

WATER PERMIT NO. 6509-3

Name of Applicant: Marjorie Weeks and Martin Weeks

Address: PO Box 435, Vermillion SD 57069 Phone: 605 624-2521

Amount of Water Claimed: 0.22 cfs Total Acres: 23 acres

Source of Water Supply: groundwater

Water to be used for: irrigation County: Clay

Type of Waste Disposal System:

Location: 20 miles north of Vermillion

PRIORITY Date Received: 5-17-04 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: April 1 – October 15

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 2-T92N-R52W

Land to be Irrigated: NE ¼ SW ¼, SE ¼ NW ¼
Sec 2-T92N-R52W

Depth of Well: 164 feet

Well Driller: : Hammond-Wetmore Drilling

Remarks:

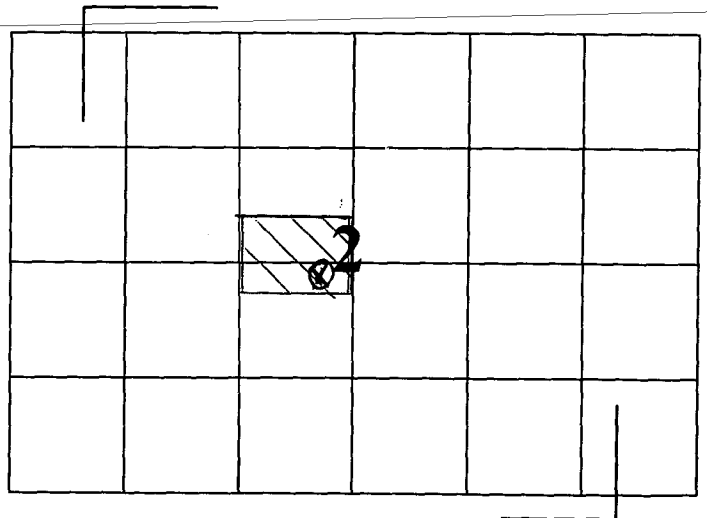
Type of Map: aerial

Prepared by: Deron J Ruesch, NRCS

Reviewed and the Number Assigned on: 5-17-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

MAY 17 2004

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6509-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u> <u>Vermillion</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.)

1. Name of Applicant Marjorie Weeks and Martin Weeks Phone (605) 624-2521
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address P.O. Box 435 Vermillion State SD 57069
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF Total Acreage 23
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well in NE 1/4 SW 1/4 Section 2, Twp 92 R 52
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
The well in the NE 1/4 SW 1/4 Section 2, Twp 92 R 52 will supply domestic water, livestock water and irrigation water for the land described below in paragraph 7
5. County or counties where water will be used Clay
6. Annual period during which water is to be used April 1 to October 15
7. 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
NE 1/4 SW1/4 Except Lot H-2 Sec 2 (92-52)	8	Crops to be irrigated are different kinds of herbs.	
SE 1/4 NW 1/4 Except lot H-2 Sec 2(92-52)	15		
<u>all in T92N-R52W</u>			

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

Marjorie Weeks is the owner of the NE 1/4 SW1/4, except Lot H-2. Martin Weeks is the owner of the adjoining SE1/4 NW 1/4 except lot H-2. The applicants are husband and wife, the well will supply water for the parties livestock, household, and gardens for domestic and commercial purposes. Irrigated crops will be herbs.

STATE OF SOUTH DAKOTA) SS

County of Clay)

Marjorie Weeks and I, Martin Weeks, each for
I, ~~herself and himself~~, 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.

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)

Applicant's signature

Subscribed and sworn to before me this

13th

day of

May2004

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6509-3**

Date of first receipt of application May 17, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6509-3 to Marjorie and Martin Weeks, PO Box 435, Vermillion SD 57069 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. 6509-3 appropriates 0.22 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 164 feet deep located in the NE ¼ SW ¼ Section 2 to irrigate 23 acres located in NE ¼ SW ¼ and SE ¼ NW ¼ Section 2; all in T92N-R52W.
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 15.
3. The date from which applicant may claim right is May 17, 2004.
4. The date of approval of Permit No. 6509-3 is June 28, 2004.
5. One-fifth of the construction is to be completed on or before December 28, 2006.
6. All construction is to be completed on or before June 28, 2009.
7. Water is to be put to beneficial use on or before June 28, 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



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 inches Depth 164 feet
- b) Casing Type PVC Diameter 5 inches Thickness .25 inch
- c) Screen Type PVC Diameter 5 inches Thickness .25 inch
- d) Gravel Pack Pea Rock Length of Gravel Pack 50 feet
- e) Depth to Top of Water Bearing Material 110 feet
- f) Depth to Water (ground surface to water level) 71 feet
- g) Distance to nearest existing domestic well:
- On applicants property 1/8 mile On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) N/A
- b) System Capacity (gallons) 0.00 Year Constructed 0
- c) Connected to the City of N/A Sanitary System

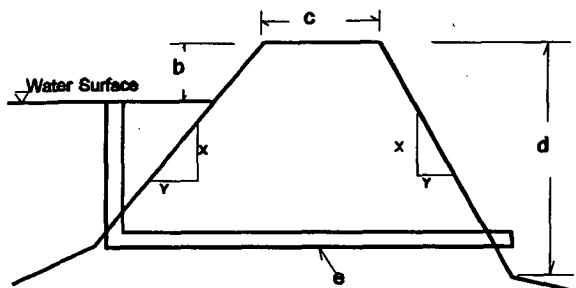
3. Dugout Information

- a) Surface Dimensions N/A Depth N/A
- b) Depth to water (ground surface to water level) N/A

4. Water Storage Dams N/A

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 17, 2004

RECEIVED OF Martin Weeks, PO Box 435, Vermillion SD 57069

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

Fee for Application for Permit No. <u>6509-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6509-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

001319

By

Darlene Eide

Chief Engineer

gm

T-26683

130.4 W NHEL

314.0 NHEL

5.0 NHEL

21.4 NHEL

120.3 PC NHEL

T-26683

436.6 PC NHEL 92-52

CROPS TO BE IRRIGATED!

AREA TO BE IRRIGATED

Field 15 acres

Trees 8 acres

Headquarters

Well 19.3 NHEL

242.6 NHEL

34.3 NHEL

T-26683

1524.3 PC NHEL

624.5 PC NHEL

13.89 W NHEL

154.1 W NHEL

245.8 NHEL

NC

NC

Map Produced By:
Glenn J. Ruess
Deon J. Ruess
District Conservationist
USDA-NRCS
4-13-04

6509-3

13.89 W NHEL

154.1 W NHEL

24.3 PC NHEL

24.5 PC NHEL

24.58 NHEL

NC

NC

TASAI

2750

6509-3

6509-3

Application for Permit to Appropriate
Water For Irrigation
SOILS MAP
Sect 2 T92-R52

MR MARTIN WEEKS

Clay County, SD

Date: 04/13/2004

Map Produced By:

Vermillion
USDA NRCS
D. Ruesch

Devin J. Ruesch
District Conservationist



Legend

-  Planned Land Units
-  Soils Map Irrigation
-  Well



300 0 300 600 Feet



6509-3

Hammond-Wetmore Drilling

**27 North Yale Street
Vermillion, SD 57069
Richard Hammond, Geologist**

Lithologic Log

Martin Weeks domestic well

Location: About 200' NW of house; T 92N-R52W-2caab;

Completion date: April 1, 2004

Aquifer: Lower Vermillion-Missouri glacial outwash;

Total Depth Drilled: 164 feet

Cased depth: 160 feet

Screened from 120 to 160 feet

Screen: .040" slotted pipe, 5" PVC, SDR 17 with PVC bottom cap,

Filter pack: 0.10"-0.25" gravel

Casing: 6 to 120 feet, 5" PVC, SDR 17

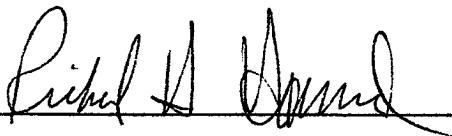
Static water level :71'

Wellhead: Merrill 5"x6' steel pitless unit, completed to 1'+ above land surface

<u>Depth</u>	<u>Lithology</u>
0-2'	Clay, dark brown, silty ; topsoil
2-27'	Clay, yellow-brown, silty, pebbly; glacial till
27-110'	Clay, gray-brown, silty, pebbly; glacial till
110-164'	Sand, greenish gray, coarse to very coarse;

Developed by bailer, then pumped at 35 gallons per minute.

Driller: Richard H. Hammond





DEPARTMENT OF HEALTH

ADMINISTRATION

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
(605) 773-3368 FAX: (605) 773-6129
www.state.sd.us/doh/lab/index.htm

* Page 1 of 1 *
Date: 2/20/2004

Submitter copy to:

WEEKS, MARJORIE
WEEKS, MARTIN-105247
31551 N HIWAY 19
VERMILLION, SD 57069

Spec #: B04WB001845
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605) 773-3368

Source

WEEKS, MARTIN

Date Rcvd: 2/18/2004
Time Rcvd: 0800
Date Coll: 2/17/2004
Time Coll: 0030
Spec Type: WATER
Coll Site: WELL
Coll By: PATTI BANCROFT
Sampling Loc: BATHROOM
Near Town: VERMILLION
Miles N: 3

Sample County: CLAY
Township: VERMILLION
Range: 92-52
Section: 2
Quarter: NE OF SW
Supply Type: PRIVATE
Well Type: DRILLED
Well Depth: 110'
Well Diameter: 4"
Sample Purpose: ORGANIC CERTIFICATION FOR WATERING CROP

Final Results

BACTERIA AND NITRATE

T. Coliform-5 Tube MPN Bacteriologically safe at the time of sampling.
Nitrate - private <0.1 mg/L
Limit: 10.0 MG/L

NITRATE RESULT: SAFE AT TIME OF SAMPLING.

14 May 04

Department of Environment and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Ladies or Gentlemen,

Enclosed is my Application For Permit to
Appropriate Water For Irrigation, to which are
attached the following:

1. Form 2A Supplemental Information
2. Map signed by The Clay County Dist Conservationist
3. An enlarged map of the Area to be irrigated, also
signed by the District Conservationist
4. Lithologic Log of the Well executed by the Driller
5. Water Analysis report prepared by Public
Health Laboratory.

The area to be irrigated consists of a total of
23 Acres - My Check in payment of your fees in
the amount of \$200 is enclosed.

If you in need of further information or an
explanation of anything submitted, please advise;
otherwise please process the application in your
usual manner.

Respectfully submitted

Martin Wuker

P.O. Box 435

Vermillion, S.D. 57069

REPORT ON WATER PERMIT APPLICATION NO. 6509-3
For Marjorie and Martin Weeks
May 28, 2004

Application No. 6509-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 164 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2 to irrigate 23 acres located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 2; all in T92N R52W in Clay County. The water will also be used for livestock, commercial and domestic purposes.

AQUIFER – LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. However, the water level record indicates that the behavior of the aquifer is like a water table situation. The aquifer underlies 100,800 acres and contains an estimated 1.51 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, blends into the Upper Vermillion Missouri aquifer to the north in Turner County, blends into the Missouri Elk Point aquifer to the south and is hydraulically connected to the Parker Centerville aquifer in northern Clay County and to the Vermillion River. Ground water movement is toward the southeast in the area of this application (Christensen, 1967).

The well log filed with the application indicates yellow-brown clay from near the surface to a depth of 27 feet, followed by gray-brown clay from 27 to 110 feet, followed by sand from 110 to 164 feet all below land surface. The completed well produced 35 gpm and had a static water level of 71 feet below land surface. A well at this site should be easily capable of producing the amount of water requested.

The Water Rights Program monitors two observation wells completed into the Lower Vermillion Missouri aquifer and within two miles of this application. These are observation wells CL-80G and CL-57A. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for these two observation wells are included with this report.

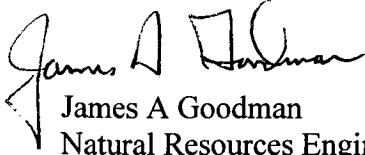
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights. This application requests a relatively small diversion rate and drawdown is not expected to be a concern. Interference should not be a problem. The nearest existing permitted diversion is located about two miles southeast of this application. There are probably other domestic wells in the area that also obtain water from the Lower Vermillion Missouri aquifer.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.

2. The aquifer is under artesian conditions at this site, however, the aquifer responds as if it is under water table conditions. Drawdown should not be significant. Interference is not a concern.
3. This well has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

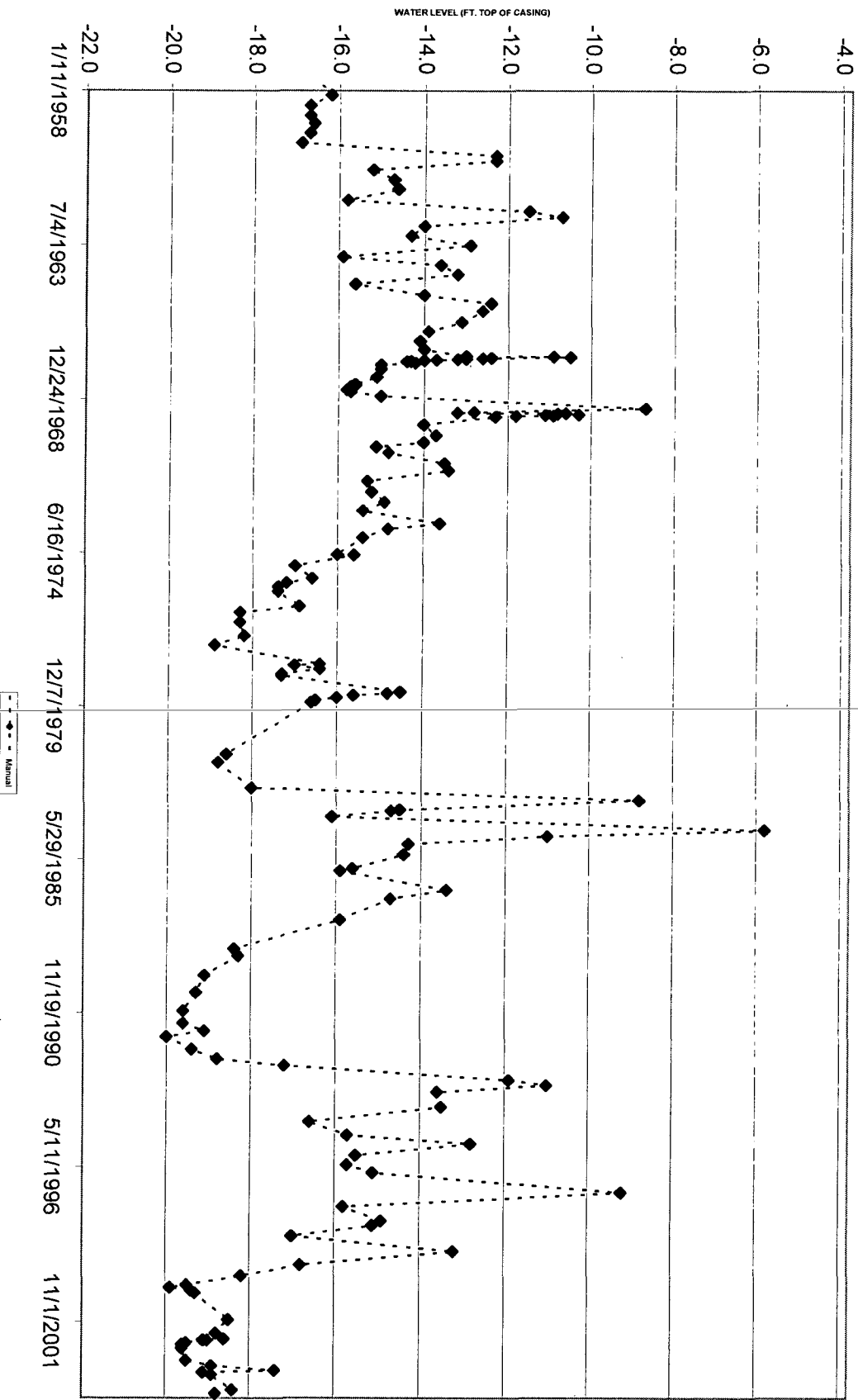
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SDGS, Vermillion, SD, 57069.

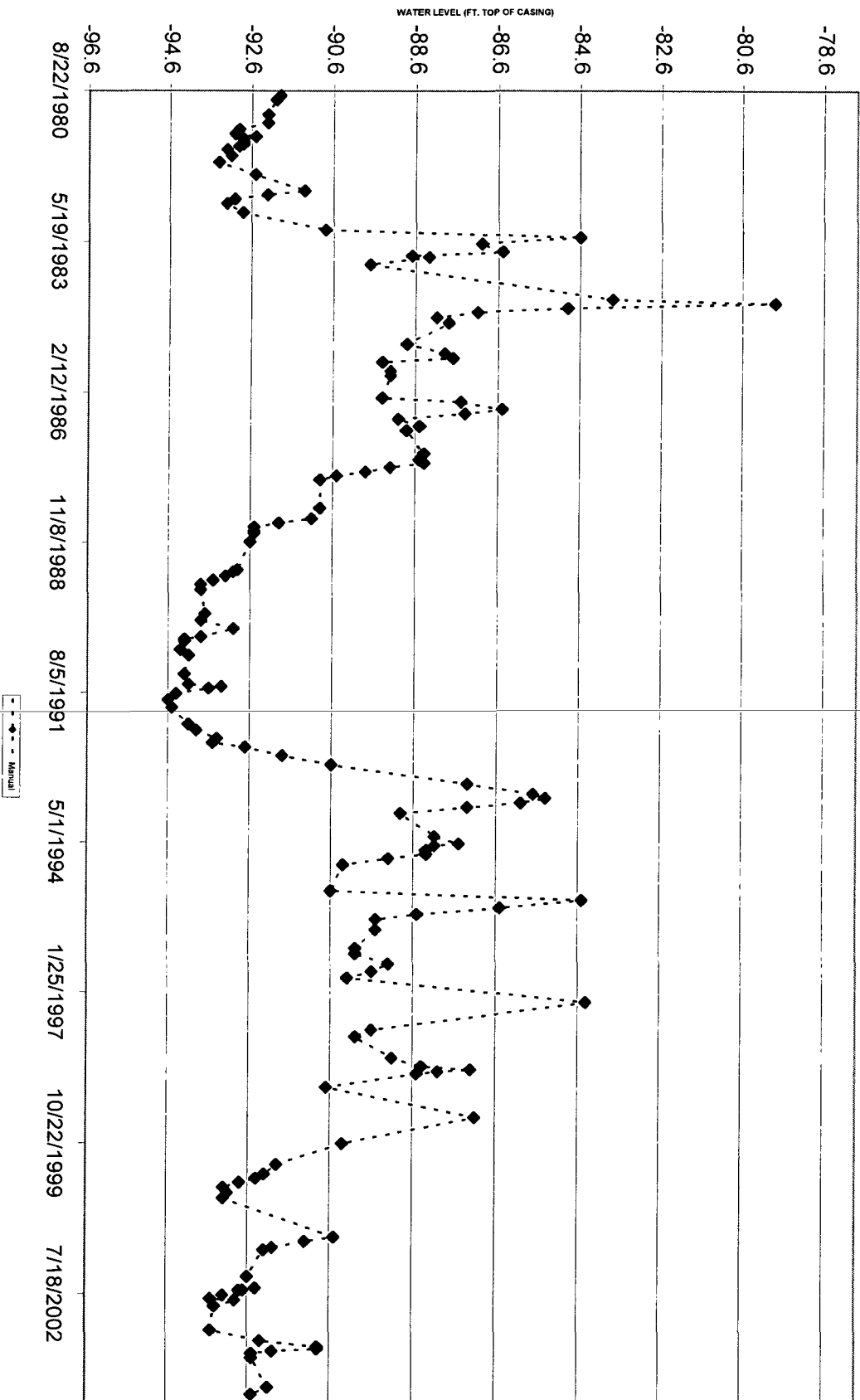
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER RIGHTS' OBSERVATION WELL CL-57A



WATER RIGHTS' OBSERVATION WELL CL-80G





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 6509-3, Majorie Weeks and Martin Weeks**

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. 6509-3, Majorie Weeks and Martin Weeks, PO Box 435, Vermillion SD 57069

The Chief Engineer is recommending APPROVAL of Application No. 6509-3 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
June 4, 2004

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Tina Coulston

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION

NO. 6509-3 TO APPROPRIATE WATER

MAJORIE & MARTIN WEEKS

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 11th day of June, 20 04, and that the succeeding publications were severally

on Friday, the 18th day of June, 20 04,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-nine dollars and 92 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Tina Coulston

Subscribed and sworn to before me

this 18th day of June, 20 04

Joan E. Winick

My Commission Expires
April 17, 2005

Notary Public

NOTICE OF APPLICATION

NO. 6509-3 to Appropriate Water

Notice is given that Marjorie and Martin Weeks, PO Box 435, Vermillion SD 57069 have filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 164 feet deep located in the NE 1/4 SW 1/4 Section 2 to irrigate 23 acres located in NE 1/4 SW 1/4 and SE 1/4 NW 1/4 Section 2; all in T92N-R52W. The water will also be used for livestock, commercial and domestic purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6509-3 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 28, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for oppos-

ing 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.

Publish: June 11 & 18, 2004

RECEIVED

JUN 24 2004

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on June 11, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6509-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6509-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

June 4, 2004

Marjorie and Martin Weeks
PO Box 435
Vermillion SD 57069

Dear Mr. & Mrs. Weeks:

Water Permit Application No. 6509-3 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 Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). ~~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

June 4, 2004

Plain Talk
PO Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6509-3 to Appropriate Water to be published twice. Please publish the first notice on June 11, 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 Marjorie and Martin Weeks, PO Box 435, Vermillion SD (Ph # 605-624-2521).

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. 6509-3

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

Date _____

We are in receipt of your letter of June 4, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6509-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



AUG 17 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Marjorie & Martin Weeks
PO Box 435
Raymond SD 57258 

Dear Ms. & Mr. Weeks:

Enclosed is Water Permit No. 6509-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2007

6509-3

Marjorie & Martin Weeks
31551 SD Hwy 19
Vermillion SD 57069-6954

Dear Mr. & Mrs. Weeks:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to PO Box 435, Vermillion SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



6509-3
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: MARJORIE & MARTIN WEEKS, 31551 SD HWY 19, VERMILLION, SD 57069 6954
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6509-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 6509-3 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) 6509-3 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 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.

65093

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 7583**
Status: **Delivered**

Your item was delivered at 2:11 PM on January 24, 2009 in
VERMILLION, SD 57069. The item was signed for by M WEEKS.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

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Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7583

MARJORIE & MARTIN WEEKS
31551 SD HWY 19
VERMILLION SD 57069 6954

Waiver of Signature ☐ YES ☐ NOPostmark
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

PS Form 3800, APR 2007



**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 28, 2009

6509-3

Marjorie & Martin Weeks
31551 SD Hwy 19
Vermillion SD 57069 6954

Dear Mr. & Mrs. Weeks:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit No. 6509-3.

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

Permit No. 6509-3
Vermillion River - Water District

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

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

I have this day, **September 1, 2009**, made a thorough examination of the water use system constructed by **Marjorie and Martin Weeks** of **31551SD Hwy 19, Vermillion, SD 57069** holders of Permit No. **6509-3**, bearing the priority of **5/17/2004** authorizing the diversion of **0.22** cu. ft. per second of the waters of the **Lower Vermillion Missouri aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship **Martin Weeks—permit holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **164** feet
- 4) Well log is available **Yes**
- 5) Comment: **Appears to be adequate—well log on file.**

Casing:

- 1) Diameter **5** inches
- 2) Length **6 to 120 feet = 114** feet
- 3) Type **PVC (SDR 17)**

Screen: Screened from 120 to 160 feet

- 1) Type **0.040" slotted pipe (SDR 17 with PVC bottom cap)**
- 2) Length **40** feet
- 3) Static water level **71** feet

Pump:

- 1) Make **Jacuzzi**
- 2) Model **30S425**
- 3) Size **3 hp**
- 4) Capacity **100** GPM

Wellhead:

- 1) Make Merrill
- 2) Model No. 5" x 6' steel pitless unit completed to 1' above land surface

B. Works used to transport water to place of use: (Pressure tank feeds two hydrants)

- 1) Type Garden Hose
- 2) Size 1 1/2 inches
- 3) Length ~150 feet

C. Works used to apply water to beneficial use:

-Spray nozzles attached to hose

-Sprinkler/spray system

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 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 of diversion located as follows: 2,301 feet east and 2,655 feet south of the NW corner of Section 2, Township 92 North, Range 52 East, lat/long N 42.81535 W -96.95497.

The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NE 1/4 SW 1/4 Sec 2 T92N R52E— 5 acres

SE 1/4 NW 1/4 Sec 2 T92N R52E— 18 acres

total of 23 acres, and the license should be issued for 0.22 cfs.

All structures, wells and lands on map Yes

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

-none



Hayes Haas

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 3/9/2010

Permit No. 6509-3
Marjorie & Martin Weeks



550

Feet

Hayes Haas
Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
September 2009

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

Permit No. 6509-3
Marjorie & Martin Weeks



2,600

Feet

Hayes Haas
Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
September 2009

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 2010

6509-3

Martin & Marjorie Weeks
31551 SD Hwy 19
Vermillion SD 57069

Dear Mr. & Mrs. Weeks:

Enclosed is Water License No. 6509-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6509-3, 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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6509-3

(1) Marjorie and Martin Weeks, 31551 SD Hwy 19, Vermillion SD 57069 made Application No. 6509-3, May 17, 2004 for a water permit to divert 0.22 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer), Clay County, South Dakota for domestic, commercial and irrigation purposes. Permit No. 6509-3, with a priority date of May 17, 2004 was approved June 28, 2004 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 28, 2009 and for the application to beneficial use of said water on or before June 28, 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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 2,301 feet east and 2,655 feet south of the NW corner of Section 2, T92N, R52W (NE ¼ SW ¼).

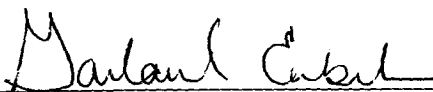
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T92N, R52E Section 2	NE ¼ SW ¼	5 acres
	SE ¼ NW ¼	18 acres
	Total	23 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marjorie and Martin Weeks, 31551 SD Hwy 19, Vermillion SD 57069 the holders and/or owners of Water Right No. 6509-3 are issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer) with a priority date of May 17, 2004 from the location specified in (2) of this license for domestic, commercial and irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6509-3 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.
- 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

APR 23 2010

date





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



January 5, 2015

6509-3

Patti Bancroft
31551 SD Hwy 19
Vermillion SD 57069

Dear Ms. Bancroft:

Thank you for calling concerning the irrigation questionnaires for your water right and for the one listed in Martin Weeks' name. Based on our phone conversation, I have completed questionnaires for 2014.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change on Water Right No. 6509-3. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of Water Right No. 6509-3 for your records. Thank you in advance for updating the ownership records for no. 6509-3. If you have any questions, please contact me.

Sincerely,

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

encl

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6509-3

Date: 1-9-15

I/We request that Water Right No. 6509-3

formerly owned by: Marjorie and Martin Weeks

be transferred to: (name & address) Patti Bancroft 31551 S.D. Hwy 19
Vermillion, S.D. 57069
Telephone No. (605) 670-9799

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

23 acres - NE 1/4 SW 1/4 and SE 1/4 NW 1/4 Section 2, T92N, R52W

I/We understand that the validity of Water Right No. 6509-3 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 Patti Bancroft, the new owner, certify that the above information is true and correct.

Patti Bancroft
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/12, 20 15

RECEIVED OF Patty Weeks Bancroft 31551 AD Hwy 19 Vermillion SD 57069

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	50	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. _____		
Fee for Filing Transfer Form <u>6509-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07102

By Jeanne Goodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



January 13, 2015

6509-3

Patti Bancroft
31551 SD Hwy 19
Vermillion SD 57069

Dear Ms. Bancroft:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6509-3.

The ownership change has been completed. Water Right No. 6509-3 formerly held by Marjorie and Martin Weeks is now listed in your name.

Enclosed for your records is Receipt No. 07102 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2016

6509-3
7460-3

Patti Bancroft
PO Box 461261
Leeds UT 84746 1261

Dear Ms. Bancroft:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 31551 SD Hwy 19, Vermillion SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

6509-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2019

6509-3
7460-3

Patti Bancroft
31551 SD Hwy 19
Vermillion SD 57069-6954

Dear Ms. Bancroft:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaire for Water Right No. 6509-3.

The notice was originally mailed to PO Box 461261, Leeds UT. The post office notified us that your address has changed and I will update our records accordingly.

The questionnaire for Water Right No. 7460-3 was directed to the renter we had on record (Corey Lewison). If you have any questions, please contact me.

Sincerely,

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

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

enclosures

6509-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2022

6509-3

Corey Lewison
624 S Crawford
Vermillion SD 57069

Dear Mr. Lewison:

Thanks for calling to discuss the questionnaires for your dad and for Patti Bancroft. I have changed the mailing for future questionnaires to go to you as leaser.

During our conversation you indicated the land you farm for Patti Bancroft described in Water Right No. 6509-3 was not being irrigated. Typically, if the land is not being irrigated, the water right would be scheduled for cancellation consideration. Prior to doing anything with it, I wanted to send you a copy of the water right to ensure we were talking about the same land.

When you get a chance, talk it over with Ms. Bancroft and let me know how to proceed. If the land is not being irrigated and there is no intent to irrigate, we would need something in writing from Ms. Bancroft confirming this since she is the landowner.

If I can answer any questions, let me know.

Sincerely,

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

enclosure