount of Water Claimed: 3.56 cfs Total Acres: 340

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: approximately 20 miles southeast of Pierre

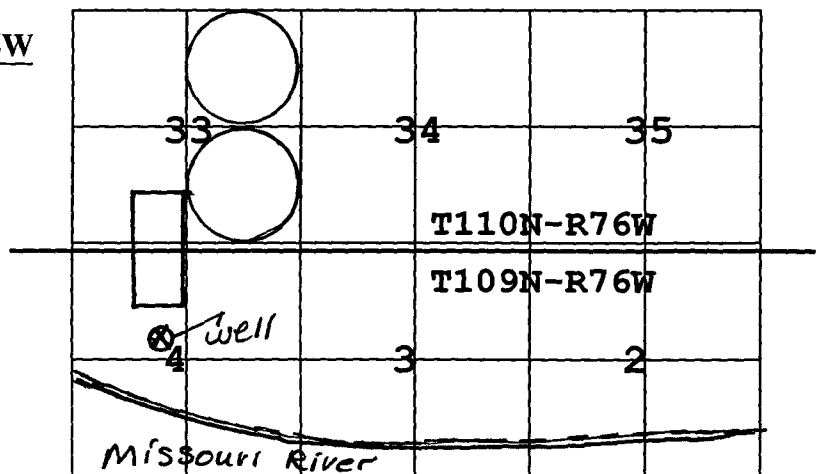
PRIORITY Date Received: 5-4-2000 Fee: \$325

Corrected Application Received:: Period of Annual Use: May 1 - September

Remarks: Lands originally irrigated from the Missouri River under Water Right No. 4710-3 which was cancelled when div pt was abandoned

Diversion Point: SE ¼ NW ¼ Sec 4-T109N-R76W

Land to be Irrigated: E ½, SE ¼ SW ¼ Sec 33-T110N-R76W and NE ¼ NW ¼ Sec 4-T109N-R76W



Depth of Well: 47 feet

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map: topo

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 5-4-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6198-3**

Date of first receipt of application May 4, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6198-3 to Matt Bowen / Donna Bowen, 706 N Monroe, Pierre SD 57501 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6198-3 appropriates 3.56 cubic feet of water per second from one well (Missouri: Pierre Aquifer) 47 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W to irrigate 340 acres located in the E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33-T110N-R76W and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is May 4, 2000.
4. The date of approval of Permit No. 6198-3 is July 31, 2000.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 25 2000

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6198-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal, Pierre 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.)
CHANGE OF WATER SOURCE

- Name of Applicant MATT BOWEN/DONNA BOWEN Phone 224-6937
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 706 N MONROE, PIERRE State SD
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 3.56*CFS or 1600**GPM ***AF Total Acreage 340
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply SHALLOW WATER WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 109
1 WELL IN SE 1/4 NW 1/4 SEC 4 DEGREY TOWNSHIP 109 N
R76W. County HUGHES
- County or counties where water will be used HUGHES
- Annual period during which water is to be used MAY 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
<u>E 1/2 SEC. 33-T109N-R76W</u>	<u>260</u>		
<u>SE 1/4 SW 1/4 SEC. 33-T109N-R76W</u>	<u>40</u>		
<u>NE 1/4 NW 1/4 SEC 4-</u>	<u>40</u>		
<u>T109N-R76W</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
2-Center pivots in E 1/2 Sec. 33 and use laterals for rest.

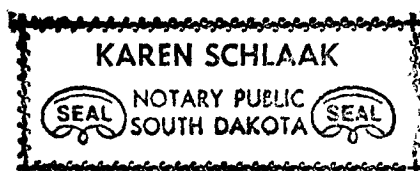
STATE OF SOUTH DAKOTA) SS
County of HUGHES

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, DONNA C. BOWEN, 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.

Applicant's signature Donna C Bowen

Subscribed and sworn to before me this 4th day of May 2000



Karen Schlaak
Notary Public signature
KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 50'
- b) Casing Type PVC Diameter 16" Thickness 1/4"
- c) Screen Type STAINLESS STEEL Diameter 16" Thickness 1/4"
- d) Gravel Pack COURSE Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
- On applicants property 500 yds On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

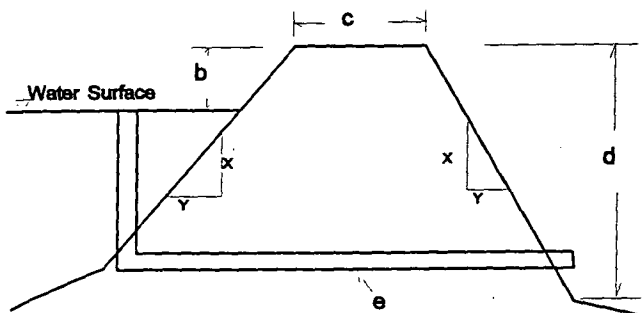
3. Dugout Information

- 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.

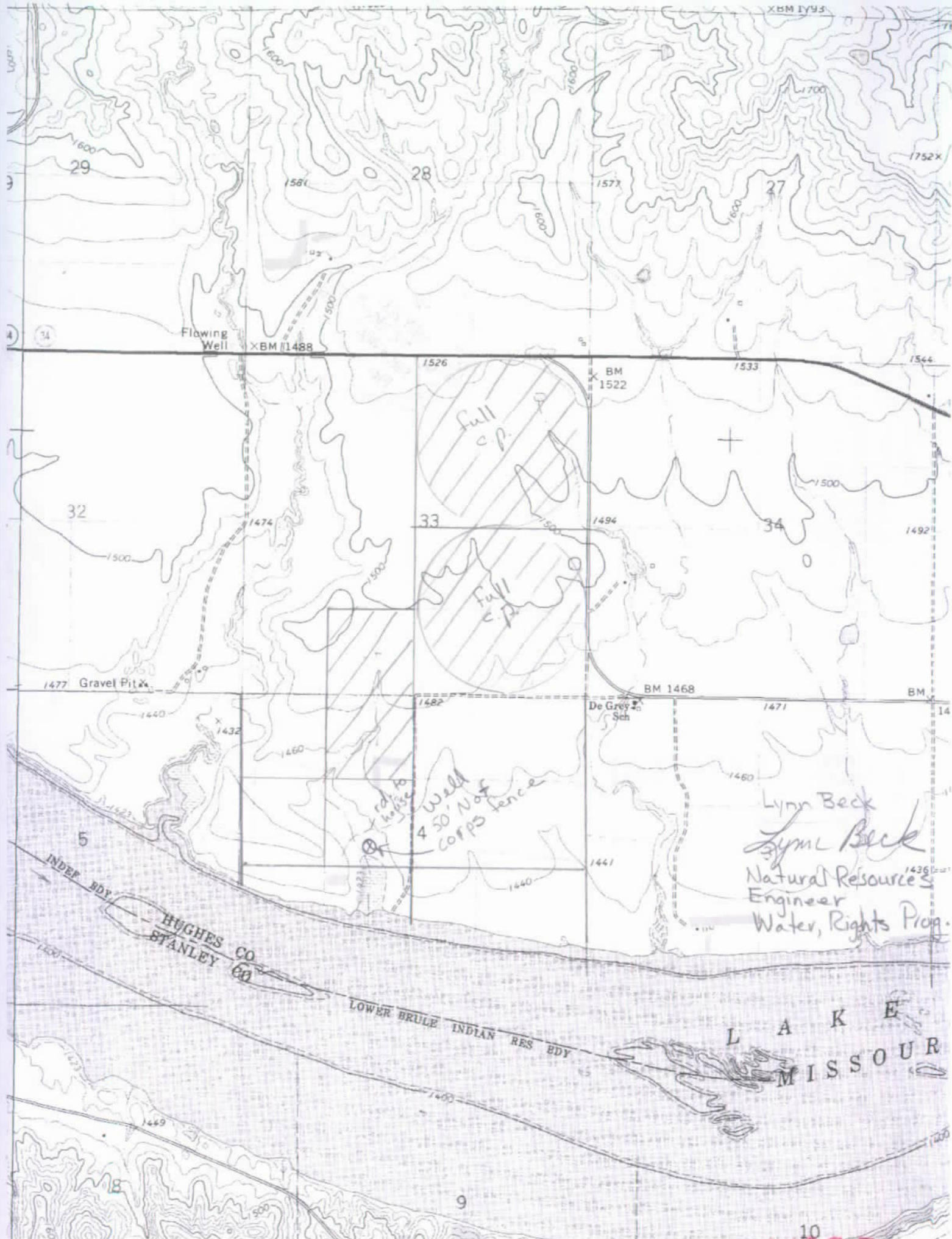
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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

07-92

Date:



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 6198-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of \$2.50 applied towards

Fee for Print Copy of Map application fee for

Fee for Certifying No. 6198-3

Fee for KS 5/4/2000

(Any Other Work Provided by Law)

Total

By _____

Chief Engineer

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

N2 416497

Pierre, _____ May 4, 2000

RECEIVED OF Donna Ewen, 706 N. Monroe, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>0017</u> to Appropriate Water, to construct and to put water to beneficial use _____	322	50
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	322 50

By *Dr. Cand E. E. E.*
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: **Matthew Bowen, Water Permit Nos. 2044A-3 & 4710-3 and
Water Right No. 2044-3**

ADDRESS: **21457 Sturgeon Road, Pierre, SD 57501** COUNTY: **Hughes**

DATE: **July 31, 1996** TELEPHONE: **224-2496**

RE: **Cancellation of Water Permit Nos. 2044A-3 & 4710-3 and Water Right No. 244-3**

COMMENTS:

I stopped by Matt Bowen's place to check on the status of Water Permit No. 2044A-3 which had been suspended for failure to submit 1995 irrigation questionnaire and to conduct the licensing investigation for Water Permit Nos. 2044A-3 and 4710-3. I found Mr. Bowen in his equipment yard.

Mr. Bowen stated that he no longer irrigated from the Missouri River. The diversion from the river was labor intensive due to fluctuating water levels, siltation and algae growth. Mr. Bowen drilled a well to supply irrigation water to supply the two center pivots located in the E1/2 Section 33, T110N, R76W and the acreage irrigated in the SE1/4 SW1/4 Section 33, T110N, R76W and the E1/2 NW1/4 Section 4, T109N, R76W. Mr. Bowen stated that the well produced approximately 1,500 gpm and that the water quality was more suitable for irrigation.

Mr. Bowen knew that he needed to obtain a water permit for the well. He has not had time to complete the application forms which he has at home. I told him the a water permit is required to have a legal right to the use of the water. I stated that if he had some free time I could assist him complete the application. He was busy trying to get the equipment operational at that time. I told him when he had some free time he could stop in the office and I would assist him. He indicated that he will get the application completed within the next few months.

I asked whether he was planning of keeping the Missouri River source as a back-up. He said that was not his intention. He stated that the diversion point at the river was partially dismantled. I told him the if he had no plan to irrigate from the Missouri River, then Water Permit Nos. 2044A-3, 4710-3 and Water Right No. 2044-3 may be cancelled. He plans only to use the well and said that Missouri River permits/rights probably should be cancelled.

I explained that he'd be receiving notice of the cancellation of these permits/rights from the Missouri River. I told him a copy of those notices will also be sent to his mother, Donna Bowen.

I did not conduct any further investigation of the well or irrigation system because he was rushed for time. Finally, I told him to get the application from the well in ASAP and that if I can be of assistance to let me know.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: *Eric Stenlund*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 1996

Matt Bowen
21457 Sturgeon Road
Pierre, SD 57501

Dear Mr. Bowen:

I am writing regarding the well you developed to irrigate acreage once irrigated from the Missouri River. The later part of July I met with you at your equipment yard and we discussed your irrigation system. You indicated the Missouri River diversion point is abandoned and that a well now serves as the water source for your irrigation system.

The water rights from the Missouri River were canceled based on our conversation. I explained that a new water right permit is required for the well as the water source. You indicated that you would be filing an application for the well. To date, we have not received an application for the well.

I am enclosing the forms for filing for a water permit from the well. A water permit from the well is necessary to have a legal right to the use of the water for irrigation.

When calculating the application filing fee, you have \$50 that was submitting for the licensing of Permit No. 4710-3. Since Water Permit No. 4710-3 was canceled the \$50 can apply towards the new application.

Please let me know if I may be of assistance in helping you complete the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 1996

Matt Bowen
21457 Sturgeon Road
Pierre SD 57501

Dear Mr. Bowen:

On October 7, 1996, you were notified that a water permit is necessary for the well that now serves as the water source for your irrigation system (copy enclosed). This land was originally permitted with the Missouri River as the water source. Those permits have since been canceled. To date, we have not received a response regarding this application.

Obtaining a water permit 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.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, a water permit is required prior to using water.

If you have any questions or need help completing the application, please contact Eric Gronlund or 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

February 18, 1997

Matt Bowen
21457 Sturgeon Road
Pierre, SD 57501

Dear Mr. Bowen:

I am writing regarding the well you developed to irrigate acreage once irrigated from the Missouri River. Your irrigation water right permits from the Missouri River have been canceled based on the abandonment of the river diversion. A well now serves as the water source for your irrigation system.

A new water right permit is required for the well as the water source for irrigation. You indicated last fall that you would be filing an application for the well. To date, we have not received an application for the well.

I am again enclosing the forms for filing for a water right permit from the well. A water right permit for irrigation water use from the well is necessary to have a legal right to the use of the water.

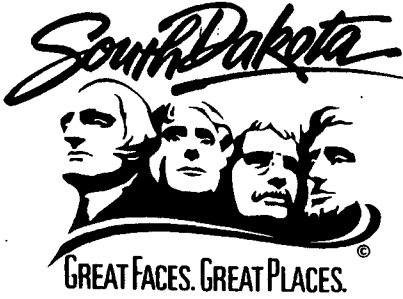
This winter has understandably kept you very busy and I'm sure the last thing on your mind in February is irrigation. However, I urge you to complete the application and file for the necessary irrigation water right permit. You will then have the necessary permit next summer when you need to irrigate.

Please let me know if I may be of assistance in helping you complete the application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1997

Matt Bowen
21457 Sturgeon Road
Pierre, SD 57501

Dear Mr. Bowen:

Last July I met with you in your equipment yard to discuss water rights for your irrigation system. At that time you stated the Missouri River intake had been abandoned and a new well is being used for the system's water supply. I explained that a new water right permit is necessary for this change of water source. Since that time I have sent you three letters urging you to file the necessary application. To date, I have not received a response from you.

A water right permit for the well must be obtained in order to have a legal right to the use of water for irrigation. I am requesting that you file the necessary water right permit application by April 31, 1997.

Mr. Bowen, we will enforce South Dakota state law and prohibit irrigation on land that is not properly permitted. Please be advised that Water Right Program staff are routinely in the field conducting investigations during the irrigation season. The Chief Engineer will issue an order to discontinue the use of water if irrigation is taking place without a water right. Failure to comply with this order will result in this matter being referred to the Attorney General's office for enforcement.

I am again enclosing the application form for filing for a water right permit.

Sincerely,


Eric Gronlund
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

Donna Bowen
706 N. Monroe Ave.
Pierre, SD 57501

Dear Ms. Bowen:

I am writing in regard to property you own east of Pierre. A portion of this property is set up for irrigation, however water rights are not currently in place to appropriate water for the irrigation of the land.

In 1996 staff from the Water Rights Program met with Matt Bowen and discussed water rights for irrigation on property that you own. At that time Mr. Bowen stated that the Missouri River intake had been abandoned and a new well was used for the irrigation system's water supply. Based on this discussion the Missouri River water rights were cancelled after notice was given to you. It was explained that a new water right permit is necessary for this change of water source. Since that time four letters have been sent to Mr. Bowen urging him to file the necessary application. To date the Water Right Program has not received a response. For this reason I am now writing to you, the landowner, in an effort to resolve this issue.

A water right permit for the well must be obtained in order to have a legal right to use of the water for irrigation. Obtaining a permit ultimately benefits you by protecting your right to use water. I am requesting that you or Mr. Bowen file the necessary water right permit application by May 15, 2000.

South Dakota state law prohibits irrigation on land that is not properly permitted. Please be aware that Water Rights Program staff are routinely in the field conducting investigations during the irrigation season. As Chief Engineer, I will issue an order to discontinue the use of water if irrigation is taking place without a water right. Failure to comply with such an order would be turned over to the Attorney General's office for enforcement.

I am enclosing the application forms for filing for a water right permit. We have on file a receipt for \$52.50 from you for the licensing and transfer of ownership of a permit that was cancelled. This amount will be applied toward your new application. If assistance is needed to fill out the forms, please contact Lynn Beck at (605) 773-3352, she will be happy to help.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6198-3, Matt Bowen and Donna Bowen**

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. 6198-3, Donna Bowen or Matt Bowen, 706 N. Monroe Avenue, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6198-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 5, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6198-3
for Matt Bowen or Donna Bowen
June 26, 2000

Application No. 6198-3 proposes to appropriate 3.56 cfs (1600 gpm) from one well approximately 47 feet deep located in the SE 1/4 NW 1/4 of Section 4, T109N-R76W to irrigate 340 acres located in the E 1/2, SE 1/4 SW 1/4 of Section 33, T110N-R76W and the NE 1/4 NW 1/4 of Section 4, T109N-R76W in Hughes County.

AQUIFER - MISSOURI PIERRE (M-P)

The Missouri Pierre is a surficial outwash (sand and gravel) and alluvium which is under water table conditions in this area. The aquifer is hydraulically connected to Lake Sharpe which is located less than one-quarter mile south of the diversion point for this permit application. The aquifer underlies 70 square miles and contains an estimated 270,000 acre feet of water in storage in Hughes County (Hamilton, 1986). The well information filed with the application indicates sand and gravel from 4 to 47 feet below land surface with a static water level of seven feet below land surface. Pumping data indicates the well was capable of producing 1000 gpm at a pumping level of 12 feet. This equates to a specific capacity of 200 gpm/ft of drawdown. Theoretically, this well should be able to produce 1600 gpm at a pumping level of about 15 feet.

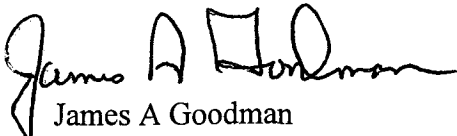
The Water Rights Program monitors an observation well, HU-82C, which is located about three miles east of this application. Water levels for this well do not fluctuate much and are basically controlled by the level of Lake Sharpe. A hydrograph for this observation well is included with this report (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing ground water permits/rights in this area. Interference is not a concern. This is a ground water source but is influenced by Lake Sharpe.

CONCLUSIONS

1. Water is available from the Missouri Pierre aquifer.
2. The aquifer is under water table conditions. Pumping does not cause significant drawdown. Interference is not a concern.
3. This is an existing well and has been constructed in accordance with SD Well Construction Standards.



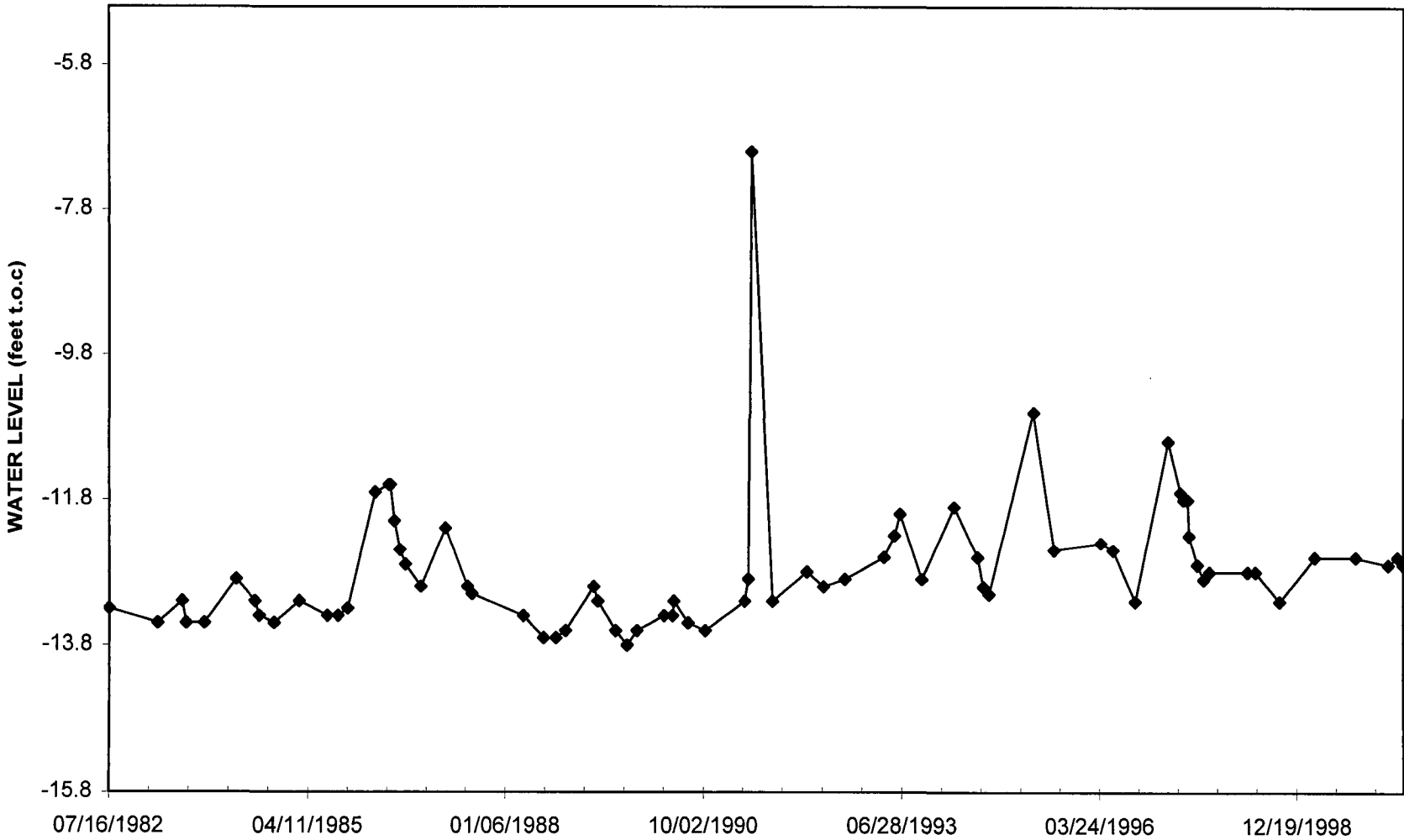
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1986, Water Resources of Hughes County, South Dakota, WRI 84-4195, USGS, Huron, SD, 57350.

Water Rights, 2000, Unpublished Observation Well Data for Hughes County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL HU-82C





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 7, 2000

Donna Bowen
706 M. Monroe
Pierre, SD 57501

Dear Ms. Bowen:

Water Permit Application No. 6198-3 filed by Matt Bowen and Donna Bowen 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 Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). 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 57501-3182
www.state.sd.us/denr

July 7, 2000

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

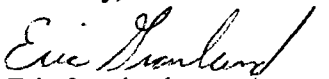
Enclosed is a Notice of Hearing on Application No. 6198-3 to Appropriate Water to be published twice. Please publish the first notice on July 13, 2000, with the second publication 7 days later.

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 Matt Bowen and Donna Bowen, 706 N. Monroe, Pierre, SD 57501 (Ph # (605) 224-6937).

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. 6198-3

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

Date _____

We are in receipt of your letter of July 7, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6198-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Kami L. Martell of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the **Capital Journal**, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal/display advertisement headed Notice of Application - # 6198-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

<u>July 13</u>	<u>2000</u>	19
<u>July 20</u>	<u>2000</u>	19
_____	19	19
_____	19	19
_____	19	19

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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 person whomsoever; that the fees charged for the publication thereof are: \$ 38.69.

Signed: Kami L. Martell

subscribed and sworn to before me this 20 day of July 19 2000
May Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-19, 2003.

Instruction to Newspaper - Publish first Notice on July 13, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6198-3 to Appropriate Water

Notice is given that Matt Bowen / Donna Bowen, 706 N Monroe, Pierre SD 57501 have filed an application for a water permit to appropriate 3.56 cubic feet of water per second from one well (Missouri: Pierre Aquifer) 47 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W to irrigate 340 acres located in the E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33-T110N-R76W and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T109N-R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6198-3 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 July 31, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



No. 3288 2tdly 7/13, 7/20
NOTICE OF APPLICATION
NO. 6198-3 to
Appropriate Water

Notice is given that Matt Bowen/Donna Bowen, 706 N. Monroe, Pierre SD 57501 have filed an application for a water permit to appropriate 3.56 cubic feet of water per second from one well (Missouri: Pierre Aquifer) 47 feet deep located in the SE 1/4 NW 1/4 Section 4-T109N-R76W to irrigate 340 acres located in the E 1/2, SE 1/4 SW 1/4 Section 33-T110N-R76W and the NE 1/4 NW 1/4 Section 4-T109N-R76W.

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Steven M. Pirner
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

AUG 25 2000

Matt Bowen & Donna Bowen
706 N Monroe
Pierre SD 57501

Dear Mr. Bowen and Mrs. Bowen:

Enclosed is Water Permit No. 6198-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6295-3

(1) Matt Bowen/Donna Bowen, 706 N Monroe, Pierre, SD 57501 made Application No. 6295-3, January 30, 2002 for a water permit to divert 1.11 cubic feet of water per second (cfs) from ground water (one existing well, Missouri Pierre Aquifer), Hughes County, South Dakota for irrigation purposes. Permit No. 6295-3, with a priority date of January 30, 2002 was approved March 29, 2002 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 6295-3 appropriated an additional 1.11 cfs by increasing the diversion rate authorized by Water Permit No. 6198-3. Permit No. 6198-3, with a priority date of May 4, 2000, authorized diversion of 3.56 cfs to irrigate 340 acres. The additional appropriation allowed all systems to run at the same time and brings the total diversion rate to 4.67 cfs or 2,100 gallons per minute.

The applicable portions of Water Permit No. 6198-3 have been incorporated into this Water License No. 6295-3.

(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 is entitled to divert 4.67 cubic feet of water per second for beneficial use. The location of the diversion point is 2,265'S & 1,995'E of the NW corner of Section 4, T109N, R76W (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 a **total of 340 acres listed below:**

Section 4, T109N, R76W		Section 33, T110N, R76W			
NE ¼ NW ¼	40.0 acres	NE ¼ NE ¼	32.5 acres	NE ¼ SE ¼	32.5 acres
		NW ¼ NE ¼	32.5 acres	NW ¼ SE ¼	32.5 acres
		SW ¼ NE ¼	32.5 acres	SW ¼ SE ¼	32.5 acres
		SE ¼ NE ¼	32.5 acres	SE ¼ SE ¼	32.5 acres
		SE ¼ SW ¼	40.0 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Matt Bowen/Donna Bowen, 706 N Monroe, Pierre, SD 57501 the holders and/or owners of Incorporated Water Right No. 6295-3 are issued a license to appropriate water, the right to use 4.67 cubic feet of water per second from ground water (one well) with priority dates of May 4, 2000 (3.56 cfs) and January 30, 2002 (1.11 cfs) from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6295-3 and subject to South Dakota State Law.

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 16 2002

date

