

WATER PERMIT NO. 6501-3

Name of Applicant: Russ Hurlbert

Address: RR 2 Box 18, Raymond SD 57258 Phone: 605 532-3536

Amount of Water Claimed: 1.71 cfs Total Acres: 120

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Clark

Type of Waste Disposal System:

Location: 7 miles east of Clark

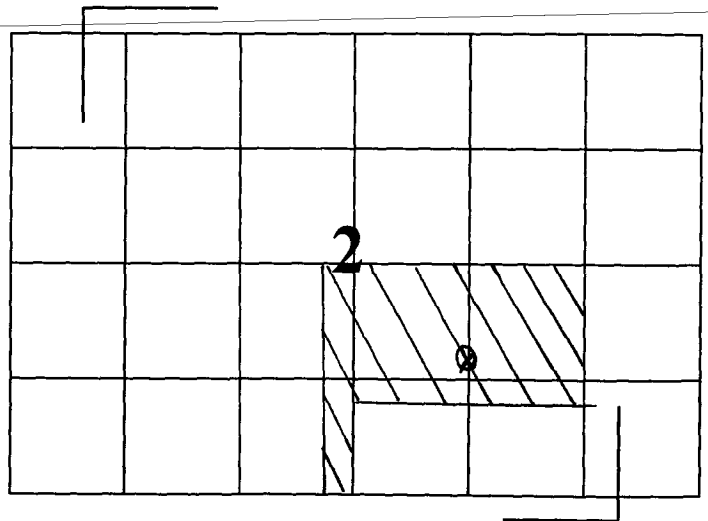
PRIORITY Date Received: 4-16-04 Application/License Fee: \$275

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks: Irrigation of acreage in addition to existing Water Right No. 4783-3

Diversion Point: N ½ SE ¼ Sec 2-T116N-R59W

Land to be Irrigated: SE ¼, E ½ SW ¼ Sec 2-
T116N-R59W



Depth of Well: 165 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Diane J Crondite, Clark Co. FSA

Reviewed and the Number Assigned on: 4-19-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

225+50
225
Water rights Program

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	No. <u>6501-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Clark Co. Courier, Clark</u>

RECEIVED

APR 16 2004

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 4783-3
(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 Russ Hurlbert Phone (605) 532-3536
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR 2 Box 18 Raymond State S.D. 57258
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.71*CFS or 500**GPM ***AF Total Acreage 120 (addition)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 1 existing well Permit 4783-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clark
1320' West and 1485' North of SE corner Sect. 2 T116N R59W
(N1/2 SE1/4)
- County or counties where water will be used Clark
- Annual period during which water is to be used May¹ - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>N100 Acres / SE 1/4 Sect. 2, T116N R59W</u>	<u>100</u>		
<u>E-20 Acres of SW 1/4 Sect 2, T116N E 1/2 R59W</u>	<u>20</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
- 120 Acres in addition to existing 60 Acres in Permit # 4783-3.
* will install Center pivot in place of old towline.

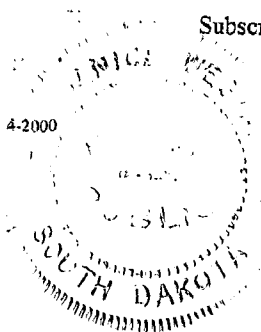
STATE OF SOUTH DAKOTA)
County of Clark) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Russ Hurlbert, 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 Russ Hurlbert
Subscribed and sworn to before me this 15 day of April 2004

Janice Hegmann
Notary Public signature



Ron, Am Sending hard copy
 with 275⁰⁰ payment by mail. Thanks
 Russ

**SOUTH DAKOTA
WATER PERMIT NO. 6501-3**

Date of first receipt of application April 16, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6501-3 to Russ Hurlbert, RR 2 Box 18, Raymond SD 57258 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. 6501-3 appropriates 1.71 cubic feet of water per second from one existing well (Altamont Aquifer) 165 feet deep located in the N ½ SE ¼ Section 2 to irrigate 120 acres located in the SE ¼ and the E ½ SW ¼ Section 2; all in T116N-R59W.
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 31.
3. The date from which applicant may claim right is April 16, 2004.
4. The date of approval of Permit No. 6501-3 is June 21, 2004.
5. One-fifth of the construction is to be completed on or before December 21, 2006.
6. All construction is to be completed on or before June 21, 2009.
7. Water is to be put to beneficial use on or before June 21, 2013.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

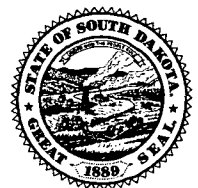
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells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

AUG 17 2004

date



Form 2A

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

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

On applicants property _____ On property owned by others 3/4 mile

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 _____

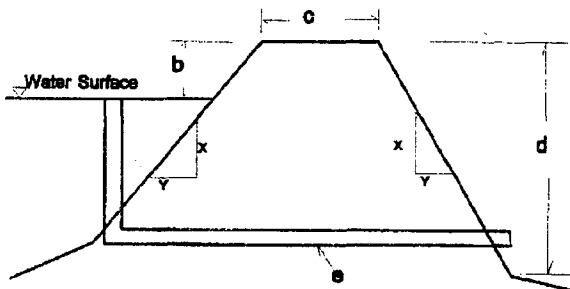
3. Dugout Information

- 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 April 16, 20 04

RECEIVED OF Russell A Hurlbert, RR 2 Box 18, Raymond SD 57258

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

Fee for Application for Permit No. <u>6501-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6501-3</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	275.00

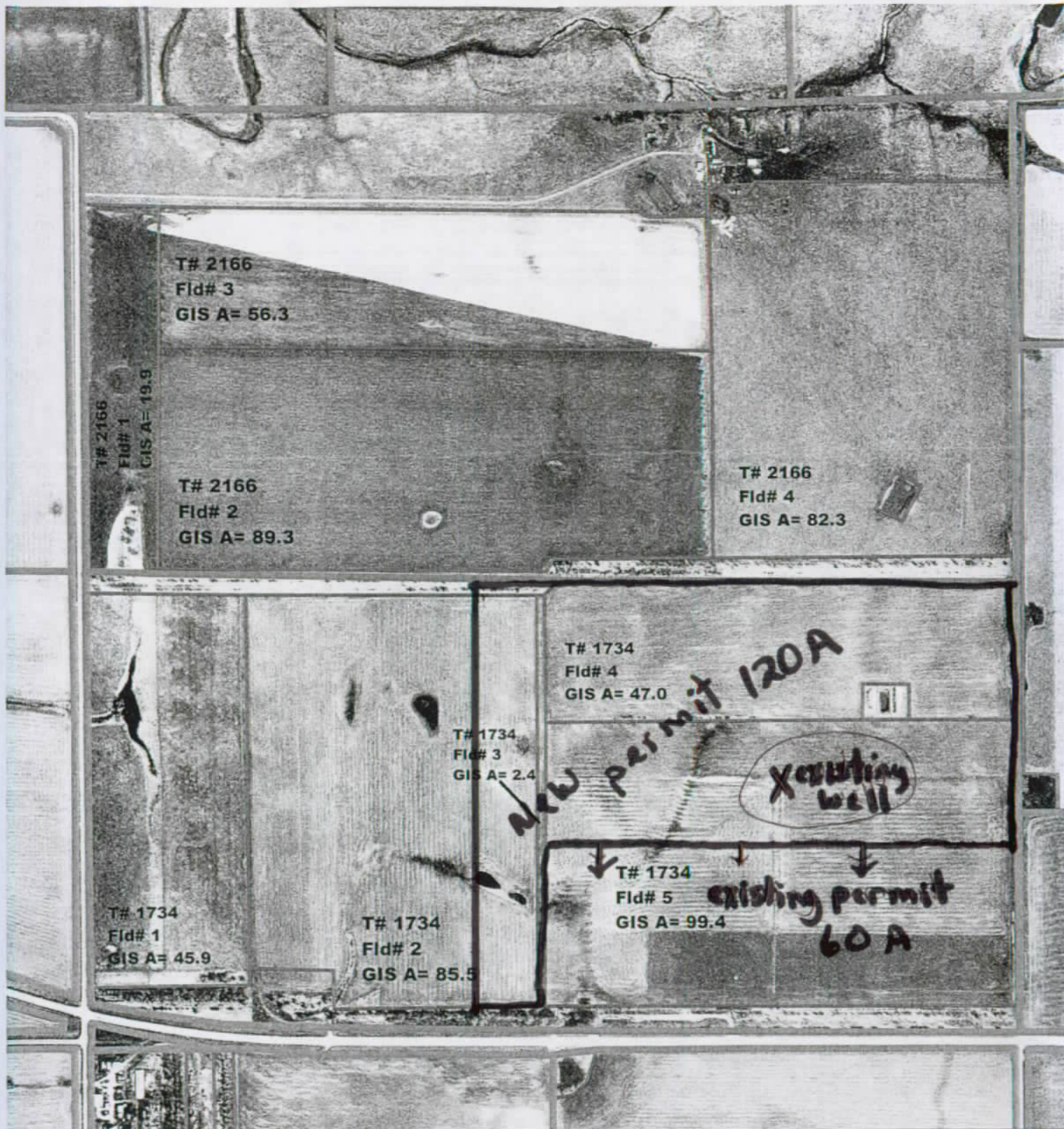
No.

By

David L. Erbe

Chief Engineer

gm



United States Department of Agriculture
Farm Service Agency

02-116-59

Clark County



January 15, 2004

1997 Digital Orthophotography - Not To Scale

2004

Clark County FSA Office
400 1st Ave. E., Suite 1
Clark, SD 57225-1501

Drainage Committee Acting CEO

6501-3

IRWIN & McDOWELL, INC.
2000
MAP NO. ETC SCALE

1998

THIS IS NOT AN OFFICIAL WETLAND MAP.

T 2166

NC

③ 56.4 NHCL

42.10

19.7

② 89.2 NHCL

NC

④ 82.1 NHCL

T 1734

45.8

45.8 W/NHCL

85.6

② 85.6 W/NHCL

NC

4423-139R
④ 46.9 NW/NHCL 120 Acres total

③ ⑤ 99.3 W/NHCL

C-10
116-59

T 1735

T 1827

45.6

REPORT ON WATER PERMIT APPLICATION NO. 6501-3

For Russ Hurlbert

May 18, 2004

Application No. 6501-3 proposes to appropriate 1.71 cfs (767 gpm) from an existing 165 feet deep well located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 2 to irrigate 120 acres located in the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 2; all in T116N R59W in Clark County.

AQUIFER – ALTAMONT (A)

The Altamont is a buried outwash (sand and gravel) that can be under water table or artesian conditions in this area. At this site the aquifer appears to be under artesian conditions but nearby the aquifer is under water table conditions. The water levels for a nearby observation well indicate that the aquifer behaves like it is under water table conditions. The aquifer underlies (also referred to as the Altamont 2 aquifer by Hamilton) 630 square miles and contains an estimated 3.23 million acre-feet of water in storage in Clark County (Hamilton, 1986). Ground water movement is from east to west across the area of this application. The aquifer extends into Day County to the north, Spink County to the west, Hamlin and Codington Counties to the east and Beadle County to the southwest. Hamilton also estimated the average annual recharge to the Altamont 2 and Altamont 3 aquifers to be about 54,000 acre-feet (Hamilton, 1986).

The Water Rights Program monitors an observation well CK-78F located within one-half 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. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). A hydrograph for observation well C-78F is included with this report.

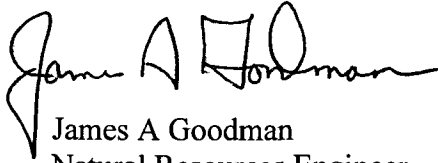
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only water right in this area is No. 4783-3 (0.85cfs, irrigation of 60 acres). This application actually uses the same well and will expand upon those acres. There are no other nearby irrigation wells or other permitted wells. Interference is not a concern. A look at the observation well hydrograph indicates that drawdown is not significant in this area.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. This is an existing well. The well has been in use for many years with no apparent problems. Interference is not expected to be a concern.
3. Very little data is available for the actual construction of this irrigation well although a test well log indicating the subsurface geology is available.

4. The aquifer in this area appears to respond as if it is under water table conditions. The observation well hydrograph is a good illustration of this. Drawdown created by pumping is not expected to be significant.
5. If this application is approved this system would have a total diversion rate of 2.56 cfs for irrigation of 180 acres from the existing well.



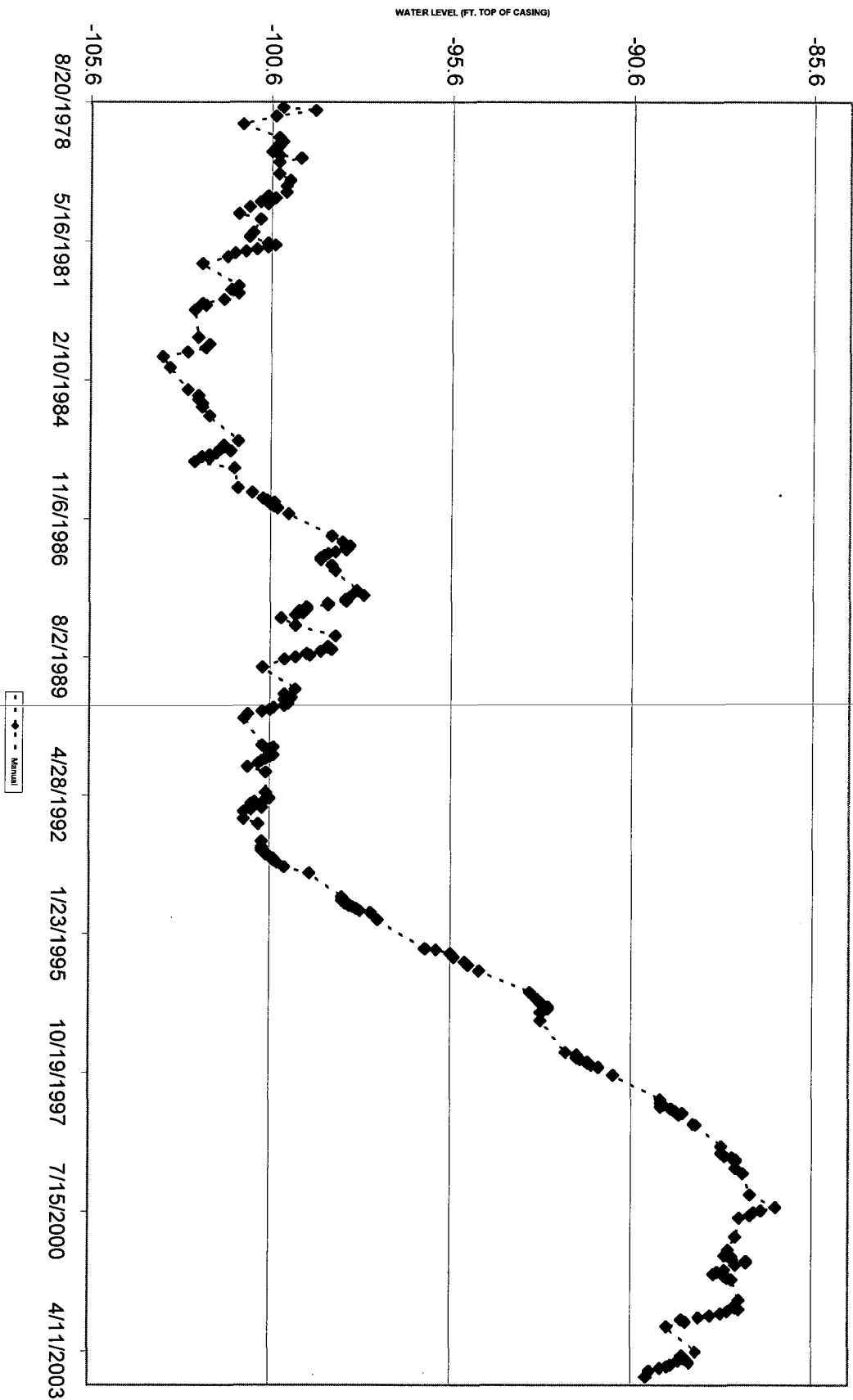
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CK-78F





**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. 6501-3**

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. 6501-3, Russ Hurlbert, RR 2 Box 18, Raymond SD 57258.

The Chief Engineer is recommending APPROVAL of Application No. 6501-3 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
May 21, 2004

**NOTICE OF APPLICATION
NO. 6501-3 TO APPROPRIATE
WATER**

Notice is given that Russ Hurlbert, RR 2 Box 18, Raymond, SD 57258, has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one existing well (Altamont Aquifer) 165 feet deep located in the N1/2SE1/4 Section 2 to irrigate 120 acres located in the SE1/4 and the E1/2SW1/4 Section 2; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6501-3 because (1) unappropriated water is available, (2) existing rights will not be unlawfully impaired, (3) it is a beneficial use of water, and (4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 2004.

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

6-2-2t



RECEIVED
JUN 28 2004
WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**NOTICE TO APPROPRIATE WATER
(RUSS HURLBERT)**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

June 2, 2004

June 9, 2004

that the full amount of the fees for the publication of the annexed notice is

\$38.14

William J. Krikac

Subscribed and sworn to before me this

23rd day of June, 2004

Kimberly L. Seefeldt
Notary Public
Clark County, South Dakota

My commission expires: 10-02-07



**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.**

May 24, 2004

Russ Hurlbert
RR 2 Box 18
Raymond SD 57258

Dear Mr. Hurlbert:

Water Permit Application No. 6501-3 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 Clark Co. Courier printed at Clark, SD (Ph # 605-532-3654). 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. 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

May 24, 2004

Clark Co. Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6501-3 to Appropriate Water to be published twice. Please publish the first notice on June 2, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Russ Hurlbert, RR 2 Box 18, Raymond SD (Ph # 605-532-3536).

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. 6501-3

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

Date _____

We are in receipt of your letter of May 24, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6501-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6501-3 to Appropriate Water

Notice is given that Russ Hurlbert, RR 2 Box 18, Raymond SD 57258 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one existing well (Altamont Aquifer) 165 feet deep located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2 to irrigate 120 acres located in the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2; all in T116N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6501-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 2004.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 17 2004

Russ Hurlbert
RR 2 Box 18
Raymond SD 57258

Dear Mr. Hurlbert:

Enclosed is Water Permit No. 6501-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

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

Date 8-24-04

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

FROM: Russ Hurlbert
(name)
RR 2 Box 18
(address)
Raymond, SD 57288
(city, state, zip)

RECEIVED

OCT 13 2004

WATER RIGHTS
PROGRAM(605) 532-3536
(phone)

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

Water Permit No. 6501-3 states that the water use system is to be constructed by

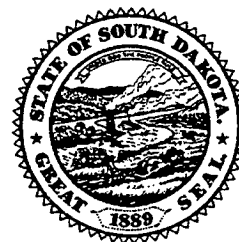
6/21/09, and water is to be put to beneficial use by 6/21/13.
(date) (date)

The water use system was completed on 7/1/04.
(date)

Applying the water to beneficial use was completed on 7/1/04.
(date)

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


(signature)



Permit No. 6501-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 20, 2006**, made a thorough examination of the water use system constructed by **Russ Hurlbert** of **41312 174th St., Raymond, SD 57258** holder of Permit No. **6501-3**, bearing the priority of **April 16, 2004** authorizing the diversion of **1.71** cu. ft. per second of the waters of the **Altamont Aquifer** for **Irrigation** purposes, in **Clark** County.

Inspection contact & relationship to permit holder, if applicable: **Russ Hurlbert (532-3536)**

A. Works used to divert the water:

Pump:

- 1) Make **Valley Pump Co**
- 2) Model **J-82, Ser No. 10MHE-4A-3B-14-13402**
- 3) Capacity **500** GPM

Motor:

- 1) Make **Ford 4.9 liter Industrial**
- 2) Horsepower rating **90** hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Valley**
- 2) Overall length **Approximately 1215** feet
- 3) Number of towers **7**
- 4) End gun **Y**
- 5) High or low pressure **Low**
- 6) Capacity **450** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

C. 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

The system is in Good condition with the point(s) of diversion located as follows: Approximately 1460 feet north and 1420 feet west of the SE corner of Section 2-T116N-R59W (N 44.88160, W -97.88191). The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water which is to be used for Irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 2-T116N-R59W

NW ¼ SE ¼ - 26 acres

NE ¼ SE ¼ - 30 acres

SW ¼ SE ¼ - 26 acres

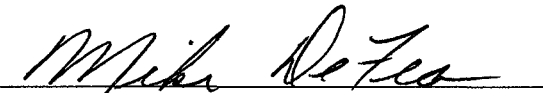
SE ¼ SE ¼ - 30 acres

comprising a total of 112 acres of land and the license should be issued for 1.0 cfs.

All structures, wells and lands on map Y

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

Water Permit No. 6501-3 authorizes the diversion 1.71-cfs of ground water from an existing well to irrigate 120-acres of land in the SE ¼ Section 2-T116N-R59W. The permit holder also has Water Right No. 4783-3 which authorizes 0.85-cfs of water to be diverted from the same well to irrigate 60-acres in the same ¼ section with a priority date of June 15, 1981. At the time of the inspection, 112-acres of land were being irrigated under a single pivot system. Water Right No. 4783-3 should be incorporated into Water Permit No. 6501-3 while retaining a priority date of June 15, 1981 for 60-acres and 0.85-cfs covered under the water right, while the remaining 52-acres and 0.15-cfs authorized by Water Permit No. 6501-3 will retain a priority date of April 16, 2004.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 21, 2007

Russ Hurlbert
RR 2 Box 18
Raymond, SD 57258

Water Permit No. 6501-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 21, 2007



0 0.125 0.25 0.5
Miles



AUG 03 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6501-3

Russ Hurlbert
41312 174th St
Raymond SD 57258

Dear Mr. Hurlbert:

Enclosed is Water License No. 6501-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the 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. 6501-3, 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,

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

Note: The applicable portions of No. 4783-3 are incorporated into Water License No. 6501-3.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6501-3

(1) Russ Hurlbert, 41312 174th St, Raymond SD 57258 made Application No. 6501-3, April 16, 2004 for a water permit to divert 1.71 cubic feet of water per second (cfs) from groundwater (one well), Clark County, South Dakota for irrigation purposes. Permit No. 6510-3, with a priority date of April 16, 2004 was approved June 21, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 21, 2009 and for the application to beneficial use of water on or before June 21, 2013.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 13, 2004. The *Notice* stated the diversion system was completed on July 1, 2004 and the water placed to beneficial use on July 1, 2004.

Water Right No. 4783-3 with a priority date of June 15, 1981 authorizes diversion of 0.85 cfs from groundwater (one well) to irrigate 60 acres. Permit No. 6501-3 authorized additional acres and diversion rate from the existing well. The applicable portions of Water Right No. 4783-3 have been incorporated into this Water License No. 6501-3.

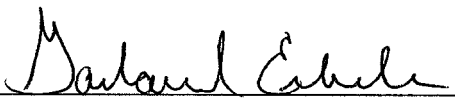
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6501-3 is issued a license, bearing priority dates of June 15, 1981 (0.85 cfs and 60 acres) and April 16, 2004 (0.15 cfs and 52 acres) to appropriate 1.0 cubic feet of water per second from groundwater (one well) to irrigate 112 acres.

The diversion point is located: approximately 1,460 feet north and 1,420 feet west of the southeast corner of Section 2-T116N-R59W (NW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 2-T116N-R59W	NW ¼ SE ¼	26 acres
	NE ¼ SE ¼	30 acres
	SW ¼ SE ¼	26 acres
	SE ¼ SE ¼	30 acres
Total 112 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6501-3 including the following now applicable qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

AUG 03 2007
date





6501-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 21, 2011

NOTICE

TO: RUSS HURLBERT, 41312 174TH ST, RAYMOND, SD 57258

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6501-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6501-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 6501-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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.

6501-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0232

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:53 am on January 22, 2011 in CLARK, SD 57225. The item was signed for by B HURLBFRT.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 11:53 am, CLARK, SD 57225
- Out for Delivery, January 22, 2011, 8:29 am, RAYMOND, SD 57258
- Sorting Complete, January 22, 2011, 8:19 am, RAYMOND, SD 57258
- Arrival at Post Office, January 22, 2011, 8:00 am, RAYMOND, SD 57258

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0232	RUSS HURLBERT 41312 174TH ST RAYMOND SD 57258	
	Waiver of Signature ☐ YES ☐ NO	
Postmark Here		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2011

6501-3

Russ Hurlbert
41312 174th St
Raymond SD 57258

Dear Mr. Hurlbert:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 6501-3. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



6501-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: RUSS HURLBERT, 41312 174TH ST, RAYMOND, SD 57258

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6501-3 & 7371-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6501-3 & 7371-3 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) 6501-3 & 7371-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (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 questionnaire(s) 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.

6501-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

6501-3
7371-3

Russ Hurlbert
41312 174th St
Raymond SD 57258

Dear Mr. Hurlbert:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 6501-3 and Water Permit No. 7371-3. 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
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: RUSS HURLBERT, 41312 174TH ST, RAYMOND, SD 57258
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6501-3 & 7371-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6501-3 & 7371-3 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) 6501-3 & 7371-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (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 questionnaire(s) 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: MZGZFS**

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, 2023

6501-3
7371-3

Russ Hurlbert
41312 174th St
Raymond SD 57258

Dear Mr. Hurlbert:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 6501-3 & 7371-3. 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