

WATER PERMIT NO. 6502-3

Name of Applicant: Gail Miller

Address: 907 N Madison, Pierre SD 57501

Phone: 605 224-2723

Amount of Water Claimed: 4.57 cfs

Total Acres: 320

Source of Water Supply: groundwater (4 wells)

Water to be used for: irrigation

County: Sully

Type of Waste Disposal System:

Location: 6 miles southwest of Onida

PRIORITY

Date Received: 4-16-04

Application/License Fee: \$375

Corrected Application Received:

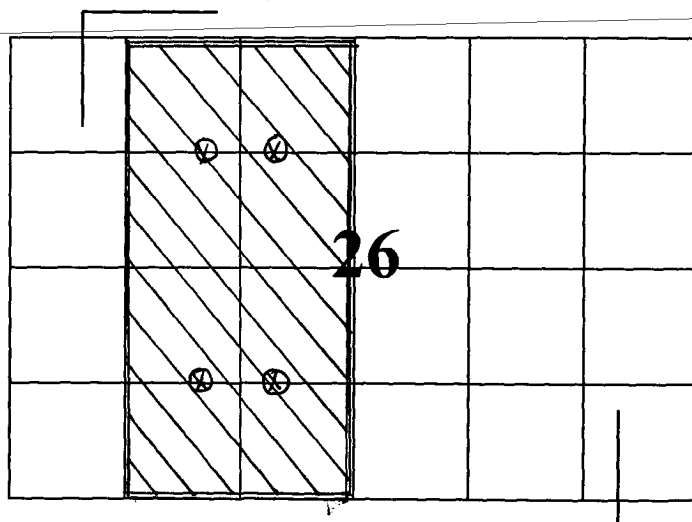
Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NW ¼ and SW ¼ Sec 26 –T114N-

R78W

Land to be Irrigated: W ½ Sec 26-T114N-R78W



Depth of Well: 60 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED
APR 16 2004
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>6502-3</u> Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Onida Watchman, Onida</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Gail Miller (check one) ☐ Owner ☐ Tenant/lessee Phone 224-2723
Mailing Address 907 North Madison Avenue Pierre State SD 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 4,570 *CFS or **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sully
a total 4 wells located in the approximate centers of the NW 1/4 and SW 1/4 of Section 26, T114N, R78W
- County or counties where water will be used Sully
- Annual period during which water is to be used April 1 through 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
SW 1/4 Section 26, T114N, R78W	160		
NW 1/4 Section 26, T114N, R78W	160		

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

STATE OF SOUTH DAKOTA)
County of Hughes) 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)

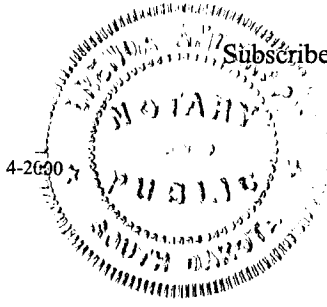
I, Gail Miller, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Gail V. Miller

Subscribed and sworn to before me this 16 day of April 20 04

Brenda Anderson
Notary Public signature

BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 2004



**SOUTH DAKOTA
WATER PERMIT NO. 6502-3**

Date of first receipt of application April 16, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6502-3 to Gail Miller, 907 N Madison Ave, Pierre SD 57501 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. 6502-3 appropriates 4.57 cubic feet of water per second from four wells (Cow Creek Aquifer) approximately 60 feet deep located in the approximate centers of the NW ¼ and the SW ¼ Section 26 to irrigate 320 acres located in the W ½ Section 26-T114N-R78W.
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: April 1 – October 31.
3. The date from which applicant may claim right is April 16, 2004.
4. The date of approval of Permit No. 6502-3 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 wells 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. The wells authorized by Permit No. 6502-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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

JUL 09 2004

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth approx. 60
- b) Casing Type PVC Diameter _____ Thickness _____
- c) Screen Type stainless steel 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 1/2 mile On property owned by others unknown

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

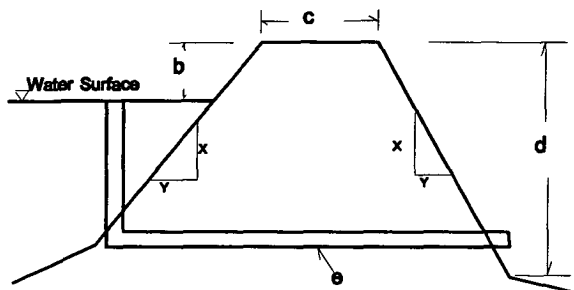
3. Dugout Information

- 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 Gail V Miller, 907 N Madison Ave., Pierre SD 57501

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

Fee for Application for Permit No. <u>6502-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>6502-3</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	375.00

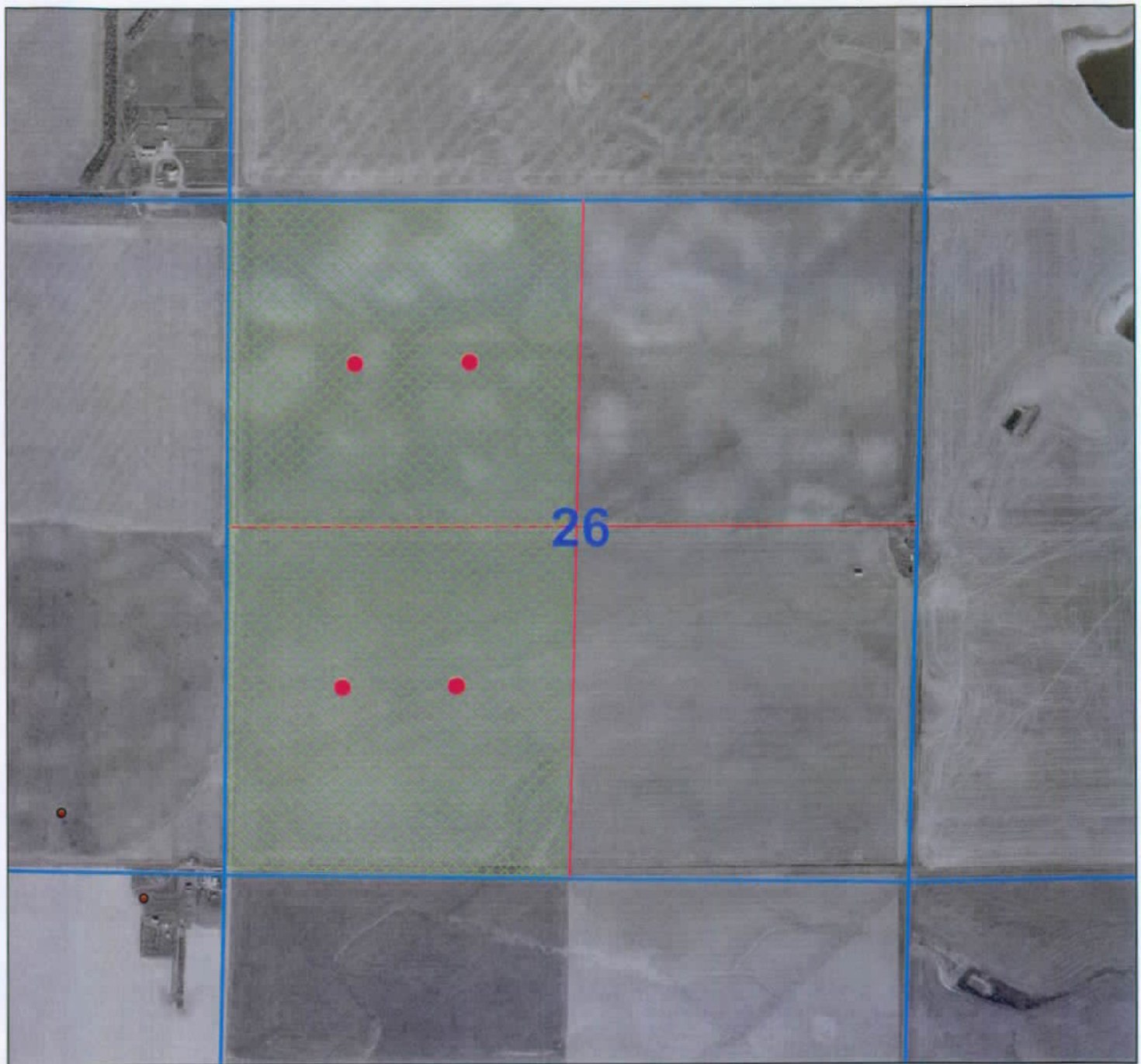
No.

001292

By

Darland Erbe
Chief Engineer
gpm

Water Permit Application for Gail Miller



2,000 1,000 0 2,000 Feet



A total of four wells to be used to irrigate the W 1/2 of Section 26, T114N, R78W. The four wells will be configured in a manner to minimize influencing one another.

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
April 16, 2004

6502-3

REPORT ON WATER PERMIT APPLICATION NO. 6502-3

For Gail Miller

May 19, 2004

Application No. 6502-3 proposes to appropriate 4.57 cfs (2,050 gpm) from four wells approximately 60 feet deep located in the approximate centers of the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of section 26 to irrigate 320 acres located in the W $\frac{1}{2}$ of section 26, T114N R78W in Sully County.

AQUIFER – COW CREEK (COW)

The Cow Creek is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer is very small and poorly mapped. The aquifer underlies 3,600 acres and contains an estimated 8,100 acre-feet of water in storage in Sully County (Hedges, 1982). These estimates are very conservative because of the much lower groundwater levels when the estimates were made. Recharge to the aquifer probably ranges from 2.0 to 5.6 inches per year (1,350 acre-feet to 3,780 acre-feet) (Hedges, 1983). Historically the water use from the aquifer has never exceeded 1,586 acre-feet. Since 1979 water use for irrigation has exceeded 1,000 acre-feet ten times. It appears based upon water use and the estimated recharge rates for this aquifer that water is available for this application.

Test holes and observation well data for this area indicate a total depth of sand and gravel of over 60 feet with a saturated thickness of over 40 feet. This information indicates that the aquifer is thicker in this area and therefore there is a greater potential for a higher capacity well. This is a problem in some other areas of the aquifer where wells are limited in capacity by the saturated thickness of the aquifer.

The Water Rights Program monitors three observation wells completed into the Cow Creek aquifer. One of these observation wells SU-78D is 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 and gradually declining water levels during dry years. The effects of pumping are relatively minor but observable on the overall trends for the aquifer. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). A hydrograph for this observation well is included with this report.

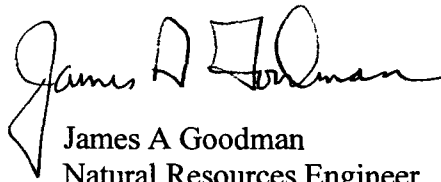
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other nearby water right is No. 3349-3 (2 wells, 132 acres, 1.78 cfs). This right is located immediately adjacent to this application. One of the proposed wells (west well in the SW $\frac{1}{4}$ of section 26) for this application would be about 1,100 feet from a licensed well for water right No. 3349-3. Every effort should be made to space wells about 1,320 feet from other permitted wells. In any event both the existing right and this application are for Gail Miller and can be managed accordingly if there would be interference. The recommended spacing is only to minimize the potential for overlapping cones of

depression from the wells. For wells which supply the same permit this spacing is not necessary and is more of an economic decision for the applicant.

CONCLUSIONS

1. Water is available from the Cow Creek aquifer.
2. The aquifer is under water table conditions in this area. Drawdown is not expected to be significant. This is shown by the observation well hydrograph.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.

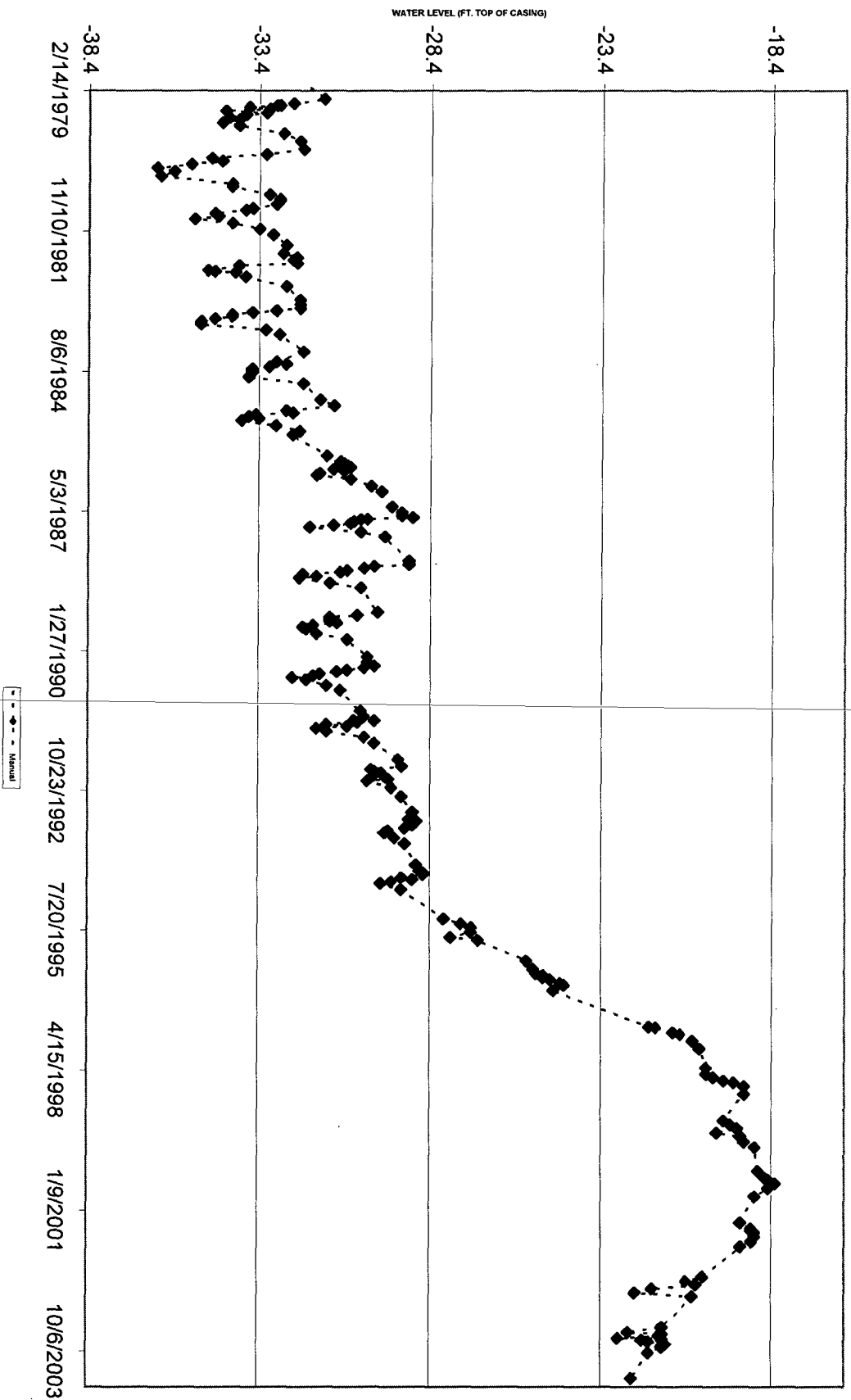


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S. and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., and others, 1983, Evaluation of Ground-Water 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.
- Water Rights, 2004, Unpublished Observation Well Data for the Cow Creek Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SU-78D





**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. 6502-3, Gail Miller**

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. 6502-3, Gail Miller, 907 N Madison, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6502-3 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 wells 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. The wells authorized by Permit No. 6502-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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 24, 2004

NOTE: The well sites proposed by this application are in close proximity to an existing well authorized by your Water Right No. 3349-3. A spacing of 1320 feet is desirable between the new wells and the existing well.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sully) SSI, Alice Olson

certify that the attached printed Notice was taken

from the Onida Watchmanprinted and published in OnidaCounty of Sully and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Thursday, June 3, 2004Thursday, June 10, 2004Cost of Printing \$34.28Alice Olson
(Signature)Publisher
(Title)June 21, 2004
(Date Signed)

RECEIVED

JUN 25 2004

WATER RIGHTS
PROGRAMNOTICE OF
APPLICATION NO. 6502-3
TO APPROPRIATE
WATER

Notice is given that Gail Miller, 907 N. Madison, Pierre, SD 57501 has filed an application for a water permit to appropriate 4.57 cubic feet of water per second from four wells (Cow Creek Aquifer) approximately 60 feet deep located in the approximate centers of the NW ¼ and the SW ¼ Section 26 to irrigate 320 acres located in the W ½ Section 26-T114N-R78W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6502-3 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

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

May 25, 2004

Gail Miller
907 North Madison Ave
Pierre SD 57501

Dear Mr. Miller:

Water Permit Application No. 6502-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Onida Watchman printed at Onida, SD (Ph # 605-258-2604). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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

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

May 25, 2004

Onida Watchman
PO Box 245
Onida SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6502-3 to Appropriate Water to be published twice. Please publish the first notice on June 3, 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 Gail Miller, 907 N Madison, Pierre SD (Ph # 605-224-2723).

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. 6502-3

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

Date _____

We are in receipt of your letter of May 25, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6502-3 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 3, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6502-3 to Appropriate Water

Notice is given that Gail Miller, 907 N. Madison, Pierre SD 57501 has filed an application for a water permit to appropriate 4.57 cubic feet of water per second from four wells (Cow Creek Aquifer) approximately 60 feet deep located in the approximate centers of the NW ¼ and the SW ¼ Section 26 to irrigate 320 acres located in the W ½ Section 26-T114N-R78W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6502-3 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

JUL 09 2004

Gail Miller
907 N Madison Ave
Pierre SD 57501

Dear Mr. Miller:

Enclosed is Water Permit No. 6502-3 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



6502-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: GAIL V MILLER, 907 N MADISON AVE, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 3349-3 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) 6502-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3349-3 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 on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



6502-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3889

Your item was delivered at 4:36 pm on January 25, 2006 in PIERRE, SD 57501. The item was signed for by D MILLER.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 3889

GAIL V MILLER
907 N MADISON AVE
PIERRE SD 57501

e mailing.

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2006

Gail V Miller
907 N Madison Ave
Pierre SD 57501

RE: Water Right Nos. 310A-1, 311A-1, 3349-3 and Water Permit No. 6502-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 310A-1, 311A-1, 3349-3 and Water Permit No. 6502-3.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6502-3
11-02Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 Twp 114 Rg 78

County

Sully

North

Please mark well
location with an "X"

W

E

Well Completion Date

6/15/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,500.0 ft. from septic (identify source)

PROPOSED USE:

☒ Domestic/Stock
☒ Irrigation
 ☐ Municipal
☐ Industrial
 ☐ Business
☐ Institutional
 ☐ Test Holes
☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	8.00 IN	0.0 FT	48.0 FT	12.25 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite		Lb/gal	10.0 Ft	26.0 Ft
Cement		Lb/gal	0.0 Ft	10.0 Ft

Describe grouting procedure
pressure thru tremie

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
 Diameter 8.00 Inches Length 14.0 FeetMaterial stainless steelSlot Size .100 Set From 48.0 Feet to 59.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes
 ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?
 Chlorine
☐ No, Why Not?
 Lab sample sent to for
water quality analysis

state

Well Owner: Gale Miller

Business Name:

Address: 435 Chapelle St.City, State, Zip: Pierre SD 57501

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay	0	17
Gravel	17	25
Blue Clay	25	27
Gravel	27	56
Gravel w/ clay stringers	56	59
Blue clay	59	80

STATIC WATER LEVEL 27.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
 ☐ Bailed
 ☐ Other

Pumping Level Below Land Surface

49.0 Ft. After 2.0 Hrs. pumped 150.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUL 16 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 213

And this report is true and accurate.

Drilling firm: Hutmacher Drilling, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6502-3

11-02

Location NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 26 Twp 114 Rg 78

County

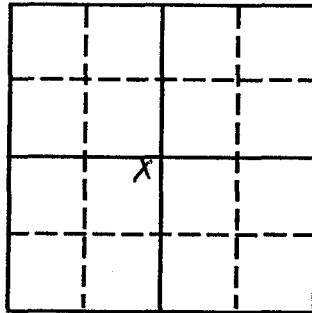
Sully

North

Please mark well
location with an "X"

W

E



1 Mile

Well Completion Date

6/15/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,500.0 ft. from septic (identify source)

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	8.00 IN	0.0 FT	48.0 FT	12.25 IN

LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite		Lb/gal	10.0 Ft	26.0 Ft

Cement	Lb/gal	0.0 Ft	10.0 Ft

Describe grouting procedure
pressure thru tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 14.0 FeetMaterial stainless steelSlot Size .100 Set From 48.0 Feet to 62.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?
Chlorine
☐ No, Why Not?
Lab sample sent to for
water quality analysis

state

Well Owner: Gale Miller

Business Name:

Address: 435 Chapelle St.City, State, Zip: Pierre SD 57501

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay	0	7
Gravel	7	10
Brown Clay/ Blue Clay	10	22
Gravel	22	31
Blue Clay	31	37
Gravel	37	38
Blue Clay	38	40
Gravel	40	62
Blue Clay	62	

STATIC WATER LEVEL 27.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

55.0 Ft. After 2.0 Hrs. pumped 350.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 350.0 GPM

RECEIVED

REMARKS

JUL 16 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 213

And this report is true and accurate.

Drilling firm: Hutmacher Drilling, Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

7-1-07

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6502-3
11-02Location SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 Twp 114 Rg 78

County

Sully

North

Please mark well
location with an "X"

W

E

Well Completion Date

6/15/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,500.0 ft. from septic (identify source)

PROPOSED USE:

☒ Domestic/Stock
☒ Irrigation
☐ Municipal
☐ Industrial
☐ Business
☐ Institutional
☐ Test Holes
☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
40.0	8.00	0.0	50.0	12.25

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	10.0 Ft	26.0 Ft
Bentonite				
Cement			0.0 Ft	10.0 Ft

Describe grouting procedure
pressure thru tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 14.0 FeetMaterial stainless steelSlot Size .100 Set From 59.0 Feet to 74.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?
Chlorine
☐ No, Why Not?
Lab sample sent to for
water quality analysis

state

Well Owner: Gale Miller

Business Name:

Address: 435 Chapelle St.City, State, Zip: Pierre SD 57501

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay	0	16
Gravel	16	29
Blue Clay	29	33
Gravel	33	74
Blue Clay	74	80

STATIC WATER LEVEL 27.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

55.0 Ft. After 2.0 Hrs. pumped 390.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 3,900.0 GPM

RECEIVED

REMARKS

JUL 16 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 213

And this report is true and accurate.

Drilling firm: Hutmacher Drilling, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



6502-3

**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 23, 2009

NOTICE

TO: GAIL V MILLER, 907 N MADISON AVE, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 3349-3 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) 6502-3 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 11, 2009** 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) 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3349-3 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 questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

February 4, 2009

3349-3
6502-3

Gail V Miller
907 N Madison Ave
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 3349-3 and Water Permit No. 6502-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



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 22, 2010

NOTICE

TO: GAIL V MILLER, 907 N MADISON AVE, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3349-3 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) 6502-3 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 10, 2010** 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) 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3349-3 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 questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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://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.

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Label/Receipt Number: 2303 2160 0000 0802 9914

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

Your item was delivered at 2:26 PM on January 23, 2010 in PIERRE, SD 57501. The item was signed for by G MILLER.

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- Delivered, January 23, 2010, 2:26 pm, PIERRE, SD 57501
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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9914

GAIL V MILLER
907 N MADISON AVE
PIERRE SD 57501

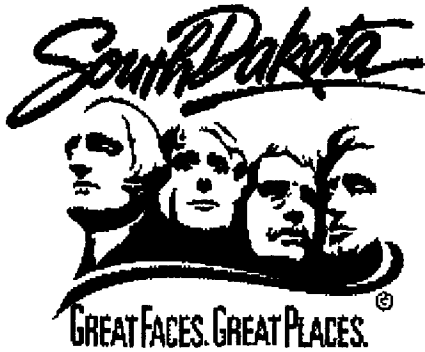
Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

March 1, 2010

3349-3
6502-3

Gail V Miller
907 N Madison Ave
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 3349-3 and Water Permit No. 6502-3.

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,

A handwritten signature in black ink that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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523 EAST CAPITOL
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www.state.sd.us/denr

January 24, 2014

NOTICE

TO: GAIL V MILLER, 907 N MADISON AVE, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 1306-2 & 3349-3 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) 6502-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 6502-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1306-2 & 3349-3 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 questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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.

English

Customer

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DATE & TIME	STATUS OF ITEM	LOCATION
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PS Form 3800, August 2006 See Reverse for Instructions



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



March 7, 2014

NOTICE

TO: Gail V Miller, 907 N Madison Ave., Pierre SD 57501
FROM: Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: One Year Suspension of Water Permit No. 6502-3; and
Amendment of Water Right Nos. 1306-2 and 3349-3

On March 6, 2014, the Water Management Board ordered:

- **Water Right Nos. 1306-2 and 3349-3 are amended to add the following qualification:**
"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water rights is effective March 6, 2014 and means failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

- **Effective April 6, 2014, Water Permit No. 6502-3, be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaire. If the 2013 irrigation questionnaire is received prior to April 6, 2014 the suspension will not take effect.**

Suspension of Water Permit No. 6502-3 means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate under No. 6502-3 in 2014 unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2013 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Genny McMath (605) 773-3352, if you have any questions.

English

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DATE & TIME	STATUS OF ITEM	LOCATION
March 10, 2014, 10:57 am	Delivered	PIERRE, SD 57501
March 8, 2014, 11:29 am	Notice Left (No Authorized Recipient Available)	PIERRE, SD 57501
March 8, 2014	Depart USPS Sort Facility	HURON, SD 57399
March 7, 2014, 10:58 pm	Processed at USPS Origin Sort Facility	HURON, SD 57399
March 7, 2014, 6:04 pm	Dispatched to Sort Facility	PIERRE, SD 57501
March 7, 2014, 1:42 pm	Acceptance	PIERRE, SD 57501

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GAIL V MILLER
907 N MADISON AVE
PIERRE SD 57501

PS Form 3800, August 2006

See Reverse for Instructions



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 19, 2014

Carl Mathews
Miller Mathews Partnership
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 and 6502-3

Dear Mr. Mathews:

On March 6th, the Water Management Board ordered a one year suspension of Water Right Nos. 310A-1, 311A-1 and Water Permit No. 6502-3 if the 2013 irrigation questionnaires were not received prior to April 6, 2014. The irrigation questionnaires were hand delivered to our office March 17th.

The irrigation questionnaires are now on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate in 2014.

Questionnaires were also received for Water Right Nos. 1306-2 and 3349-3. The Board took action on March 6th to amend these two water rights to include the mandatory irrigation questionnaire qualification. The action to amend the water rights was effective the day of the hearing. The addition of the qualification means that future violations could result in suspension of the water rights.

As referenced on the irrigation questionnaires, future forms will be directed to "Miller Mathews Partnership" as manager. If you have any questions, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,


Eric Gronlund, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Carl Mathews, dba Miller Mathews Partnership, 25620 Capa Rd, Midland SD 57552

DATE: March 18, 2014

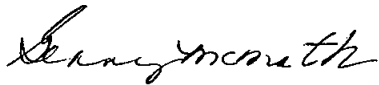
TELEPHONE: 605 843-2285

RE: Water Right or Permit Nos. 310A-1, 311A-1 (Mooney Ranch); 1306-2, 3349-3 & 6502-3 (Gail Miller)

The 2013 irrigation questionnaires were hand delivered to the office on March 17, 2014. A notation was placed on all of them that indicated they should be changed to Miller Mathews Partnership.

I contacted Carl Mathews concerning ownership of the land and he indicated that part of the land was now under the partnership and the rest he farmed for Gail Miller. He requested that for the time being, just list them all in care of the partnership as "manager" and leave ownership of everything the same as it is. Listing the partnership as manager would allow the annual irrigation questionnaires to be sent directly to Mr. Mathews in Midland. He said he was the one responsible for completing them anyway.

He indicated he had not received anything from Mr. Miller for 2013 until a week after the Board meeting. I explained that since the forms were received prior to April 7th, no violations occurred and the suspensions did not take effect.



Genny McMath
Water Rights Program

Permit No. 6502-310130105 Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day, July 18, 2013, made a thorough examination of the water use system constructed by Gail Miller of Pierre, SD holder of Permit No. 6502-3, bearing the priority of April 16, 2004 authorizing the diversion of 4.57 cu. ft. per second of the waters of the Cow Creek aquifer for irrigation purposes, in Hughes County.
Sully

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Two wells are in place with submersible pumps that are capable of producing 1.67 cfs (750 gpm).

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

The "north well" is 870 ft from pivot point and the "south well" is 24 ft from pivot point. Water is conveyed via 8 in steel pipeline that is primarily underground. The connection of the two pipelines is above ground near the pivot point. The system is powered by two 3-phase submersible motors at 25 hp and 30 hp.

C. Works used to apply water to beneficial use:

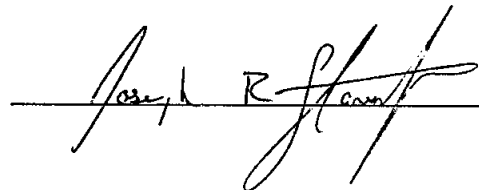
Center pivot with end gun, 1,293 ft in length with 8 towers. Capacity is 1.56 cfs (700 gpm).

The system is in the following condition: good. The points of diversion are located 1,320 ft north and 1,320 ft east of the SW corner of Section 26, T114N-R78W (44.655117°N, 100.197633°W) and 2,190 ft north and 1,340 ft east of the SW corner of Section 26, T114N-R78W (44.652717°N, 100.197683°W). The works are capable of diverting and conveying to the place of use 1.67 cfs of water which is to be used for irrigation.

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

33 ac	NW¼ SW¼	Section 26, T114N-R78W
33 ac	SW¼ SW¼	Section 26, T114N-R78W
33 ac	SE¼ SW¼	Section 26, T114N-R78W
33 ac	NE¼ SW¼	Section 26, T114N-R78W

comprising a total of 132 acres of land and the license should be issued for 1.67 cfs. Applicable permit qualifications have been complied with: Yes.

Date: May 27, 2014


REPORT ON INSPECTION OF PERMIT NO. 6502-3

DATE: 7/18/13

Other permit(s) associated with the project: none

DIVERSION POINT(S) LEGAL LOCATION(S):

centerline of the NW¼ SW¼ and the NE¼ SW¼ Section 26, T114N-R78W (44.655117°N, 100.197633°W) and center of the SW¼ Section 26, T114N-R78W (44.652717°N, 100.197683°W)

WELL INFORMATION: "north well"

- 1) Well Drilling Firm: Hutmacher Drilling, Inc
- 2) Depth, feet: 80'
- 3) Well Log is available Y/N: Yes

Casing:

- 1) Diameter, inches: 8"
- 2) Length, feet: 50'
- 3) Type: plastic

Screen:

- 1) Type: stainless steel
- 2) Length, feet: 14'
- 3) Static water level, feet: 27.0' (6/15/2007)

Pump:

- 1) Make: Grundfos
- 2) Model: MS6T30
- 3) Size: 6"

Motor:

- 1) Make: Franklin
- 2) Model No.: 2366169020
- 3) Horsepower rating, horsepower: 30 hp

WELL INFORMATION: "south well"

- 1) Well Drilling Firm: Hutmacher Drilling, Inc
- 2) Depth, feet: 62''

3) Well Log is available Y/N: Yes

Casing:

1) Diameter, inches: 8"

2) Length, feet: 48'

3) Type: plastic

Screen:

1) Type: stainless steel

2) Length, feet: 14'

3) Static water level, feet: 27.0' (6/15/2007)

Pump:

1) Size, inches: 6"

Motor:

1) Make: Franklin

2) Model No.: 2366159020

3) Horsepower rating, horsepower: 25 hp

DISTRIBUTION LINES OR CANALS:

1) Type: steel

2) Size, inches: 8"

3) Length, feet: 870' and 24'

SYSTEM TYPE:

Center pivot:

1) Make: Reinke Electrogator II

2) Overall length, feet: 1,293'

3) Number of towers: 8

4) End gun Y/N: Yes

5) Capacity, gallons per minute: 700 gpm

CHEMIGATION EQUIPMENT:

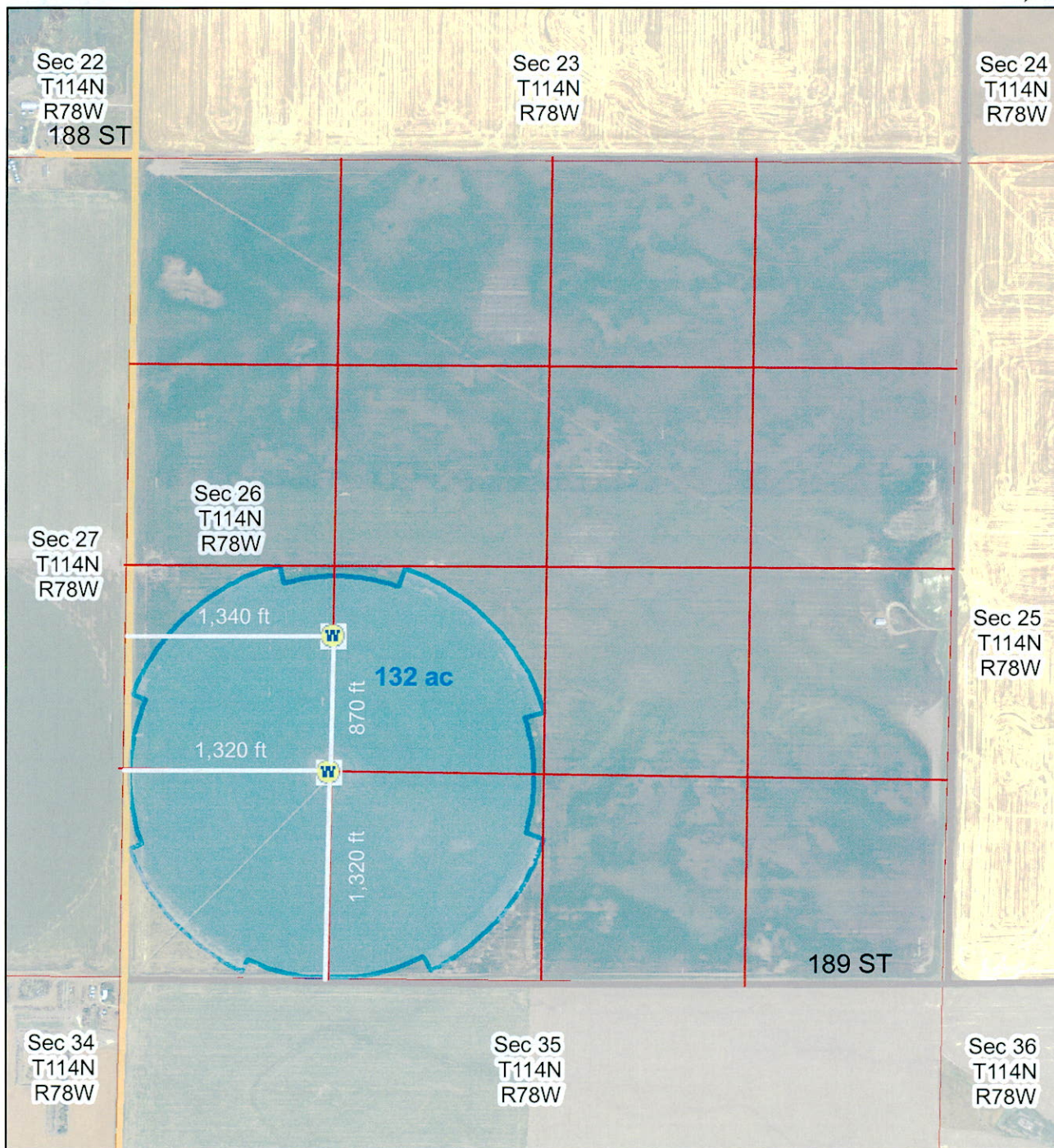
1) Does chemigate Y/N: Yes

- 2) Main line check valve Y/N: No
- 3) Inspection port/air relief Y/N: Yes
- 4) Low pressure drain Y/N: No
- 5) Discharge is 20 feet from source Y/N: None found
- 6) Injection pump type: Milton Ray
- 7) Injection check valve Y/N: No
- 8) Injection line check valve or positive displacement pump Y/N: Yes
- 9) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y/N: No

PERMIT QUALIFICATIONS AND REGULATIONS:

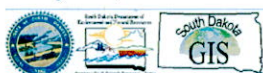
- 1) Soil and water permit lands agree with lands being irrigated and land listed on permit Y/N: Yes
- 2) Special qualifications to permit being abided by Y/N: Yes
- 3) All structures, wells and lands on map Y/N: Yes
- 4) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period Y/N: Yes

Gail Miller
Water Permit No. 6502-3



0 0.125 0.25 0.5 Miles

Joseph R Stonesifer
 Joseph R Stonesifer
 SD DENR Water Rights Program
 May 27, 2014



- Well Location
- Irrigated Acres
- Section Boundaries
- Minimum Maintenance
- Graded or Gravel Surface

FSA - 2012



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



MAY 30 2014

6502-3

Gail Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

Enclosed is Water License No. 6502-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6502-3, 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.

The inspection of your use system for licensing purposes found the chemigation equipment used with the irrigation system did not meet requirements. If you intend to continue running chemicals or fertilizer through your irrigation system you must install the following:

- a mainline check valve;
- a low pressure drain which discharges a minimum of 20 feet from the water source; and
- an injection check valve

Minimum requirements for antipollution devices and the arrangement of equipment for either an engine drive or motor drive is attached. Under SDCL 34A-2A-2, any person who uses an irrigation system for chemigation who fails to comply with the standards and requirements established pursuant to § 34A-2A-3 is guilty of a Class 2 misdemeanor. In addition, a civil fine of not more than five hundred dollars may be imposed for the violation. Each day of noncompliance is a separate violation. In addition, the water management board may suspend or cancel any water permit or license pursuant to § 46A-1-12. You are responsible for complying with the statutes if you continue to chemigate.

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,

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

enclosures

c: Carl Mathews, 25620 Capa Rd, Midland SD 57552

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6502-3**

(1) Gail Miller, 907 N Madison, Pierre SD 57501 made Application No. 6502-3, April 16, 2004 for a water permit to divert 4.57 cubic feet of water per second from ground water (four wells, Cow Creek Aquifer), Sully County, South Dakota for irrigation purposes. Permit No. 6502-3, 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 said water on or before June 21, 2013.

(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 1.67 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1,320 feet north and 1,320 feet east of the SW corner of Section 26, T114N, R78W (center of SW $\frac{1}{4}$);
- 2,190 feet north and 1,340 feet east of the SW corner of Section 26, T114N, R78W (NE $\frac{1}{4}$ SW $\frac{1}{4}$).

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

T114N, R78W Section 26	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>33 acres</u>
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gail Miller, 907 N Madison, Pierre SD 57501 the holder and/or owner of Water Right No. 6502-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water (two wells, Cow Creek Aquifer) with a priority date of April 16, 2004 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. 6502-3 and subject to the following 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.
- The well authorized by Permit No. 6502-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled in 2007 by Hutmacher Drilling. Well logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 30 2014

date



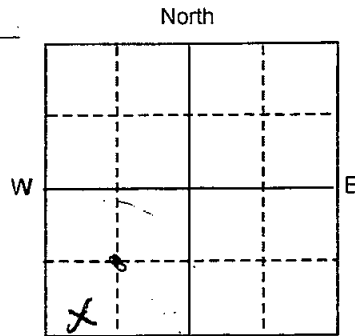
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 SW 1/4 Sec 26 Twp 114N Rg 78W

County Sully

Please mark well location with an "X"



Well Completion Date

9/21/2015

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

None ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
30 140 SS LB/FT	16 IN	40 FT	70 FT	26 IN
SDR26 LB/FT	16 IN	0 FT	40 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	10	Lb/gal	0 Ft	40 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 30 Feet

Material Stainless Steel

Slot Size .050 Set From 40 Feet to 70 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location
above screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis
☐ No, Why Not?

Well Owner: Gail Miller

Business Name:

Address: 907 N. Madison

City, State, Zip: Pierre SD 57501

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow Clay	2	10
Clay & Streaks	10	33
Blue Clay	33	42
Pea Rock / Some Clay	42	65
Over sized Rock and Pea Rock	65	70

STATIC WATER LEVEL 29 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersable

☐ Bailed

☐ Other

Pumping Level Below Land Surface

52 Ft. After 6 Hrs. pumped 700 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Cow Creek

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Stretcher

Signature of Well Owner or Equitable Property Holder:

Gail Miller

Date:



6502-3
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: MILLER MATHEWS PARTNERSHIP, MGR, CARL MATHEWS, 25620 CAPA RD,
MIDLAND, SD 57552

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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. 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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 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) 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2019

Carl Mathews
Miller Mathews Partnership, Mgr
25620 Capa Rd
Midland SD 57552

RE: Water Right Nos. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3

Dear Mr. Mathews:

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 Nos. 310A-1, 311A-1, 1306-2, 3349-3 & 6502-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

All of the above listed water rights are listed in either Mooney Ranch or Gail Miller. Something to keep in mind, at some point in time when the estate is settled, the water rights will need to be transferred to reflect current ownership.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2021

6502-3

Darin Newcomb
1628 Circle Dr
Pierre SD 57501

Dear Mr. Newcomb:

Thank you for visiting with me about the water right listed under Gail Miller's name. Recently, we became aware that you had purchased the land.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed a copy of the water right and the map. You can keep them for your records. If you have any questions, let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosures

6502-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 27, 2021RECEIVED OF Darin Newcomb 1628 Circle Drive Pierre SD 57501

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>6502-3</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
EG

PAID

MAY 27 2021

CL # 4581

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 27 2021

WATER RIGHTS
PROGRAM

No. 6502-3

Date: _____

I/We request that Water Right No. 6502-3

formerly owned by: Gail Miller

be transferred to: (name & address) Dawn Newcombs

1628 Circle Drive
Pierre SD 57501

Telephone No. 605 280 4689

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

132 acres - SW 1/4 Section 26, T114N, R78W

I/We understand that the validity of Water Right No. 6502-3 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 Dawn Newcombs, the new owner, certify that the above information is true and correct.



(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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 27, 2021

6502-3

Darin Newcomb
1628 Circle Dr
Pierre SD 57501

Dear Mr. Newcomb:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6502-3.

The ownership change has been completed. The water right formerly held by Gail Miller is now listed in your name.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a copy of a past form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October.

Also enclosed is a receipt for the filing fee you paid for the ownership change. If you have any questions, let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DARIN NEWCOMB, 1628 CIRCLE DR, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6502-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 6502-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 6502-3 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 5, 2025**, 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 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: NWCLWE**

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

January 24, 2025

6502-3

Darin Newcomb
1628 Circle Dr
Pierre SD 57501

Dear Mr. Newcomb:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 6502-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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