

WATER PERMIT NO. 6401-3

Name of Applicant: Michael J Johnson

Address: 1000 N Union Ave, Madison SD 57042

Phone: 605 256-4195

Amount of Water Claimed: 5.56 cfs (14 AF storage pond)

Total Acres: NA

Source of Water Supply: gravel pit

Water to be used for: commercial

County: Lake

Type of Waste Disposal System:

Location: 9 miles southwest of Madison

PRIORITY Date Received: 3-10-03

Application/License Fee: \$200.00

Corrected Application Received: 3-12-03

Period of Annual Use: April 1 – November 30

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 21-T106N-R54W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller: : NA

Remarks:

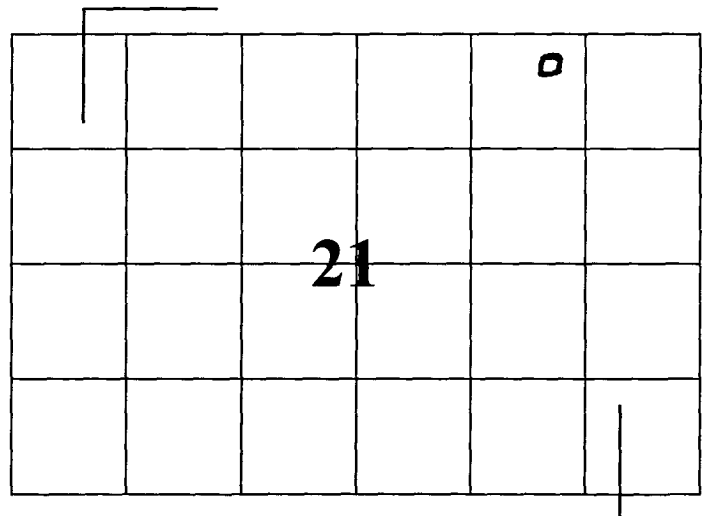
Type of Map: aerial

Prepared by: Charles Lelid, NRCS

Reviewed and the Number Assigned on: 3-12-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6401-3

Date of first receipt of application March 10, 2003.

Date of return to applicant for corrections, amendments or changes March 11, 2003.

Date of receipt of corrected application March 12, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6401-3 to Michael J Johnson, 1000 N Union Ave, Madison SD 57042 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. 6401-3 authorizes impoundment of 14 acre-feet of water from groundwater (from a dugout) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21-T106N-R54W. The groundwater source is the Vermillion East Fork Aquifer. Water will be pumped from the holding pond at a rate of 5.56 cubic feet of water per second with water being returned to a settling ponds and allowed to flow back into the holding pond.
2. The water appropriated shall be used for the purpose of non-consumptive use in a commercial gravel washing operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 30.
4. The date of approval of Permit No. 6401-3 is May 12, 2003.
5. The date from which applicant may claim right is March 10, 2003.
6. One-fifth of the construction is to be completed on or before November 12, 2005.
7. All construction is to be completed on or before May 12, 2008.
8. Water is to be put to beneficial use on or before May 12, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

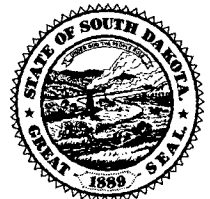
By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 13 2003

date



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED
MAR 10 2003
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6401-3</u> (office use only)	Hydrologic Unit <u>10170103</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Daily Leader, Madison</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|--|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☒ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Michael J. Johnson Phone 605-256-4195
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1000 N. Union Ave. Madison SD 57042
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 5.56 *CFS or 2500 **GPM 14 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County lake
1 Pond in NE 1/4 Sec 21 and the W 1/2 NW 1/4 Sec 22, T106 N, R52 W
(NE 1/4 NE 1/4) 21 4

5. County or counties where water will be used lake

6. Annual period during which water is to be used April - November 30

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Surface water will be pumped from a holding pond at a rate of 2500 GPM. This water is used to produce sand up to a 6" rock. The water is returned to a settling pond and allowed to flow back into the holding pond (recycle/reuse).

STATE OF SOUTH DAKOTA)

County of LAIKE SS

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, MICHAEL JOHNSON, 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

Michael J. Johnson

Subscribed and sworn to before me this

7

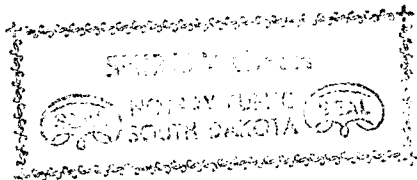
day of

March

2003

Shirley Elsen

Notary Public signature



expires 6-21-2004

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ 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

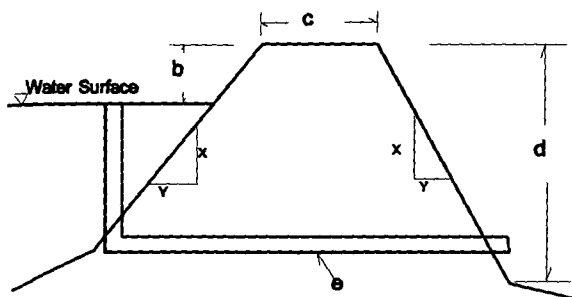
3. Dugout Information

- a) Surface Dimensions 250' x 350' Depth 7' - 15'
- b) Depth to water (ground surface to water level) 2.5' - 3.0'

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



February 7, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Michael Johnson Construction
1000 N Union Ave
Madison SD 57042

Dear Sir:

We have received your request for a temporary water permit to allow you to use water in a sand and gravel washing operation in Lake County.

A temporary water permit was issued in 2002 to cover the project. The temporary permit advised that a regular water permit would be required for continuation of the project. To date, we have not received the application from you.

Our temporary water permits are geared towards highway construction purposes with water to be used for dust suppression or compaction purposes. Issuing a temporary water permit to cover uses that need regular appropriative water permits is not consistent with what the Water Management Board Rules were designed for concerning temporary water permits.

It is my understanding that you are working on the application forms for a regular water permit. Once a complete application is received, the process can take from two months to six months to complete. As soon as the complete application is received in our office, a temporary water permit will be sent to you to allow you to continue your activities until the new permit is approved.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

DIVISION III

**TEMPORARY PERMIT TO USE PUBLIC WATERS
FOR CONSTRUCTION PURPOSES**

This temporary permit to use public waters for construction purposes is issued to Michael Johnson Construction, of 1000 N Union Ave, Madison, SD 57042 authorizing withdrawal of 557 acre feet of water at a maximum rate of 864,000 gallons per day (1800 gpm) from ground water (gravel pit) located in the NE ¼ Section 21 and the W ½ NW ¼ Section 22, T106N, R54W, Lake County. The project involves a sand and gravel washing operation with materials to be used for construction projects.

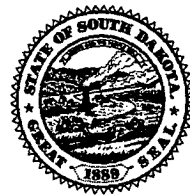
This temporary permit becomes effective April 1, 2003 and expires on December 31, 2003.

An application for an regular appropriative water permit has been received for this project. This temporary water permit will either expire upon approval of the regular water permit or at the end of the calendar year, whichever occurs first.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

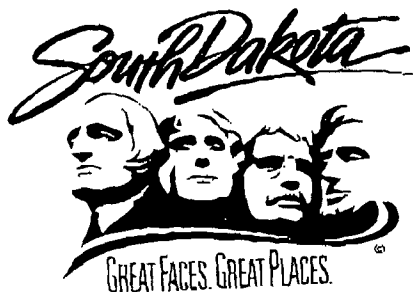
Issued: March 10, 2003

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



c: Mike Erickson, Minerals & Mining Program (via email)
Leslie Petersen, Dept. of Game, Fish and Parks
SD DOT Environmental Office

NOTE: A temporary permit application form is now available on the internet. You may complete an application form on-line and submit the application directly to the Water Rights Program. The address of the form is www.state.sd.us/denr/des/waterrights/temp_form.htm

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 2003

Michael J Johnson
1000 N Union Ave
Madison SD 57042

Dear Mr. Johnson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for your sand and gravel washing operation.

Enclosed is the aerial photo map submitted with the application. Please indicate the location of the pond in Section 21 or is the pond the little square in the upper right hand corner? It will also be necessary to obtain a map for Section 22 and indicate the location of that pond also.

Upon receipt of the maps, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

The pond is the little square in the upper right hand corner of Section 21. Also, we are only drawing water out of Section 21 - not 22.

Kathy

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 10, 2003

RECEIVED OF Michael Johnson, 1000 N Union Ave. Madison SD 57042

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

Fee for Application for Permit No. <u>6401-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6401-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

000002

By

J. D. Land White
Chief Engineer
(signature)

REPORT ON WATER PERMIT APPLICATION NO. 6401-3

For Michael J. Johnson

April 1, 2003

Application No. 6401-3 proposes to impound 14 acre-feet of water from groundwater and minor local runoff located in the NE ¼ NE ¼ of section 21, T106N R54W in Lake County. The water will be pumped from the holding pond at a rate of 5.56 cfs with water being returned to a settling pond and then allowed to flow back into the holding pond for reuse. The water is for non-consumptive use in a commercial gravel washing operation.

AQUIFER – VERMILLION EAST FORK (V-EF)

The Vermillion East Fork aquifer consists of alluvium and outwash (sand and gravel) and is limited to the floodplain of the East Fork of the Vermillion River (Hansen, 1986). The aquifer underlies 9 square miles and contains an estimated 15,000 acre-feet of water in storage in Lake County (Hansen, 1986). Ground water movement is probably from north to south and into the river. The East Fork of the Vermillion River would be hydraulically connected to the aquifer.

The application describes a dugout (gravel pit) which appears to be completed into the Vermillion East Fork aquifer. A groundwater source would account for the relatively large rate of diversion from the source pond.

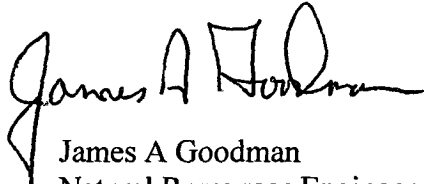
The Water Rights Program monitors two observation wells completed into the Vermillion East Fork aquifer in Lake County. These are LK-67B located about one mile north of this permit application and LK-67B located about seven miles downstream of this application. Hydrographs for these two wells are included with this application. In general the water level record indicates that the aquifer is capable of additional withdrawals (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no existing water permits/rights in this area. Interference is not a concern. Although the diversion for this facility is large the water will be recycled and reused to the extent possible. Only makeup water lost through evaporation and processing will be needed.

CONCLUSIONS

1. Water is available from the Vermillion East Fork aquifer.
2. The aquifer is under water table conditions. Pumping from the dugout should not significantly affect the area. Interference is not a concern.
3. A temporary permit has been issued to this facility to allow processing of sand and gravel at this site for construction projects. The temporary permit is only good for this calendar year or until approval of this application.



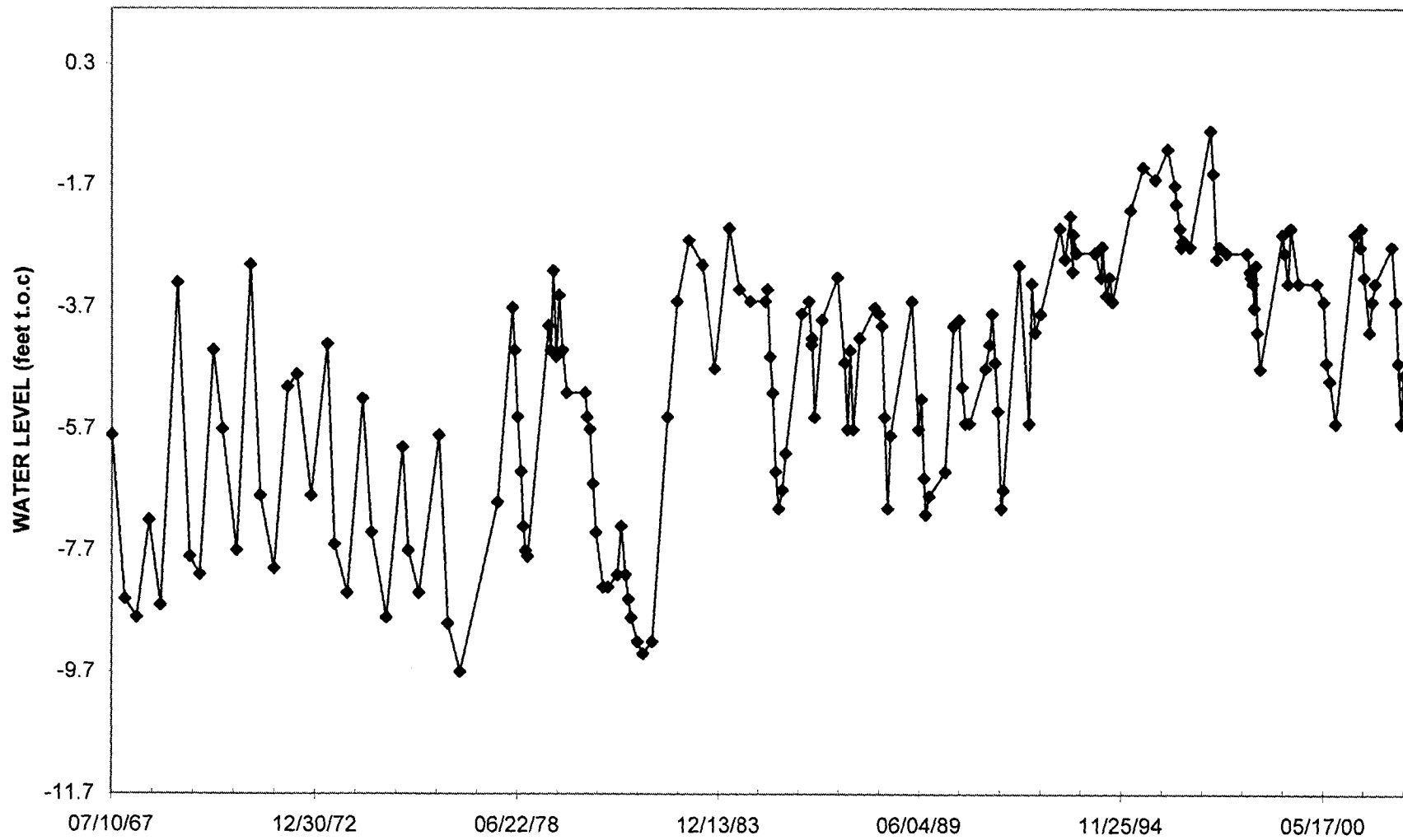
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

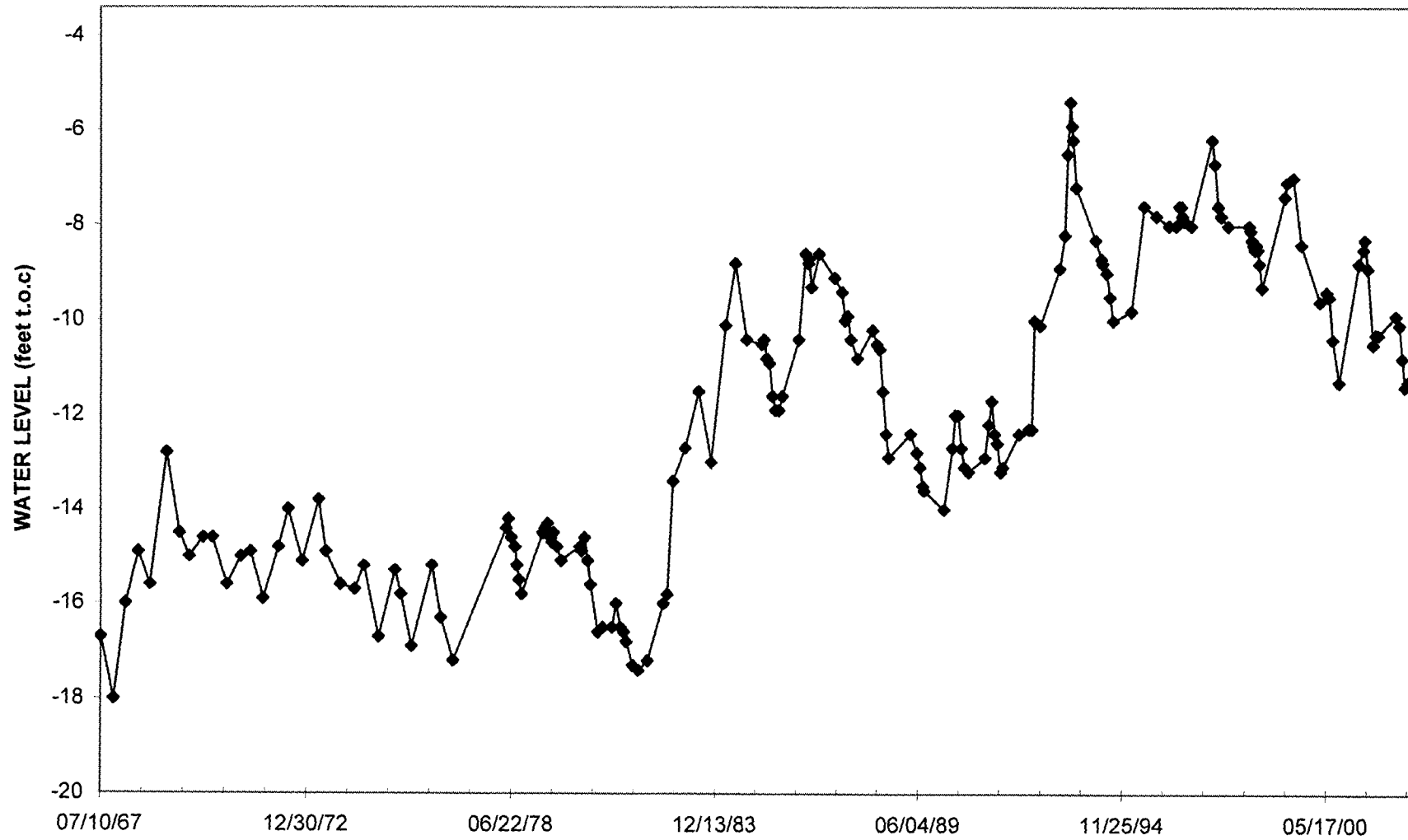
Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, WRI 84-4209, USGS, Huron, SD, 57350.

Water Rights, 2003, Unpublished Observation Well Records for Lake County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
LK-67A**



**WATER RIGHTS' OBSERVATION WELL
LK-67B**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6401-3, Michael J. Johnson**

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. 6401-3, Michael J. Johnson, 1000 N. Union Avenue, Madison SD 57042.

The Chief Engineer is recommending APPROVAL of Application No. 6401-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 17, 2003

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS

County of Lake)

I, Deanna D. Bergheim

certify that the attached printed Notice was
taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

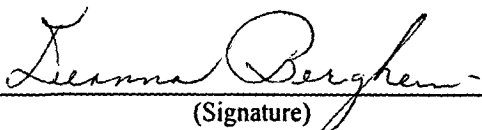
state of South Dakota. The notice was published

in the newspaper on the following two dates:

Thursday April 24, 2003

Thursday May 1, 2003

Cost of Printing 47.00


(Signature)

Bookkeeper

(Title)

May 1, 2003
(Date Signed)

NOTICE OF APPLICATION

NO. 6401-3

TO APPROPRIATE WATER

Notice is hereby given that Michael J. Johnson, 1000 N. Union Ave., Madison, SD 57042 has filed an application for a water permit to impound 14 acre-feet of water from ground water (from a dugout) located in the NE 1/4 NE 1/4 Section 21-T106N-R54W. The ground water source is the Vermillion East Fork Aquifer. Water will be pumped from the holding pond at a rate of 5.56 cubic feet of water per second with the water being returned to a settling pond and allowed to flow back into the holding pond. The water is for non-consumptive use in a commercial gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6401-3 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 recommendations. 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 May 12, 2003.

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

RECEIVED

MAY 02 2003

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

April 17, 2003

Michael J. Johnson
1000 N. Union Ave
Madison SD 57042

Dear Mr. Johnson:

Water Permit Application No. 6401-3 for commercial 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 Daily Leader printed at Madison, SD (Ph # 605-256-4555). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 17, 2003

Daily Leader
PO Box 348
Madison SD 57042-0348

ATTENTION: Legal Public Notice

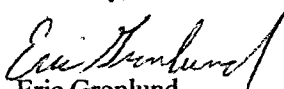
Enclosed is a Notice of Hearing on Application No. 6401-3 to Appropriate Water to be published twice. Please publish the first notice on April 24, 2003 with the second publication 7 days later.

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 Michael J Johnson, 1000 N. Union Ave., Madison SD 57042 (Ph # 605-256-4195).

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

-----CUT HERE-----

No. 6401-3

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

Date _____

We are in receipt of your letter of April 17, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6401-3 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 April 24, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6401-3 to Appropriate Water

Notice is given that Michael J Johnson, 1000 N Union Ave, Madison SD 57042 has filed an application for a water permit to impound 14 acre-feet of water from groundwater (from a dugout) located in the NE ¼ NE ¼ Section 21-T106N-R54W. The groundwater source is the Vermillion East Fork Aquifer. Water will be pumped from the holding pond at a rate of 5.56 cubic feet of water per second with the water being returned to a settling pond and allowed to flow back into the holding pond. The water is for non-consumptive use in a commercial gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6401-3 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 May 12, 2003.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 13 2003

Michael J Johnson
1000 N Union Ave
Madison SD 57042

Dear Mr. Johnson:

Enclosed is Water Permit No. 6401-3 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.

Sincerely,

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

enclosures

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

Date 6/17/03

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

RECEIVED

JUN 19 2003

WATER RIGHTS
PROGRAM

FROM:

Michael Johnson Construction
(name)

1000 N. Union Ave
(address)

Madison SD 57042
(city, state, zip)

605-256-4195
(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. 6461-3 states that the water use system is to be constructed by

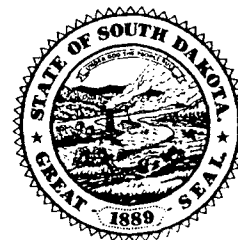
May 12, 2008 (date), and water is to be put to beneficial use by May 12, 2012 (date)

The water use system was completed on Summer 2002 (date)

Applying the water to beneficial use was completed on Summer 2002 (date)

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

Kathy Archer
(signature)



Permit No. 6401-3
Vermillion 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, July 10, 2007, made a thorough examination of the water use system constructed by Michael J Johnson of 1000 North Union Ave., Madison, SD 57042 holder of Permit No. 6401-3, bearing the priority of March 10, 2003 authorizing the diversion of 5.56 cu. ft. per second of the waters of Ground water (dugout) for Commercial purposes, in Lake County.

Inspection contact & relationship **Mike Johnson**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 5RB-EM16-3
- 3) Size 10 in
- 4) Capacity 2500 GPM

Motor:

- 1) Make Caterpillar
- 2) Model No. 3054 (Ser. No. SAE566A-A00)
- 3) Horsepower rating 70 hp

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 700 feet south and 430 west of the NE corner of Section 21-T106N-R54W
(N 43.97684, W -97.31075) (NE ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 5.56 cu. ft. per second of water which is to be used for Commercial use.

Report of Examination of Works

Permit No. 6401-3

Water has been put to beneficial use to the maximum extent as follows:

Water is pumped from a holding pond capable of storing approximately 14 acre-feet of water to wash gravel and then flows into a settling pond. The water is then allowed to flow back into the holding pond. This is a non-consumptive use of Vermillion East Fork Aquifer water.

The license should be issued for 5.56 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: November 20, 2007

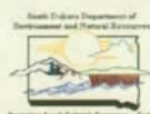
Michael J Johnson
1000 N Union Ave
Madison, SD 57042
256-4195

Water Permit No. 6401-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
November 19, 2007



0 500 1,000 2,000 3,000 Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 03 2009

6401-3

Michael J Johnson
PO Box 422
Madison SD 57042-0422

Dear Mr. Johnson:

Enclosed is your Water License No. 6401-3. Water License No. 6401-3 is the final document which completes the process of obtaining a water right. Included with your water license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6401-3

(1) Michael J Johnson, PO Box 422, Madison SD 57042-0422 made Application No. 6401-3, March 10, 2003 for a water permit to impound 14 acre feet of water from ground water (dugout located in the Vermillion East Fork Aquifer), Lake County, South Dakota for commercial purposes in a sand and gravel operation. Water was to be pumped from a holding pond at a rate of 5.56 cubic feet of water per second with water being returned to settling ponds and allowed to flow back into the holding pond.

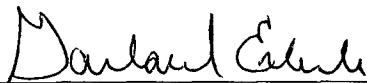
Permit No. 6401-3, with a priority date of March 10, 2003 was approved May 12, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 12, 2008 and for the application to beneficial use of water on or before May 12, 2012. The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 19, 2003 indicating the system was completed in the summer of 2002.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and the application of water to beneficial use and is entitled to divert 5.56 cubic feet of water per second from a 14 acre-feet dugout for beneficial use. The water flows back into a settling pond and allowed to flow back to the holding pond (dugout) for a non-consumptive use of water.

The location of the diversion point (14 acre-feet dugout) is 700 feet south and 430 feet west of the NE corner of Section 21, T106N, R54W (NE ¼ NE ¼).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Michael J Johnson, PO Box 422, Madison SD 57042-0422 the holder and/or owner of Water Right No. 6401-3 is issued a license to appropriate water, the right to use 5.56 cubic feet of water per second from a 14 acre-feet dugout (ground water - Vermillion East Fork) with a priority date of March 10, 2003 from the location specified in (2) of this license for commercial use in a sand and gravel washing operation.

This license is subject to South Dakota Water Law and any limitations or conditions listed in Water Right No. 6401-3.



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

APR 03 2003

date

