

WATER PERMIT NO. 6433-3

Name of Applicant: Cooperative Credit Company

Address: PO Box 80, Sioux Center IA 51250-0080

Phone: 712 722-1717

Amount of Water Claimed: no add'l

Total Acres: 12 add'l acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 4 miles northeast of Hurley

PRIORITY

Date Received: 7-17-03

Application/License Fee: \$200

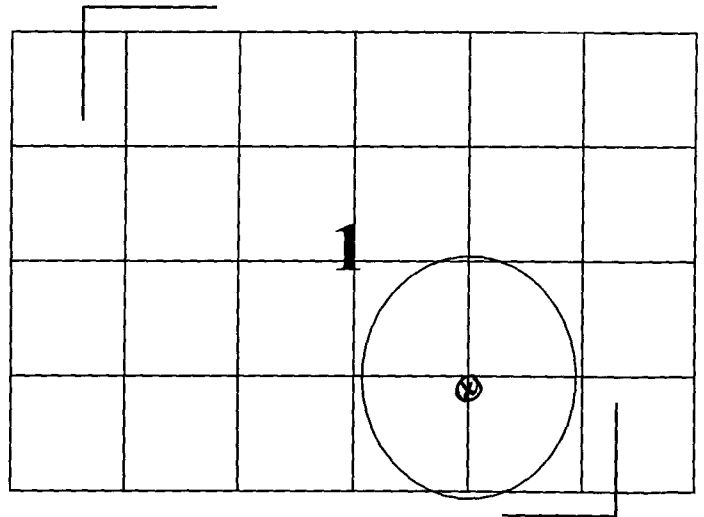
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: additional acres to Water Right No. 3903-3

Diversion Point: approximate center of SE ¼ Sec
1-T98N-R53W

Land to be Irrigated: SE ¼ Sec 1-T98N-R53W



Depth of Well: 40 feet

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Lorin Frebbil, Turner Co. FSA

Reviewed and the Number Assigned on: 7-17-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6433-3</u> (office use only)
	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The New Era, Parker</u>

RECEIVED
JUL 17 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 3903-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Adding acres to be irrigated. Change from 136 acres to 148 acres. Also only using one well, not two.

- Name of Applicant Cooperative Credit Company Phone 1-712-722-1717
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 80, 128 Third St. NW, Sioux Center State IA 51250-0080
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.88 *CFS or 148 *GPM 148 ***AF Total Acreage 148 12
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 40 foot well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SE1/4 sec. 1 T98N-R53W. well is approximately 125 feet south of pivot.
County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used May thru September 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
SE1/4 SE1/4 Sec. 1-98-53	37		
SW1/4 SE1/4 Sec. 1-98-53	37		
NW1/4 SE1/4 Sec. 1-98-53	37		
NE1/4 SE1/4 Sec. 1-98-53	37		

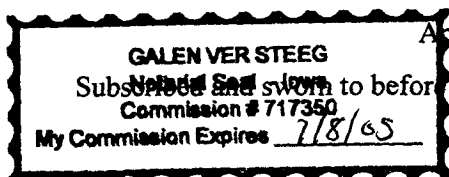
8. Give a description of the project. (Attach sheet if more space is needed)

Adding acres to be irrigated from 136 to 148.

Iowa
STATE OF ~~SOUTH DAKOTA~~ SS
County of Sioux

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, Roger Campbell, 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

Roger Campbell

Subscribed and sworn to before me this

15th day of July

2003

Galen Ver Steeg

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6433-3

Date of first receipt of application July 17, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6433-3 to Cooperative Credit Company, PO Box 80, Sioux Center IA 51250-0080 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. 6433-3 authorizes irrigation of 12 additional acres. Water Right No. 3903-3 appropriates 1.88 cubic feet of water from a well (Parker Centerville Aquifer) 40 feet deep located near the center of the SE ¼ Section 1 to irrigate 136 acres located in the SE ¼ Section 1; all in T98N-R53W. This permit authorizes irrigation of 12 additional acres located in the SE ¼ Section 1-T98N-R53W. This permit does not authorize any increase in the developed diversion rate. This permit serves to clarify that Water Right No. 3903-3 is solely from a well constructed into the Parker Centerville Aquifer and that the Upper Vermillion Missouri Aquifer well is no longer used.
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 July 17, 2003.
4. The date of approval of Permit No. 6433-3 is October 14, 2003.
5. One-fifth of the construction is to be completed on or before April 14, 2006.
6. All construction is to be completed on or before October 14, 2008.
7. Water is to be put to beneficial use on or before October 14, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18" Depth 40'
- b) Casing Type Plastic Diameter 18" Thickness 1/4"?
- c) Screen Type Plastic Diameter 18" Thickness ?
- d) Gravel Pack Yes Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
On applicants property ~~1200 ft~~ On property owned by others 1300 ft

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic
- b) System Capacity (gallons) ? Year Constructed 1960's?
- c) Connected to the City of _____ Sanitary System _____

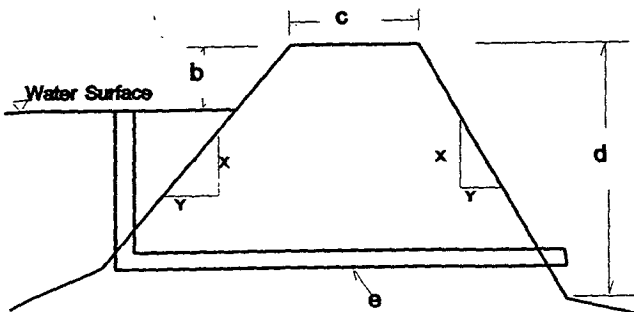
3. Dugout Information N/A

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams N/A

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 JULY 17, 2003

RECEIVED OF Cooperative Credit Co., South Dakota Farms, PO Box 80, Sioux Center IA 51250

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

Fee for Application for Permit No. <u>6433-3</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>6433-3</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. 000000

By Darland Ebele
Chief Engineer gm

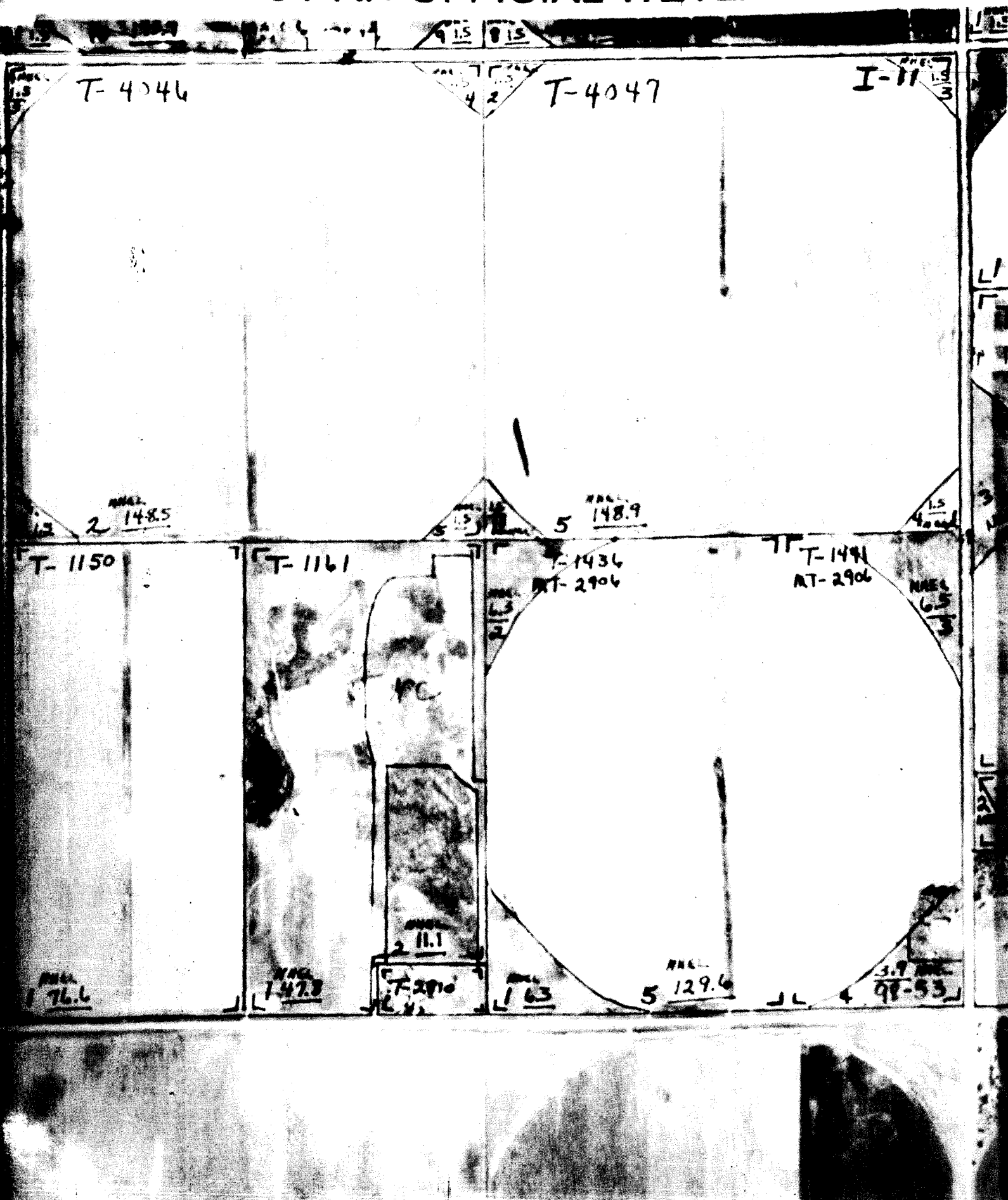
Roger Campbell.

7-10-03

As you have requested
a correction to irrigated
acres will be done later
this fall. The new irrigated
total will be 148 acres
Section 1-98-53 Turner
County. Map included.

Lois Irrelkil CED.
Turner County FSA.

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



REPORT ON WATER PERMIT NO. 6433-3
For Cooperative Credit Company
August 29, 2003

Application No. 6433-3 proposes to irrigate an additional 12 acres. Water Right No. 3903-3 appropriates 1.88 cfs (844 gpm) from one well approximately 40 feet deep located near the center of the SE 1/4 of section 1 to irrigate 136 acres located in the SE 1/4 of section 1; all in T98N R53W in Turner County. This application is to irrigate 12 additional acres located in the SE 1/4 of section 1, T98N R53W. This application if approved does not authorize any increase in the developed diversion rate.

AQUIFER – PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) which is under predominantly water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into Lincoln and Clay counties to the south and east and blends into the Vermillion East and West Fork aquifers to the north. The aquifer is hydraulically connected to the Vermillion River and ground water movement is northwest to southeast across the aquifer (Lindgren, 1990).

Recharge to the Parker Centerville aquifer has been estimated to be about 4.9 inches per year (Hedges, 1983) which equates to about 19,400 acre-feet per year. Comparing this volume to the pumping indicates that the aquifer is capable of sustaining additional withdrawals. The largest pumping volume from the aquifer was about 14,000 acre-feet and that occurred in 1989.

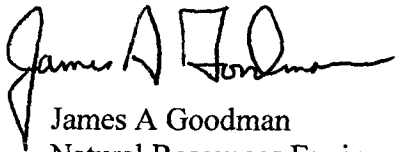
The Water Rights Program monitors an observation well TU-56D located within one mile of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003). A hydrograph for observation well TU-56D is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are existing water permits/rights from the Parker Centerville aquifer in this immediate area. There are eight irrigation wells within a one mile radius of this application. Interference is not a concern. Drawdown created by pumping from the Parker Centerville aquifer is not significant. This is shown by the observation well hydrograph. Also there is another water right for a portion of these same lands. The Water Right No. 3903-3 authorizes ground water use from the buried aquifer the Upper Vermillion Missouri. This right had two sources of water and two separate wells. This new application only requests water from the Parker Centerville aquifer as a source.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is under water table conditions in this area. Pumping does not create significant drawdown. The distance between irrigation wells is sufficient to minimize any potential impacts. Interference is not a concern.
3. This is an existing well and has been in use for many years. Apparently, after this system was originally licensed for 136 acres the owner replaces the licensed pivot with one with a corner system allowing for irrigation of 148 acres.
4. Since the Upper Vermillion Missouri aquifer is not mentioned as a water source for this application, this source should be removed from the license and the other deeper well plugged if it has not already been abandoned.

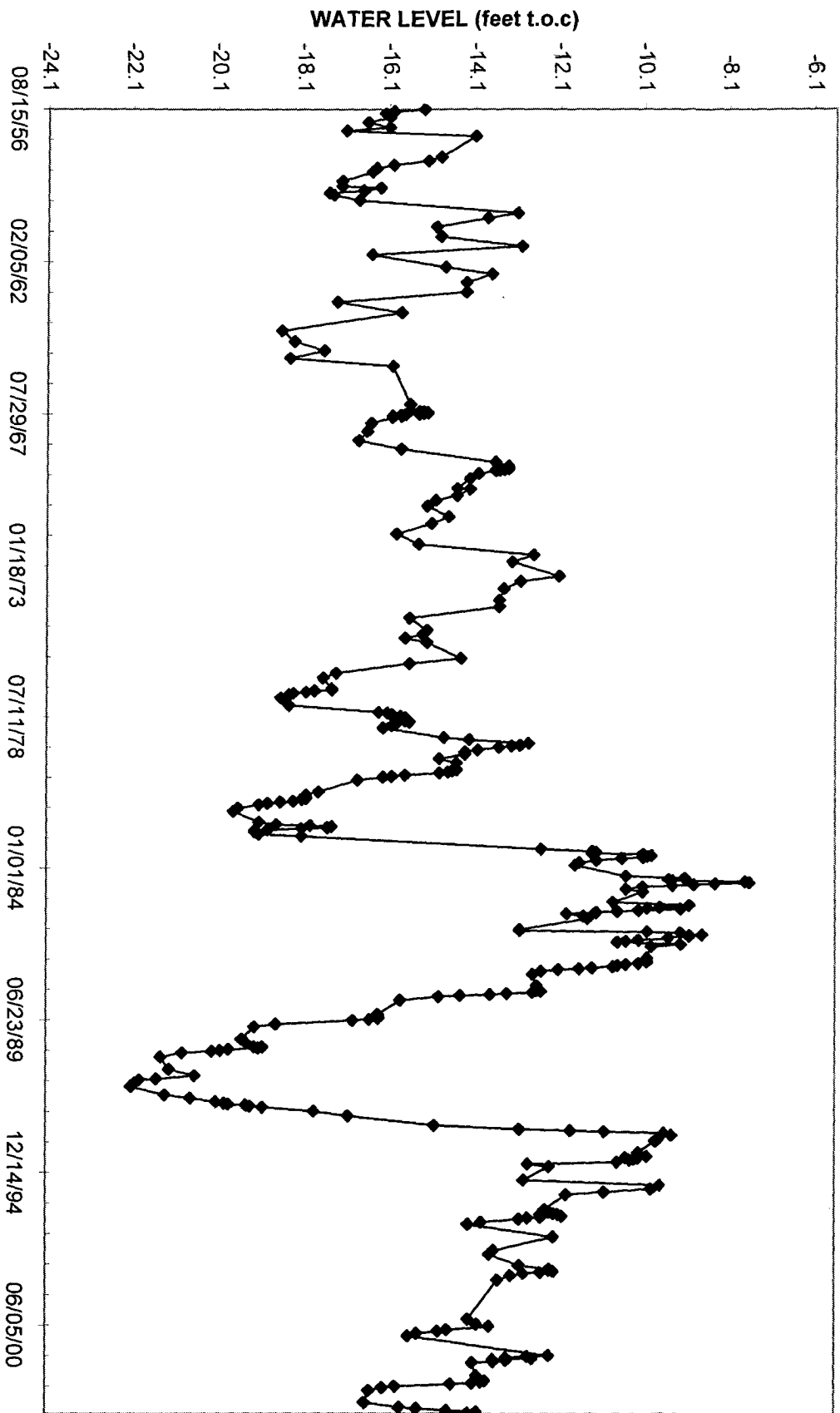


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1983, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, Task 7 Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.
- Water Rights, 2003, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-56D





**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. 6433-3, Cooperative Credit Company**

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. 6433-3, Cooperative Credit Company, Roger Campbell, PO Box 80, Sioux Center, IA 51250-0080.

The Chief Engineer is recommending APPROVAL of Application No. 6433-3 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
September 15, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 15, 2003

The New Era
Box 579
Parker SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6433-3 to Appropriate Water to be published twice. Please publish the first notice on September 25, 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 Cooperative Credit Company, % ~~Robert~~ L. Campbell, PO Box 80, Sioux Center IA 51250-0080 (Ph # 712-722-1717). *Robert*

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. 6433-3

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

Date _____

We are in receipt of your letter of September 15, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6433-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



**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.**

September 15, 2003

Ruger
Cooperative Credit Company
% Robert L Campbell
PO Box 80
Sioux Center IA 51250

Dear Mr. Campbell:

Water Permit Application No. 6433-3 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 New Era printed at Parker, SD (Ph # 605-297-4419). 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.

Instruction to Newspaper - Publish first Notice on September 25, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6433-3 to Appropriate Water

Notice is given that Cooperative Credit Company, c/o ^{Robert}~~Robert~~ L Campbell, PO Box 80, Sioux Center IA 51250-0080 has filed an application for a water permit to irrigate 12 additional acres. Water Right No. 3903-3 appropriates 1.88 cubic feet of water from a well (Parker Centerville Aquifer) 40 feet deep located near the center of the SE ¼ Section 1 to irrigate 136 acres located in the SE ¼ Section 1; all in T98N-R53W. This application is to irrigate 12 additional acres located in the SE ¼ Section 1-T98N-R53W. This application, if approved, does not authorize any increase in the developed diversion rate. This notice serves to clarify that Water Right No. 3903-3 is solely from a well constructed into the Parker Centerville Aquifer and that the Upper Vermillion Missouri Aquifer well is no longer used.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6433-3 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 October 14, 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.

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

OCT 17 2003

WATER RIGHTS
PROGRAM

I, **Cherrie Engbrecht** of the City of Parker, County of Turner, State of South Dakota, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#3252 - Roger Campbell - Water Appropriate

printed copy of hereto attached, is printed and published in the said newspaper for 400 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 25 day of Sept, 2003;

On Thursday, the 2 day of Oct, 2003;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

That \$ 45.00 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Cherrie Engbrecht

Subscribed and sworn to before me this 14th

day of October, 2003

Paul R. Harms

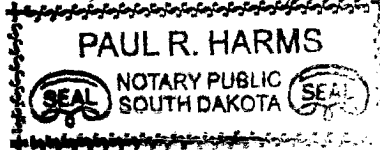
Notary Public, Turner County, South Dakota

My Commission

Expires:

02/02

20006.



Publication Fees \$._____

Notary Fees\$._____

Total\$ 45.00

Received Payment,

Notice of Application No. 6433-3 to Appropriate Water

Notice is given that Cooperative Credit Company, c/o Roger L. Campbell, P.O. Box 80, Sioux Center Iowa 51250-0080 has filed an application for a water permit to irrigate 12 additional acres. Water Right No. 3903-3 appropriates 1.88 cubic feet of water from a well (Parker Centerville Aquifer) 40 feet deep located near the center of the SE 1/4 Section 1 to irrigate 136 acres located in the SE 1/4 Section 1; all in T98N-R53W. This application is to irrigate 12 additional acres located in the SE 1/4 Section 1-T98N-R53W. This application, if approved, does not authorize any increase in the developed diversion rate. This notice serves to clarify that Water Right No. 3903-3 is solely from a well constructed into the Parker Centerville Aquifer and that the Upper Vermillion Missouri Aquifer well is no longer used.

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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 Engineers recommendation. The Chief Engineers 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 Oct. 14, 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. Pimer, Secretary, Department of Environment and Natural Resources.

(#3252, 9/25/03, 10/02/03, The New Era)



DEC 10 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Cooperative Credit Company
PO Box 80
Sioux Center IA 51250-0080

Dear Sir:

Enclosed is Water Permit No. 6433-3 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



6433-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 15, 2004

3903-3
6433-3

Paul Petersen
45610 282nd St
Hurley SD 57036

Dear Mr. Petersen:

Enclosed as we discussed, is a copy of Water Right No. 3903-3 listed in the name of Cooperative Credit Company. In reviewing the file, I found another permit had been obtained last year to cover 12 additional acres that were being irrigated due to the addition of a corner system. I have included a copy of Water Permit No. 6433-3 for your review.

If you have any questions concerning the enclosed materials, please give me a call.

Sincerely,

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

enclosures



6433-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 13, 2004

3903-3
6433-3

Christine K Lillo
WOODS, FULLER, SHULTZ & SMITH
PO Box 5027
Sioux Falls SD 57117-5027

Dear Ms. Lillo:

Enclosed, as we discussed on the phone, is a map of the SE ¼ Section 1, T98N, R53W. This area is what is authorized for irrigation under Water Right No. 3903-3 and Water Permit No. 6433-3.

Both Water Right No. 3903-3 and Water Permit No. 6433-3 will need to be divided and reissued to reflect separate ownership. The issue at hand right now is to find out how many acres should be assigned to each person. When the acreage is properly identified, the diversion rate can also be prorated and divided appropriately.

A copy of the map was forwarded to Mr. Ihnen. We requested that he outline the area he owns and how much of it is irrigated. We should be able to tell from the area he outlines what is left and would be owned by Burnette Sawyer.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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



6433-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2004

3903-3
6433-3

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

Enclosed, as we discussed on the phone, is a map of the SE ¼ Section 1, T98N, R53W. This area is what is authorized for irrigation under Water Right No. 3903-3 and Water Permit No. 6433-3 (see enclosed copies).

Burnette Sawyer purchased the land in the W ½ SE ¼ and the W ¼ E ½ SE ¼ of the section. It is our understanding that you own the east 60 acres of the quarter. Both Water Right No. 3903-3 and Water Permit No. 6433-3 will need to be divided and reissued to reflect separate ownership. The issue at hand right now is to find out how many acres should be assigned to each person.

Please outline the area you own on the map and return it to us as soon as possible. We will try and determine from the map how many acres and the respective diversion rate will go to Ms. Sawyer and to you.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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

enclosures

Center of sec 1-T98N-R53W

NW1/4SE1/4

NE1/4SE1/4

SW1/4SE1/4

SE1/4SE1/4



RECEIVED

DEC 22 2004

WATER RIGHTS
PROGRAM

Dear Gerry;

I am enclosing a tract map of the 3.07 acres in the acreage.

On the 60 acres we own we are going to try and use a lateral system or traveling gun to irrigate it all.

If you have any other questions please give us a call.

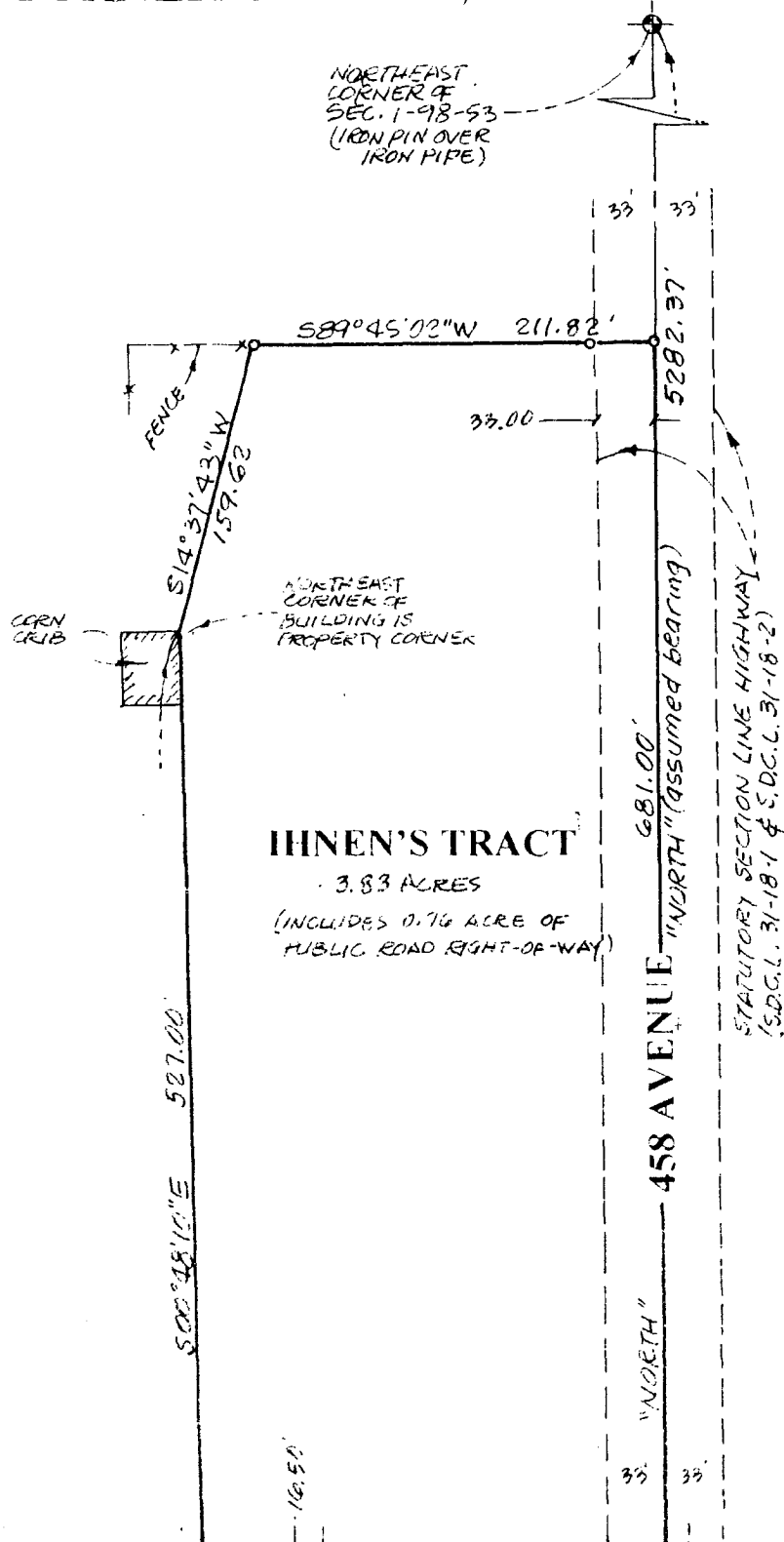
Sincerely,
Roger Thun
Box 213

Lennox 5057039

605-647-2102

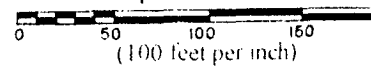
IHNEN'S TRACT

ON IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, T98N, R53W
OF THE 5th P.M.,
TURNER COUNTY, SOUTH DAKOTA



NORTH

Graphic Scale in Feet



○ - set 5/8" x 24" rebar



January 4, 2005

6433-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3903-3
6433-3

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

I am returning the map of the SE ¼ Section 1, T98N, R53W to you to have you outline the area that you own. In doing so, it will make it easier for us to divide and reissue Water Right No. 3903-3 and Water Permit No. 6433-3 to reflect separate ownership.

Prior to reissuing the water right and permit, we will also need completed "Notice of Transfer of Ownership" forms from you. I have enclosed the forms for you to complete. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the above materials from you, we will proceed with transferring and dividing the permits up as needed. You will receive a proportionate share of the diversion rate that goes with the acreage you own. Since the well is on Mr. Sawyer's land, if no agreement is reached between you to utilize the well, you may need to secure a permit for an additional well.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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

enclosures

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

www.wfss.com

Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones
Cheri S. Raymond

Attorneys also admitted in
Iowa, Minnesota
and Nebraska

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

January 10, 2005

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RE: Transfer of Ownership Permit No. 6433-3

To Whom it May Concern:

Enclosed for filing with your office is a Notice of Transfer of Ownership for Permit No. 6433-3, together with our firm check in the amount of \$2.50. Please transfer the appropriate part of the permit from Cooperative Credit Company to Burnette Sawyer.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.



Christine K. Lillo, CLAS
Certified Paralegal

Enclosures

cc: Cooperative Credit Company
Ms. Burnette Sawyer

RECEIVED
JAN 12 2005
WATER RIGHTS
PROGRAM

Christine K. Lillo, CLAS
clillo@wfss.com

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. 6433-3

Dated: November 23, 2004

I request that Water Right/Permit No. 6433-3 formerly owned by: Cooperative Credit Company be transferred to:

New Owner Name: Burnette C. Sawyer
Address: 5206 South Sweetbriar Court
City, State, Zip: Sioux Falls, SD 57108

Telephone No.: (605) 575-2549

Title to the following described land(s)/property has been transferred as described above:

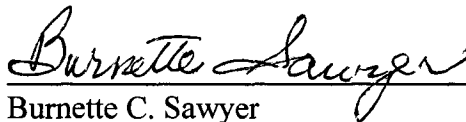
The West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and the West Quarter of the East Half of the Southeast Quarter (W $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$), all in Section One (1), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota.

☒ I understand that the validity of Water Right/Permit No. 6433-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Burnette C. Sawyer, the new owner, certifies that the above information is true and correct.


Burnette C. Sawyer

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 12, 20 05

RECEIVED OF Woods, Fuller Shultz & Smith, PO Box 5027, Sioux Falls SD 57117-5027

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	2	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 <u>6433-3</u>		
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	2.50

No.

004335

By

Darland Erbe
Chief Engineer *gm*

McMath, Genny

From: Chris LILLO [CLILLO@wfss.com]
Sent: Monday, January 17, 2005 2:36 PM
To: Genny.McMath@state.sd.us
Subject: Re: Burnette Sawyer land

Hi Genny, according to Cooperative Credit, Burnette Sawyer owns 100 acres and 87.1 acres are irrigated.

Thank you!! Let me know if you need anything else.

Chris Lillo, CLAS
Certified Paralegal
Woods, Fuller, Shultz & Smith P.C.
P.O. Box 5027
Sioux Falls, SD 57117-5027
Phone: (605) 336-3890
E-Mail: clillo@wfss.com

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>>> <Genny.McMath@state.sd.us> 1/12/2005 9:50:55 AM >>>

Hi Chris,

We received the "Notice of Transfer of Ownership" for 6433-3 (from Cooperative Credit to Burnette Sawyer). We have not yet received the map back from Mr. Ihnen outlining the area he owns.

One thing that we need before the permits are reissued is to know exactly how many acres each party has under irrigation. On the transfer forms Mr. Sawyer signed - the legal descriptions are very plain but do not include the number of acres. Could you check with him or do you have any paperwork which clearly defines the number of acres being irrigated?

Thank you in advance for your help.

Genny McMath
Water Rights Program
605 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

JAN 1 2005

WATER RIGHTS
PROGRAM

No. 6433-3

Date: 1-27-05

I/We request that portions of Water Permit No. 6433-3

formerly owned by: Cooperative Credit

be transferred to: (name & address)

Roger Ihnen
PO Box 213

Lennox SD 57039

Telephone No. 605. 647-2262

Title to the following described land(s)/property has been transferred as described above:

I/We understand that the validity of Water Permit No. 6433-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Roger Ihnen, the new owner, certify that the above information is true and correct.

Roger Ihnen

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 31, 2005

RECEIVED OF ELC Enterprises Inc., PO Box 184, Lennox SD 57039

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	2	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 <u>6433-3</u>		
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	2.50

No. **001721**

By Darlene D. Erbe
Chief Engineer gm



6433-3

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 25, 2005

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

I am writing in regard to the ownership changes you filed on Water Right No. 3903-3 and 6433-3 (formerly Dennis Ihnen and Cooperative Credit).

Nos. 3903-3 and 6433-3 are being divided and reissued to reflect separate ownership. Due to the complexity of the transfers, I am sending the draft copies for your review prior to them being signed by the Chief Engineer. Copies were also sent to Christine Lillo with Woods, Fuller Law firm in Sioux Falls since they were assisting Burnette Sawyer with the ownership changes.

Please review them and let me know if you have concerns or if the information on them does not appear to be accurate. If you have changes, please make notations on the documents and return them to us for review. If they are ok with you, give me a call and let me know so we can proceed with issuance of the final documents.

Thank you in advance for your help.

Sincerely,

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

enclosures

File No. 3903-3

6433-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Denise Ihnen, PO Box 213, Lennox, SD

DATE: August 8, 2005

RE: ownership for Nos. 3903-3 and 6433-3

COMMENTS:

Denise called to let us know the sale has been finalized for the land described under Nos. 3903-3 and 6433-3.

We were in the process of trying to divide 3903-3 and 6433-3 into A & B numbers to reflect separate ownership between Ihnens and Burnette Sawyer. Ihnen's have sold their portion of the land to Burnette Sawyer.

Burnette Sawyer now owns all the land originally described in 3903-3 and 6433-3 so there is no longer a need to go through the steps to divide and reissue the water permits. As soon as a "Notice of Transfer of Ownership" is filed by Ms. Sawyer for the portion of land Ihnen's sold to her, both water permits can be transferred in their entirety.



Genny McMath
Water Rights Program



6433-3

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 17, 2005

3903-3
6433-3

Burnette C Sawyer
5206 S Sweetbriar Court
Sioux Falls SD 57108

Dear Ms. Sawyer:

Last week, Mrs. Roger Ihnen contacted our office saying that you had purchased the remaining portion of the SE ¼ Section 1, T98N, R53W from them.

We were in the process of trying to divide and reissue Water Right No. 3903-3 and Water Permit No. 6433-3 to reflect separate ownership. That process will no longer be necessary. Since your original transfer forms did not include the entire legal description for land described under Nos. 3903-3 and 6433-3, I am forwarding you two corrected forms to sign.

Please sign the forms where indicated and return them to us in the enclosed envelope. No additional fees are necessary.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
AUG 22 2005
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6433-3

Date: _____

I/We request that Water Permit No. 6433-3

formerly owned by: Cooperative Credit

be transferred to: Burnette C Sawyer, 5206 S Sweetbriar Court, Sioux Falls SD 57108

Telephone No. 605 575-2549

Title to the following described land(s)/property has been transferred as described above:

100

BCS.

12 acres - SE ¼ Section 1, T98N, R53W

I/We understand that the validity of Water Permit No. 6433-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Burnette Sawyer, the new owner, certify that the above information is true and correct.

Burnette Sawyer

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



6433-3

**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 23, 2005

3903-3
6433-3

Burnette C Sawyer
5206 S Sweetbriar Court
Sioux Falls SD 57108

Dear Ms. Sawyer:

I am writing to acknowledge receipt of the updated "Notice of Transfer of Ownership" forms for Water Right No. 3903-3 and Water Permit No. 6433-3. The transfers have been completed. Nos. 3903-3 and 6433-3, covering irrigation in the SE ¼ Section 1, T98N, R53W, were transferred to you in there entirety.

The receipts for the filing fees are being forwarded to Woods, Fuller, Shultz & Smith law firm.

Thank you for your help in completing the transfers. If you have any questions, please contact me.

Sincerely,

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

c: Christine K Lillo, Woods, Fuller, Shultz & Smith w/receipts

McMath, Genny

From: Julie Sawyer <maverickfeeders@yahoo.com>
Sent: Monday, October 17, 2011 6:51 PM
To: McMath, Genny
Subject: Re: Burnette Sawyer

Yes...You can mail Burnette's to our address and address the envelope with her name. She will be permanently using our address. She sold her house in Sioux Falls. Burnette is Shon's mother.

Thanks
 Julie Sawyer

From: "Genny.McMath@state.sd.us" <Genny.McMath@state.sd.us>
To: maverickfeeders@yahoo.com
Sent: Monday, October 17, 2011 12:51 PM
Subject: Burnette Sawyer

I realize that the water rights are separate but am hoping you can help me. I sent out the annual questionnaires this week and the ones to Burnette Sawyer came back in the mail but the post office did not put a reason for returning it on the envelope. So I looked up other Sawyer's with water rights in that area and that's where you come in at!! Can you tell me what address I should be using?

The address I attempted to mail the questionnaire for his water rights is: 5206 S Sweetbriar Court, Sioux Falls SD

Any information you can give me would be appreciated.
 Thanks!

Genny McMath
Water Rights Program
 605.773.5455

Mail future correspondence
 to:
 Burnette Sawyer
 28122 Hwy 19
 Hurley SD 57036



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



No. 6433-3

August 1, 2014

Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Burnette Sawyer:

The irrigation season is in full swing. This has led to the Department of Environment and Natural Resources (DENR) fielding inquiries regarding end gun overspray on to roads. DENR recently distributed the attached press release to the media.

DENR received an inquiry alleging the irrigation system located in the SE ¼ Section 1, T98N, R53W having irrigation water from the end gun hitting 280th Street. The water right for this system is held in your name under Water Right No. 6433-3.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes unauthorized end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

DENR Reminds Irrigators to Avoid Overspray

FOR IMMEDIATE RELEASE: Thursday, July 24, 2014

PIERRE, S.D. – The Department of Environment and Natural Resources (DENR) reminds irrigators to check their center pivots to ensure they are operating properly and are adjusted to spray only upon land authorized for irrigation by their water permit.

“It is important that irrigators do everything they can to avoid overspraying onto nearby roads or neighboring properties,” said DENR Secretary Steve Pirner. “Irrigation overspray can damage roadways, lead to unsafe driving conditions and impact neighbors.”

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes spraying water on land not covered by the water permit. Irrigation systems and especially end guns must be constantly monitored to make sure they are not applying water where it is not allowed. Irrigators who fail to prevent overspray can be subject to fines or required to appear before the Water Management Board for possible suspension of their right to irrigate.

South Dakota has nearly 5,300 active irrigation permits authorizing irrigation of up to 879,000 acres.

Gronlund, Eric

From: kknittel@gwtc.net
Sent: Friday, August 01, 2014 7:45 AM
To: Gronlund, Eric
Subject: water sprayed on road

This last week these were spraying water on the roads. They are all in the same township. Hurley Town ship Turner county

T98N R53W

sec 11 nw1/4 of sw 1/4
on hwy 19

sec 10 ne 1/4
on 280th st

sec 11ne 1/4
on 280th st

sec 12ne 1/4
on 280th st

sec 1 se 1/4
on 280th st

sec 35 se 1/4
on hwy 18

sec 3 sw 1/4 of se 1/4

this happen all time during the day and night. you don't see this at night until you hit it and then you can't see the road.

Also this morning I was driving and the same pivot that was over spraying the road that caused my accident was spraying water on the road again. this is the 2nd time that I have had to file a complaint about its in the nw 1/4 of sec 12 T98N R53W. I was told that they wont be doing that anymore and they still are.

If you have any questions just email me or call me at 605 929 6340

thanks

Kelly Knittel

Gronlund, Eric

6433-3

From: kknittel@gwtc.net
Sent: Friday, August 08, 2014 10:25 AM
To: Gronlund, Eric
Subject: Water on road

On Tuesday August 5th a center pivot was spraying water on the road on 280th st. T98N R53W sec 1 SE 1/4. This was around 2:30pm

I was wondering if Mrs Reiners has fixed the end gun yet on the pivot in her field.,

Kelly Knittel

Freeman SD

605-925-4388

606-929-6340

6433-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6433-3, Burnette Sawyer

ADDRESS: COUNTY: Turner County

DATE: August 11 and 12, 2014 TELEPHONE: 575-2549

RE: center pivot in SE ¼ Section 1, T98N, R53W

I contacted Mrs. Sawyer at 9:40 AM, Monday, August 11, 2014, regarding the email received about the endgun from the pivot in this quarter section overspraying on to the roadway. DENR had previously sent her a letter on this issue August 1st. She was not available so I left a message.

August 12, 2014 at 8:45 AM – Mrs. Sawyer called and indicated she talked with her son who farms the property. He replaced parts on the endgun stops and they should now be functioning properly. He also indicated to her the system has not been in operation the past five days. I said the email regarding overspray stated the overspray occurred on Tuesday, August 5th.

I thanked Mrs. Sawyer for her attention to this matter and asked that they remain vigilant that the end gun stops function properly.

NAME: Eric Thompson

6433-3

Schlaak, Karen

Subject: FW: Water on road

-----Original Message-----

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]

Sent: Thursday, July 16, 2015 11:32 PM

To: Gronlund, Eric

Subject: Water on road

On Tuesday July 14 around 12:00 pm there were two center pivots spraying water on the road. The first one was T98N R53W sec 14 SW 1/4 Hurley twp turner county spraying on hwy 19 - 3906A-3, Paul Petersen

The second one is

T98N R53W sec 1 SE 1/4 Hurley twp turner county spraying on 280th st

Kelly Knittel
Freeman SD

3903-3 & 6433-3
Burnette Sawyer
c/o Shon Sawyer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 22, 2015

3903-3
6433-3
7791-3

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation systems located in the SE 1/4 Section 1 and the SE 1/4 Section 2; all in T98N-R53W had irrigation water from the end guns overspraying on the road. The water right for the system in Section 2 is held in your name under Water Permit No. 7791-3 and the system in Section 1 is held in the name of Burnette Sawyer under Water Right No. 3903-3 and Water Permit No. 6433-3 with you listed as the operator.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 30, 2015

3903-3
6433-3
7791-3

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

The Department of Environment and Natural Resources (DENR) has received another inquiry alleging the irrigation systems located in the SE 1/4 Section 1 and SE 1/4 Section; all in T98N-R53W had irrigation water from the end guns hitting the road this morning.

As stated in our July 22, 2015 letter to you, a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun over spray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

Again, if you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Thursday, July 30, 2015 10:43 AM
To: 'kknittel@gwtc.net'
Cc: Schlaak, Karen
Subject: RE: Water on 280 th street

DENR continues to work with the water right holders to get the endgun stops properly adjusted. This has been in the form of a letter regarding alleged overspray and the need to correct the problem. I have also contacted the highway superintendent in Turner County in an effort to find out if this is a prevalent problem in the county and asking if this is a chronic problem in the area. We have also welcomed Turner County's assistance in documenting the occurrence. I have not yet received a response. DENR has also issued press release regarding the issue.

DENR needs to have the endgun overspray documented by a state staff person or local government such as highway department or law enforcement to take formal more action such as issue an order. This can prove difficult since by the time DENR is informed of the occurrence and were to send someone on-site, the pivot would likely not be in rotation along the roadway.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

-----Original Message-----

From: kknittel@gwtc.net [<mailto:kknittel@gwtc.net>]
Sent: Thursday, July 30, 2015 10:25 AM
To: Gronlund, Eric
Subject: Water on 280 th street

July 30 around 8:00am
T98N R53W sec 2 SE1/4
T98N R53W sec 1 SE1/4
Hurley twp Turner county

Both of these were spraying water on the 280th at this morning.

I have reported the one in sec 1 on July 14th and I reported the one in sec 2 on July 19. I also know that I have reported some other ones more then one time this year. I would like to know what is being done about the ones that are not doing anything to fix the problem.

No. 6433-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Permit No. 6433-3, Burnette Sawyer

ADDRESS: COUNTY: Turner County

DATE: August 5, 2015 TELEPHONE: 605 351-1416

RE: working to control endgun overspray

I returned Shon Sawyer's phone call. He indicated that the endgun is shutting off on the system but not when it is coming into the corner or going out of the corner. He had one person out that couldn't get it adjusted correctly. He now has another gentleman working on getting the stops to operate properly but it is not a simple process.

I told him to keep working on it and monitor the endgun's operation. I stated that this year we've had continued problems and at some point one of the irrigators is going to be brought before the Board so it is in his best interest to get his system functioning properly.

NAME: Eric Ironland



6433-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6433-3 & 7910-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6433-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 23, 2018

Shon, Julie & Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Irrigation Questionnaires for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 6433-3,
7791-3 and 7910-3

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized "M" at the end.

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



6433-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6433-3 & 7910-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

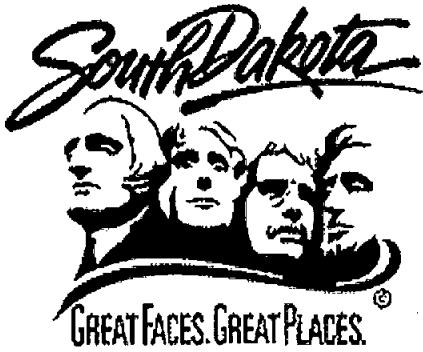
The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 14, 2019

Shon, Julie & Burnette C Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit or Right Nos. 456-3, 3903-3, 6433-3 & 7910-3 (Burnette Sawyer)
Water Right No. 510-3 (Julie K Sawyer) and
Water Permit No. 7791-3 (Shon Sawyer)

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: Shon Sawyer, 28122 Hwy 19, Hurley SD 57036
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3, 510-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JDLTIJ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2023

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3

Dear Mr. Sawyer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: SHON SAWYER, 28122 HWY 19, HURLEY, SD 57036

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 456-3, 510-3 & 3903-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DCALGZ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 23, 2024

456-3, 510-3
3903-3, 4645A-3,
6433-3, 7791-3 & 7910-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 16, 2024

3903-3, 456-3, 6433-3
7910-3 & 4645A-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing you today to follow up on our telephone conversation from earlier in the week, in regard to transferring ownership of the five water permits/rights held by Burnette C Sawyer, to yourself.

I have enclosed a partially completed "Notice of Transfer of Ownership" form for each permit/right. There is a \$50.00 fee for each transfer, totaling \$250.00. Please complete the highlighted portions of each transfer form and return them in the prepaid envelope with a check made payable to "SD Water Rights Program".

If you wish to pay with a card, you may call our Fiscal Office at 605.773.4216. If you choose to pay over the phone, these forms will still need to be returned.

Please feel free to contact me with any questions.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 5, 2024

456-3, 3903-3, 4645A-3
6433-3 & 7910-3

Shon Sawyer
45690 280th St
Hurley SD 57036

Dear Mr. Sawyer:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment for your records.

Water Right/Permit Nos. 456-3, 3903-3, 4645A-3, 6433-3, and 7910-3 previously owned by Burnette C Sawyer are now listed under yourself and I have updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights/Permits, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights/permits will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

RECEIVED

MAR 04 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

PAID

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

MAR 04 2024

No. 6433-3Ck# 6991Date: 2-29-24

Rec't# _____

I/We request that Water Permit No. 6433-3formerly owned by: Burnette C Sawyer, Hurley SD

be transferred to: (name & address)

Shon Sawyer
45690 280th Street
Hurley, SD 57036 Telephone No. 605-351-1416

Title to the following described land(s)/property has been transferred as described above:

12 acres: SE ¼ Section 1 – T98N – R53W

I/We understand that the validity of Water Permit No. 6433-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Shon Sawyer, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for non-construction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 4, 2024

RECEIVED OF J & S 45690 280th Street Hurley SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6433-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By *Eric Gronlund*
Chief Engineer
vm

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6433-3

I have this day, November 12, 2024, made a thorough examination of the water use system constructed by Shon Sawyer 45690 280th St, Hurley, SD 57036 of Permit No. 6433-3, bearing the priority of July 17, 2003 authorizing the diversion of 1.88 cu. ft. per second of the waters of Parker Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information: WELL DETAILS ARE FOUND WITH LICENSE 3903-3

- 1) Well Drilling Firm: Empire Drilling
- 2) No. of Wells 1
- 3) Depth(s) 108 feet
- 4) Well log is available Y

Comments: xx

Casing:

- 1) Diameter _____ inches
- 2) Length _____ feet
- 3) Type _____

Screen:

- 1) Type _____
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Turbine
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

B. Works used to transport water to place of use:

- 1) Type Buried PVC 2) Size 8 inches 3) Length 150 feet

Comments: xx

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley
2) Overall length 1300 feet
3) Number of towers 7
4) End gun Y
5) Capacity 800 GPM (Includes License 3903-3 discharge - 100 + 700)

Chemigation Equipment:

- 1) Does chemigate N

D. 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 Y

3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
From the SE corner Sec 1 T98N R53W, 1150 ft N & 1320 ft W, Lat 43.33299 Long -97.04768 (approx. center of SE 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage
All land in Sec 1 T98N R53W
NW 1/4 SE 1/4 – 35 acres
NE 1/4 SE 1/4 – 35 acres
SE 1/4 SE 1/4 – 34 acres
SW 1/4 SE 1/4 – 35 acres

legal description/acreage

comprising a total of 139 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

The contact person for the Permit is Mr. Shon Sawyer, 45690 280th St, Hurley, SD 57036 and his phone number is 605/351-1416.

I talked to Mr. Burnette Sawyer during the field visit (605/351-1416).



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 18, 2024



WELL LOCATION
 From the SE corner
 Sec 1 T98N R53W
 1150 ft N & 1320 ft W
 Lat 43.33299 Long -97.04768

IRRIGATED AREA
 All land in Sec 1 T98N R53W
 NW 1/4 SE 1/4 - 35 acres
 NE 1/4 SE 1/4 - 35 acres
 SE 1/4 SE 1/4 - 34 acres
 SW 1/4 SE 1/4 - 35 acres



0 410 820 1,640 2,460 3,280 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

APR 28 2025

Shon Sawyer
45690 280th St
Hurley, SD 57036

No. 6433-3

Dear Mr. Sawyer:

Enclosed is Water License No. 6433-3. 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 in the future, the owner of an existing well, 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.

So 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. If you have any questions, please contact our office.

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

Note: (The maximum diversion rate authorized for irrigation under Water Right No. 6433-3 has been reduced to 1.78 cfs, based on the system as constructed.)

Note: (The number of acres authorized for irrigation under Water Right No. 6433-3 has been reduced to 139, based on the system as constructed.)

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6433-3**

(1) Water Right No. 3903-3, held by Shon Sawyer, 45690 280th St, Hurley, SD 57036, with a priority date of November 7, 1977, appropriates 1.88 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for the irrigation of 136 acres. The applicable portions of Water Right No. 3903-3 are incorporated into this license.

Cooperative Credit Company, made Application No. 6433-3, July 17, 2003, for a water permit to add 12 additional irrigated acres to what was already authorized under Water Right No. 3903-3. Permit No. 6433-3, with a priority date of July 17, 2003, was approved October 14, 2003, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 14, 2008, and for the application to beneficial use of water on or before October 14, 2012.

Ownership of Water Right No. 3903-3 and Permit No. 6433-3 was transferred to Shon Sawyer, 45690 280th St, Hurley, SD 57036 on March 4, 2024.

(2) It is certified that the permit holder has 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,150 ft N and 1,320 feet W from the SE corner Section 1, T98N, R53W (approx. center of the SE ¼)
(Latitude 43.33299 and Longitude -97.04768)

(3) The amount of 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.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 1, T98N, R53W
NE ¼ SE ¼ - 35 acres
NW ¼ SE ¼ - 35 acres
SW ¼ SE ¼ - 35 acres
SE ¼ SE ¼ - 34 acres
Total – 139 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Shon Sawyer, the holder and/or owner of Water Right No. 6433-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with priority dates of November 7, 1977 (136 acres & 1.78 cfs) and July 17, 2003 (3 acres), from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6433-3 and subject to 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.



Mark Mayer, PE
Director of Office of Water

4/28/25

date

