

WATER PERMIT NO. 6425-3

Name of Applicant: Harry Thomas

Address: 18439 Capri Place, Harrold SD 57536

Phone: 605 973-2417

Amount of Water Claimed: 0.89 cfs

Total Acres: 60

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Sully

Type of Waste Disposal System:

Location: 15 miles east of Onida

PRIORITY

Date Received: 6-24-2003

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks: Permitting some existing irrigation

Diversion Point: NW ¼ SW ¼ Sec 4-T114N-R74W

Land to be Irrigated: SW ¼ Sec 33-T115N-R74W

Depth of Well: 42 feet

Well Driller: :

Remarks:

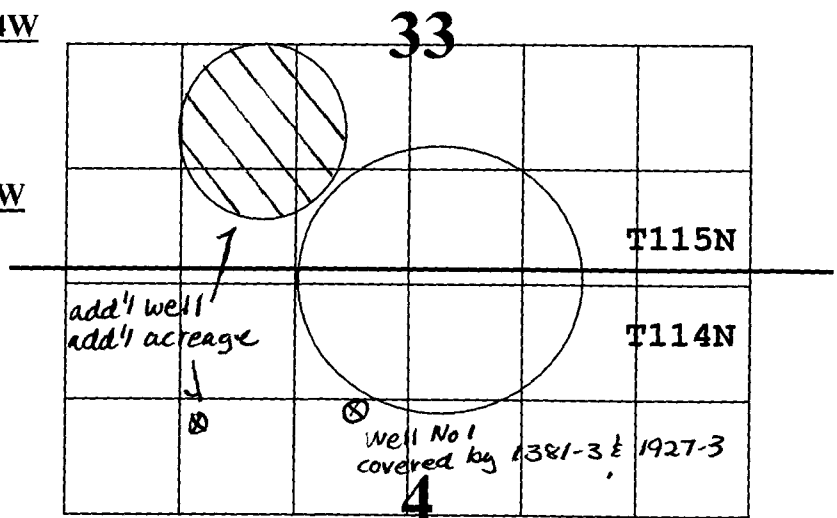
Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-26-2003

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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. 6425-3 Hydrologic Unit 10140103
Basin Missouri River
Newspaper Onida Watchman, Onida

RECEIVED
JUN 24 2003
WATER RIGHTS
PROGRAM

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 Harry Thomas Phone (605) 973-2417
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18439 Capri Place, Harrold State SD 57536
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.89 *CFS or 400 **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater - two wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sully
Well # 1 authorized by WR Nos. 1381-3 & 1927-3 SE 1/4 NW 1/4 Section 4, T114N, R74W
Well # 2 (existing) NW 1/4 SW 1/4 Section 4, T114N, R74W
- County or counties where water will be used Sully
- Annual period during which water is to be used May 1 - October 1
- 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
SW 1/4 Section 33, T115N, R74W	60	NW 1/4 SW 1/4	25
		NE 1/4 SW 1/4	14
		SW 1/4 SW 1/4	14
		SE 1/4 SW 1/4	7

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

This well existing and has been being used in conjunction with WR No. 1381-3 and 1927-3. I discovered it was not covered under the water rights. Also, I believed these acres were covered under my existing rights but found out differently. Therefore, I am applying to ensure my water rights reflect what I am doing in the field.

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, Harry Thomas, 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 Harry Thomas

Subscribed and sworn to before me this 24 day of June 20 03

Patty R. Bruckner
Notary Public signature

My Commission Expires: Sept. 6, 2004

SOUTH DAKOTA
WATER PERMIT NO. 6425-3 FOR IRRIGATION

Date of first receipt of application June 24, 2003.

The Water Management Board approved Water Permit No. 6425-3 on October 1, 2003 for Harry Thomas, 18439 Capri Place, Harrold SD 57536 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. 6425-3 appropriates 0.89 cubic feet of water per second (cfs) from an existing well (Highmore Blunt Aquifer) 42 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4-T114N-R74W to irrigate 60 acres located in the SW $\frac{1}{4}$ Section 33-T115N-R74W. This well also supplements irrigation authorized by Water Right Nos. 1381-3 and 1927-3. Water Right Nos. 1381-3 and 1927-3 authorize a total of 2.0 cfs from a different well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4-T114N-R74W to irrigate 184 acres located in portions of the S $\frac{1}{2}$ of Section 33, T115N, R74W and the N $\frac{1}{2}$ Section 4, T114N, R74W. This permit combined with Water Right Nos. 1381-3 and 1927-3 will appropriate a total of 2.89 cfs for irrigation of 244 acres as described above.
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 – October 1.
3. The date from which applicant may claim right is June 24, 2003.
4. 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.

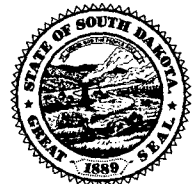
WATER MANAGEMENT BOARD

By: Garland Erbele

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

DEC 10 2003

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 Depth 42
- 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 1600 ftOn property owned by others approx. 2 miles west**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

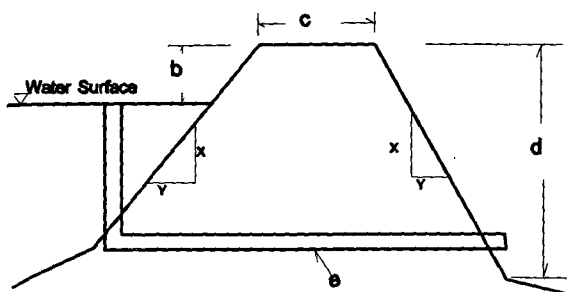
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 26, 20 03

RECEIVED OF Thomas Ranch, Harry Thomas, 18439 Capri Pl., Harrold SD 57536

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

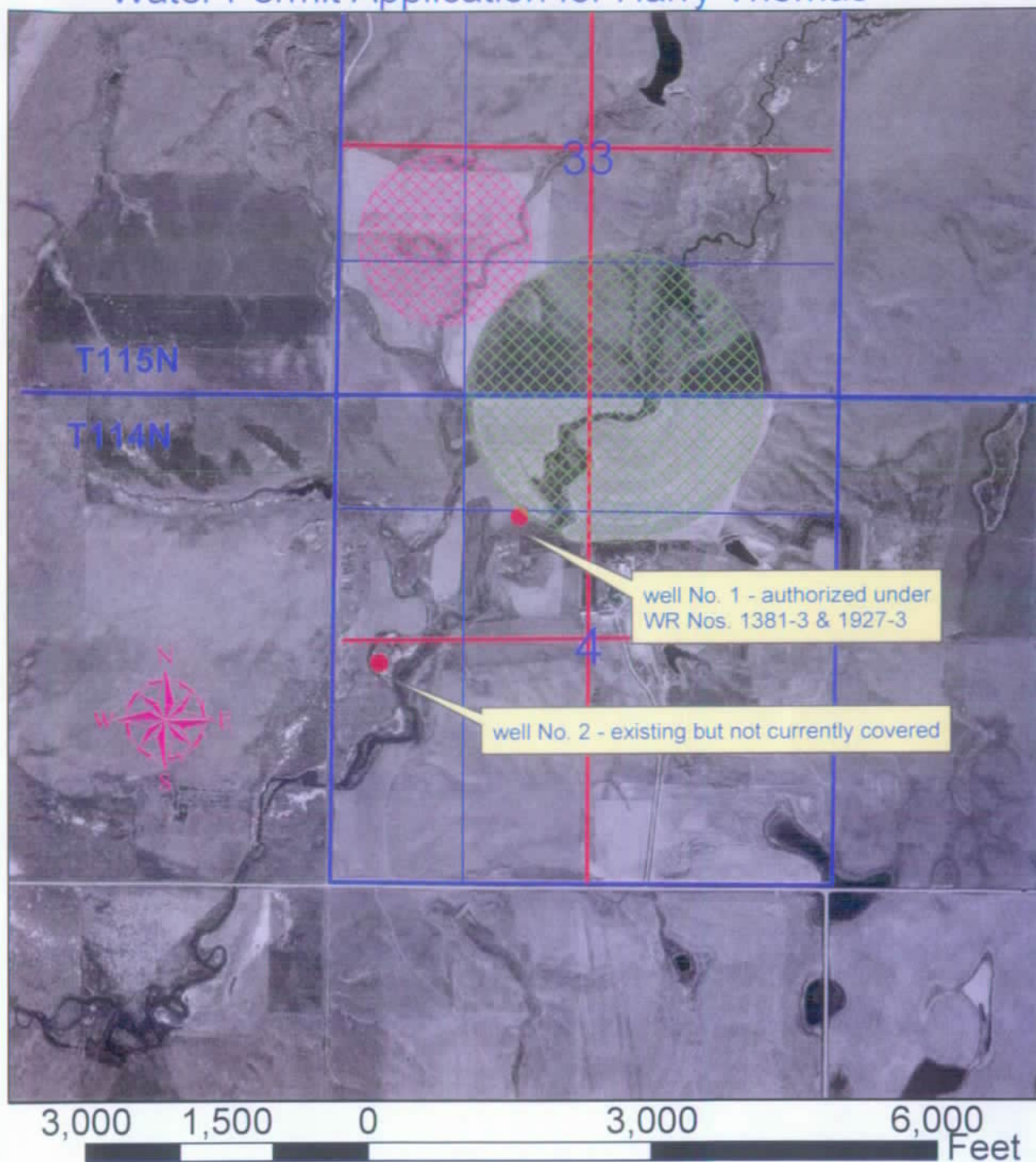
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	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. 000007

By Darlene Erbe

Chief Engineer gm

Water Permit Application for Harry Thomas



Application is for irrigating 60 acres in the SW 1/4 of Section 33, T115N, R74W from 2 wells located in the SE 1/4 NW 1/4 and NW 1/4 SW 1/4 of Section 4, T114N, R74W. Both wells exist and have been use for irrigation under Water Right No. 1381-3 and 1927-3.



Represents irrigation proposed by this application



Current irrigation under Water Rights Nos. 1381-3 and 1927-3



Eric Gronlund 6/25/03
Eric Gronlund
Water Rights Program, DENR

6425-3

REPORT ON WATER PERMIT NO. 6425-3
For Harry Thomas
July 23, 2003

Application No. 6425-3 proposes to appropriate 0.89 cfs from an existing well 42 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 4, T114N R74W to irrigate 60 acres located in the SW $\frac{1}{4}$ of section 33, T115N R74W in Sully County. This well also supplements irrigation authorized by Water Right Nos. 1381-3 and 1927-3. Water Right Nos. 1381-3 and 1927-3 authorized a total of 2.0 cfs from a different well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 4, T114N R74W to irrigate 184 acres located in portions of the S $\frac{1}{2}$ of section 33, T115N R74W and the N $\frac{1}{2}$ of section 4, T114N R74W. If approved this application combined with Water Right Nos. 1381-3 and 1927-3 will appropriate a total of 2.89 cfs for irrigation of 244 acres as described above.

AQUIFER – HIGHMORE BLUNT (HB)

The Highmore Blunt is predominantly a surficial outwash (sand and gravel) which is under water table conditions at this site. The aquifer underlies 20,300 acres and contains an estimated 30,450 acre-feet of recoverable water in storage in Sully County (Hedges, 1982). The aquifer extends into Hughes County to the south and into Hyde County to the east. Ground water movement is probably from northeast to southwest across the area of this application.

This is an existing well which has been in use for many years and was apparently not included with the water license inspections of Water Right Nos. 1381-3 and 1927-3. Very little information is available concerning the construction of this well.

The Water Rights Program monitors two observation wells, SU-78F and SU-78G, that are located within four miles of this application. In fact, SU-78G, is located within one-half of the well for this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). Hydrographs for these two observation wells are included with this report.

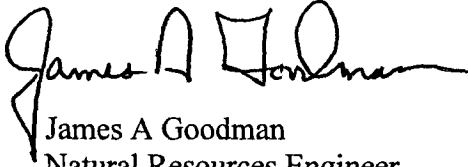
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. Interference is not a concern. These are existing wells and have been used for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Highmore Blunt aquifer.

2. The aquifer is under water table conditions and drawdown is not expected to be significant. Interference is not a concern. This is shown by the observation well hydrographs.
3. Approval of this application will allow the licensing of this system to reflect how the system is built and used.



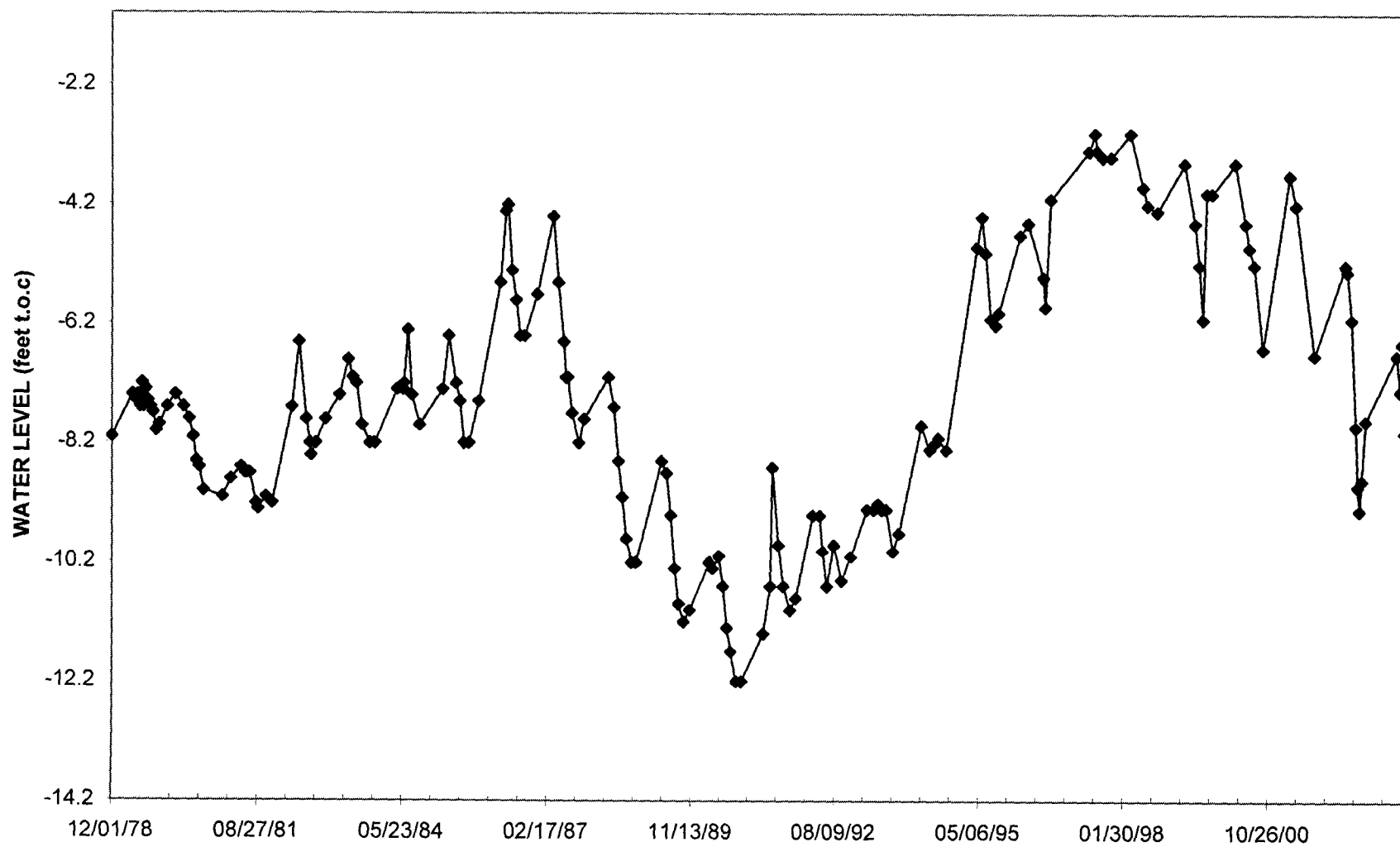
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

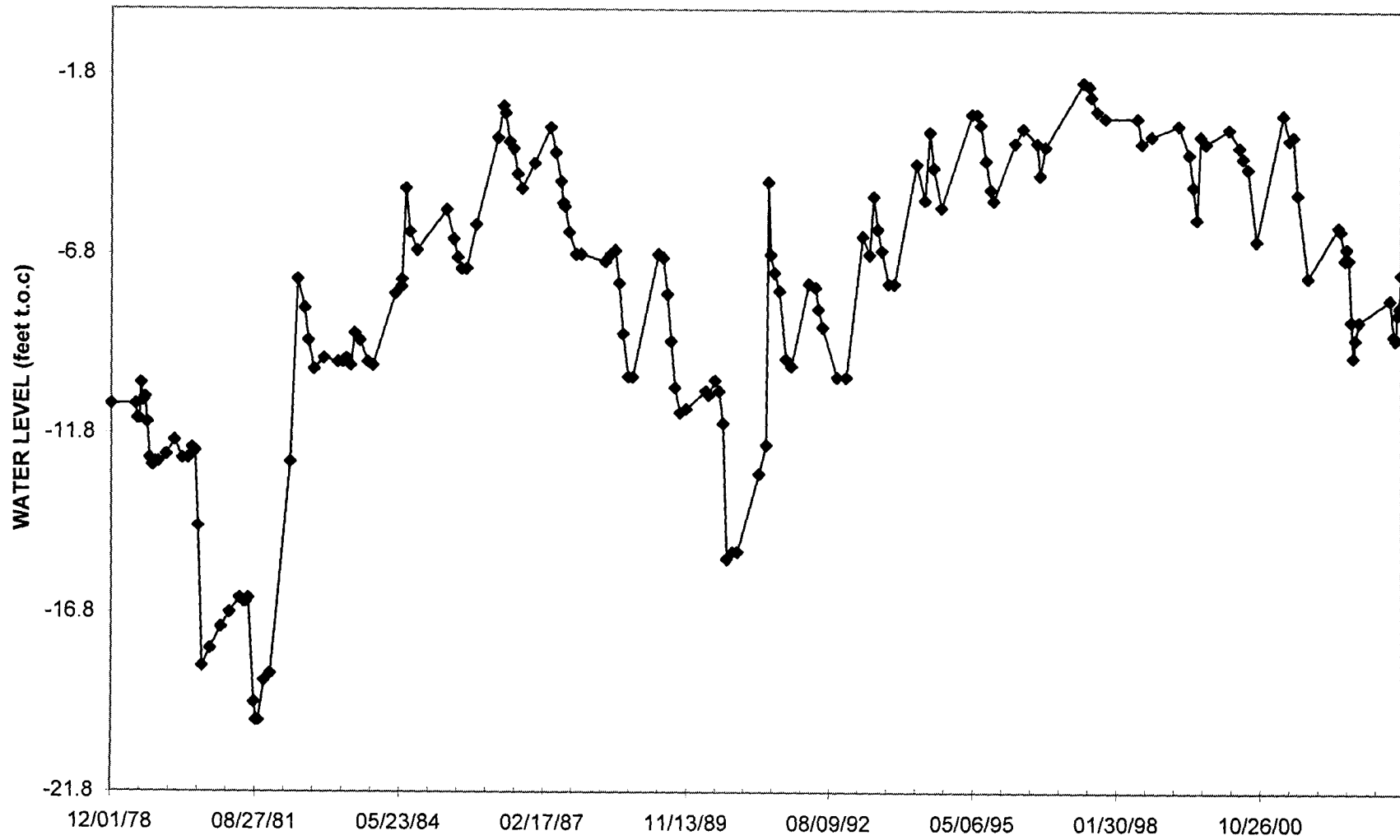
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

**WATER RIGHTS' OBSERVATION WELL
SU-78F**



WATER RIGHTS' OBSERVATION WELL
SU-78G





**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. 6425-3, Harry Thomas**

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. 6425-3, Harry Thomas, 18439 Capri Place, Harrold SD 57536.

The Chief Engineer is recommending APPROVAL of Application No. 6425-3 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 28, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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 29, 2003

Harry Thomas
18439 Capri Place
Harrold SD 57536

Dear Mr. Thomas:

Water Permit Application No. 6425-3 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 Onida Watchman printed at Onida, SD (Ph # 605-258-2604). 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

July 29, 2003

Onida Watchman
PO Box 245
Onida SD 57564-0245

ATTENTION: Legal Public Notice

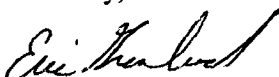
Enclosed is a Notice of Hearing on Application No. 6425-3 to Appropriate Water to be published twice. Please publish the first notice on August 7, 2003 with the second publication 7 days later.

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 Harry Thomas, 18439 Capri Place, Harrold SD (Ph # 605-973-2417).

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. 6425-3

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

Date _____

We are in receipt of your letter of July 29, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6425-3 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 August 7, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6425-3 to Appropriate Water

Notice is given that Harry Thomas, 18439 Capri Place, Harrold SD 57536 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from an existing well (Highmore Blunt Aquifer) 42 feet deep located in the NW ¼ SW ¼ Section 4-T114N-R74W to irrigate 60 acres located in the SW ¼ Section 33-T115N-R74W. This well also supplements irrigation authorized by Water Right Nos. 1381-3 and 1927-3. Water Right Nos. 1381-3 and 1927-3 authorize a total of 2.0 cfs from a different well located in the SE ¼ NW ¼ Section 4-T114N-R74W to irrigate 184 acres located in portions of the S ½ of Section 33, T115N, R74W and the N ½ Section 4, T114N, R74W. If approved, this application combined with Water Right Nos. 1381-3 and 1927-3 will appropriate a total of 2.89 cfs for irrigation of 244 acres as described above.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6425-3 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 August 25, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sully) SSI, Alice Olson

certify that the attached printed Notice was taken

from the Onida Watchmanprinted and published in OnidaCounty of Sully and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Thursday, Aug. 7, 2003Thursday, Aug. 14, 2003Cost of Printing \$39.66Alice Olson

(Signature)

Publisher

(Title)

8-18-03

(Date Signed)

NOTICE OF
APPLICATION NO. 6425-3
to Appropriate Water

Notice is given that Harry Thomas, 18439 Capri Place, Harrold, SD 57536 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from an existing well (Highmore Blunt Aquifer) 42 feet deep located in the NW1/4SW1/4 Section 4-T114N-R74W to irrigate 60 acres located in the SW1/4 Section 33-T115N-R74W. This well also supplements irrigation authorized by Water Right Nos. 1381-3 and 1927-3. Water Right Nos. 1381-3 and 1927-3 authorize a total of 2.0 cfs from a different well located in the SE1/4NW1/4 Section 4-T114N-R74W to irrigate 184 acres located in portions of the S1/2 of Section 33, T115N, R74W and the N1/2 Section 4, T114N, R74W. If approved, this application combined with Water Right Nos. 1381-3 and 1927-3 will appropriate a total of 2.89 cfs for irrigation of 244 acres as described above.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6425-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information to this application.

Steven M. Pirner,
Secretary, Department of
Environment and Natural Resources
32-33

RECEIVED

AUG 25 2003

WATER RIGHTS
PROGRAM

August 16, 2003

Chief Engineer
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RECEIVED

AUG 19 2003

WATER RIGHTS
PROGRAM

Dear Mr. Engineer:

I read in the Onida Watchman about an application #6425-3 To appropriate additional water at the Harry Thomas place North of me.

I live in Elk Township in section five (5) where the water table here is the same as up at Mr. Thomas'. The four (4) wells and a large spring are all on the Blunt aquifer. Three (3) wells and the spring supplies 200 plus head of cows and their calves. The fourth well is used in the house only.

I am not against Thomas getting additional water if the aquifer is strong enough to supply that, my neighbors and myself. I am wondering if we would become short of water during a drought.

Has the water capacity been studied enough to guarantee that Thomas' additional water supply won't effect other citizens water rights during a drought??

Sincerely,

Ruth S Bayne
Ruth S Bayne
19090 319 Ave
Harrold, SD 57536



Mrs. Ervin Bayne
19090 319th Ave.
Harrold, SD 57536



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2003

NOTICE

TO: Harry Thomas
18439 Capri Place
Harrold SD 57536

Ruth S. Bayne
1909 319th Avenue
Harrold SD 57536

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6425-3, Harry Thomas

A letter has been submitted in response to the Notice of Application No. 6425-3 filed by Harry Thomas. The letter was filed by Ruth Bayne in response to the notice published April 30 and May 7, 2003 in the Onida Watchman. The letter raises concerns about the Bayne's domestic wells especially during drought. Although letter does not specifically oppose the application, it is considered a petition to intervene in the hearing process. A copy of the letter is enclosed for the applicant.

As specified in the publication notice, the application proposes to appropriate 0.89 cubic feet of water per second (cfs) from an existing well (Highmore Blunt Aquifer) 42 feet deep located in the NW ¼ SW ¼ Section 4-T114N-R74W to irrigate 60 acres located in the SW ¼ Section 33-T115N-R74W. This well also supplements irrigation authorized by Water Right Nos. 1381-3 and 1927-3. Water Right Nos. 1381-3 and 1927-3 authorize a total of 2.0 cfs from a different well located in the SE ¼ NW ¼ Section 4-T114N-R74W to irrigate 184 acres located in portions of the S ½ of Section 33, T115N, R74W and the N ½ Section 4, T114N, R74W. If approved, this application combined with Water Right Nos. 1381-3 and 1927-3 will appropriate a total of 2.89 cfs for irrigation of 244 acres as described above.

A copy of the report and Chief Engineer's recommendation are enclosed in the mailing to Mrs. Bayne. The report provides information on the aquifer and the recommendation proposes a condition to protect domestic use of water. It is also noteworthy that this is an existing well that has been being used for irrigation. The application proposes to properly permit the amount of water and number of acres historically irrigated.

The Water Management Board will conduct a hearing to consider Application No. 6425-3 at 10:00 AM, on Wednesday, October 1, 2003, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6405-3 because 1) there is a reasonable probability that there is unappropriated water 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The October 1, 2003, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 22, 2003.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by September 22, 2003, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

enclosures

NOTE: Based on South Dakota Codified Law 1-26-17, 1-26-18.3 and 1-26D-10, parties to all administrative contested cases must receive notice that if the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party may require the use of the Office of Hearing Examiners by giving notice of the request to the agency, no later than ten days after service of this notice of hearing. The matter at issue in this case does not, however, meet the criteria and the applicant and parties do not have the automatic right to a hearing examiner.

CERTIFICATION

I hereby certify that on August 25, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 25, 2003 regarding Notice of Hearing on Water Permit Application No. 6425-3, Harry Thomas addressed as stated below:

Harry Thomas
18439 Capri Place
Harrold SD 57536

Ruth S Bayne
1909 319th Avenue
Harrold SD 57536

A copy of the above described Notice was sent Inter-office to:

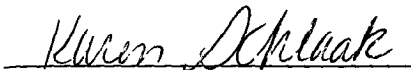
Diane Best, Assistant Attorney General, Capitol Building



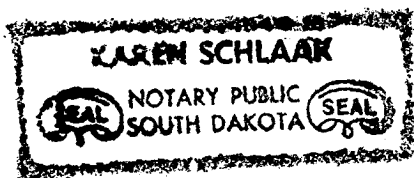
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of August, 2003.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



September 2, 2003

Garland Erbele, Chief Engineer
Water Rights Program
PMB 2020
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

SEP - 9 2003

WATER RIGHTS
PROGRAM

Dear Mr. Erbele:

Thank you for the reply to my letter of Aug. 16, regarding Water Permit Application NO. 6425-3, Harry Thomas.

The letter contains an error in reference to the notice publication dates in the Onida Watchman newspaper. It states April 30 and May 7, 2003. The ^{notice} is published in my copy August 7, and 14.

The letter states on page two paragraph one that "the Chief Engineer recommends approval of Application No. 6405-3". That number appears to be a different application than the Thomas application No. 6425-3.

In the reasons given for recommending approval of Thomas' water permit # 1 states, "there is a reasonable probability that there is unappropriated water available". And # 2 states, "existing rights will not be unlawfully impaired". Sir, does that refer only to Thomas' existing rights? Doesn't other citizens have existing rights too?

Several years ago when Thomas and another farmer was irrigating, the domestic well of one of our neighbors went dry.

When I consider that there is not as many residents as there use to be living in this locality to use water, I will take the wait and see attitude at this time. However, if in the future the water capacity of my wells and spring is impaired I'll know who is responsible.

I stated in my ^{previous} letter that the fourth well is used for the house only. I had forgotten about a hydrant that is used to pump water for the cattle when there isn't enough wind to run the windmill to pump water from the well near it.

Sincerely,

Ruth S Bayne
Ruth S Bayne
Harrold, SD 57536



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 9, 2003

Harry Thomas
18439 Capri Place
Harrold SD 57536

Ruth S. Bayne
1909 319th Avenue
Harrold SD 57536

Dear Mr. Thomas and Mrs. Bayne:

Mrs. Bayne wrote a letter in response to the August 25th Notice of Hearing on Water Permit Application No. 6425-3. A copy of this letter is enclosed to Mr. Thomas.

In her letter Mrs. Bayne correctly points out two errors in the August 25th Notice. First, the date the original notice was published in the Onida Watchman was August 7 and 14, 2003 instead of the April 30th and May 7th dates listed. Also, in the first paragraph of the second page of the notice, the application is inadvertently listed as being No. 6405-3. The actual application number is No. 6425-3.

The hearing on Application No. 6425-3 before the Water Management Board is scheduled for 10:00 AM on October 1, 2003, in the Conference Room Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

Thank you to Mrs. Bayne for pointing out those errors. If any party has questions about the hearing before the Board, please do not hesitate to contact me.

Sincerely,

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

enclosure (in mailing to Mr. Thomas)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 10 2003

Harry Thomas
18439 Capri Place
Harold SD 57536

Dear Mr. Thomas:

Enclosed is Water Permit No. 6425-3 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

6425-3

May 7, 2004

RECEIVED

MAY 12 2004

Chief Engineer
Water Rights Program
Foss Building
Pierre, SD 57501

WATER RIGHTS
PROGRAM

Dear Engineer:

When I read in the Onida Watchman that Morris Inc. has filed an application to appropriate water from the Harry Thomas irrigation well permit #6425-3, I was reminded about what happened last year at my location sec. 5 113-74 and thought I should report it.

I believe that I am getting Thomas' waste water drainage in a bottom pasture. How do I know? Well, last August and September and early October while the climate was very dry here I noticed a strange pool of water that kept getting larger and spread farther northeast than the old drainage pattern. A neighbor asked: "Where is that water coming from"? He knew we hadn't had enough rain to put it there.

In late October the water wasn't there. I went down there and didn't like what I found. The grass and weeds had turned grey. The cattle had bypassed it.

There hasn't been as much rain and snow in the past four years but there was enough moisture for some vegetation to regrow at the original drainage site. However, that was ruined when that strange pool of water took possession.

When a pool of water appears at a time when the area is dry, hasn't had measurable rain, then it's certain that it is coming from a waste water drainage. I hope it doesn't contain a toxic chemical. I wouldn't want it to get into my household water well. And I don't think anyone else would want it in their potable water.

I've noticed over the past years that when we get adequate rain and snow the drainage travels to the bottom pasture. Presently, the area is dry and the winds pick up the white dust from the Alksli settlement. There is more white settlement there now than there use to be.

March 27, 2004 we had near 2" of rain here. Then four days later a pool of water appeared and increased within five to six days. That was indicative of past patterns when we got more rain and snow. About 1981 we got a 3" rain that filled the bottom. Water was backed up to the hills.

Sincerely,

Ruth S Bayne
Ruth S Bayne
19090 319 Ave
Harrold, SD 57536



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 2004

Ruth S Bayne
19090 319 Ave
Harrold, SD 57536

Dear Ms. Bayne:

Thank you for your letter inquiring about the strange pool of water that appeared last year in your pasture. We agree with you that it seems odd given the drought. You thought that perhaps it was caused by return flows from irrigation. We would be very surprised if this were in fact the case. The nearest irrigation is taking place about seven miles upstream of the pasture. It is just not likely, given the distance that a pool of water appearing on your property was return flows from irrigation. Mr. Thomas operates a sprinkler irrigation system and the water is predominantly used up by the plants and remains in the soil profile.

What you have observed however is interesting. There must be a logical explanation for what happened and the answer should be near the pasture. Is there a flowing well nearby or rural water lines that were flushed? Something occurred creating the pond especially at that time of year when climatic conditions were very dry. Also, what you have observed about the site during wet times makes perfect sense. During wet times the ground water level rises and would appear to back water up into those low areas. After these areas dry out I would expect the salts to remain behind and be visible on the surface. I also expect these areas to be larger than previously because of the unusually wet years that occurred in the 1990's. As the climate goes back to more normal conditions, these areas should begin to reclaim themselves.

I suggest that if or when this occurs in the future, let our office know and we will be glad to come out and look at the site. Hopefully this answers your concerns and thank you for your interest in protecting the environment.

Sincerely,

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

6425-3

Garland Erbele
Chief Engineer Water Rights Program
523 East Capitol
Pierre, SD 57501

Dear Mr. Erbel:

Thank you for the letter dated May 19, in regard to the strange pool of water that I had written to you about, that appeared in August, September and October.

The reason I thought the water came from Thoma's well was that after harvesting season the pool dried up. But I was told that mined rock was being washed from that well also. Therefore, the two uses would produce a larger run-off stream.

One of my neighbors gave me a theory about the water appearance. He said that old folks said that when the soil is real dry the sun draws water up to the surface. And the water may have come from a spring that is located across some hills down in a valley about 1/3 mile East of the pool site. He said some ranchers cleaned out the spring for cattle use.

Sincerely,

Ruth S Bayne
Ruth S Bayne
19090 319 Ave
Harrold, SD 58536

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JUN 04 2004
WATER RIGHTS
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6425-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2016

6425-3
8093-3

Harry Thomas
18439 Capri Place
Harrold SD 57536

Dear Mr. Thomas:

Enclosed is Water License No. 8093-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 8093-3, 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 License, 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,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Permit No. 6425-3 were incorporated into Water License No. 8093-3.