

WATER PERMIT NO. 6562-3

Name of Applicant: **David Smit**

Address: **28386 460th Ave, Davis SD 57021**

Phone: **605 238-5450**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **120**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System:

Location: **½ mile west of Davis**

PRIORITY

Date Received: **1-7-05**

Application/License Fee: **\$300**

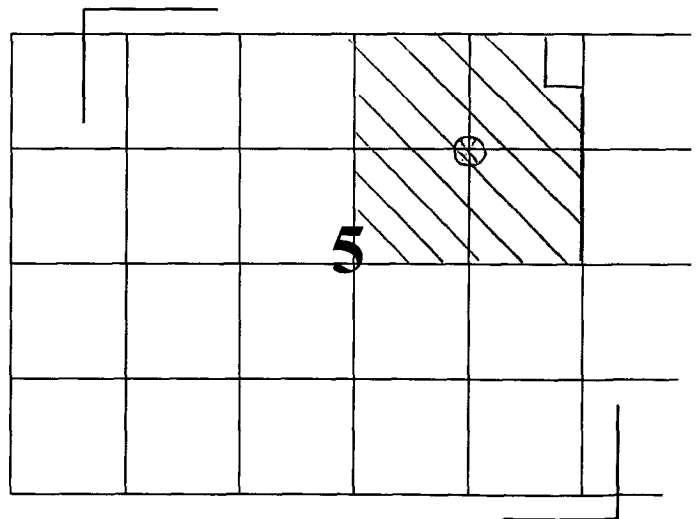
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **center of NE ¼ Sec 5-T97N-R52W**

Land to be Irrigated: **NE ¼ Sec 5-T97N-R52W**



Depth of Well: **60 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Edie Schoenwold, Turner Co. FSA**

Reviewed and the Number Assigned on: **7-10-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6562-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era, Parker</u>	

RECEIVED
JAN 17 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant David Smit Phone 238-5450
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 28386 460th Ave Davis State So. Dak 57021
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the
NE 1/4 of 5-97-52 County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April 1 - Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 of NE 1/4 of 5-97-52</u>	<u>30</u>		
<u>NW 1/4 of NE 1/4 of 5-97-52</u>	<u>30</u>		
<u>SW 1/4 of NE 1/4 of 5-97-52</u>	<u>30</u>		
<u>SE 1/4 of NE 1/4 of 5-97-52</u>	<u>30</u>		

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

Drill one new well 60' deep in the middle of the NE 1/4
of 5-97-52 to irrigate 120 acers with center pivot.
Owners of land are Ruth Buus & Ray Buus, 45967 U.S. Hwy 18, Davis So. Dak. 57021

STATE OF SOUTH DAKOTA) SS

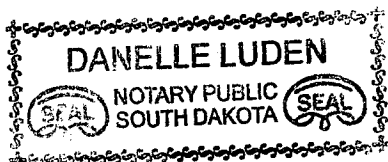
County of Turner

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, David Smit, 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 David Smit

Subscribed and sworn to before me this 5th day of January 20 05



Danelle Luden
My Commission Expires Nov. 7, 2006
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6562-3**

Date of first receipt of application January 7, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6562-3 to David Smit, 28386 460th Ave, Davis SD 57021 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. 6562-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the center of the NE ¼ Section 5 to irrigate 120 acres located in the NE ¼ Section 5; all in T97N-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 31.
3. The date from which applicant may claim right is January 7, 2005.
4. The date of approval of Permit No. 6562-3 is February 14, 2005.
5. One-fifth of the construction is to be completed on or before August 14, 2007.
6. All construction is to be completed on or before February 14, 2010.
7. Water is to be put to beneficial use on or before February 14, 2014.
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. The well authorized by Permit No. 6562-3 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) 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

FEB 28 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 60'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8" - 1/4" Length of Gravel Pack 4.5'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:
- On applicants property 1250' On property owned by others 1400'

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 _____

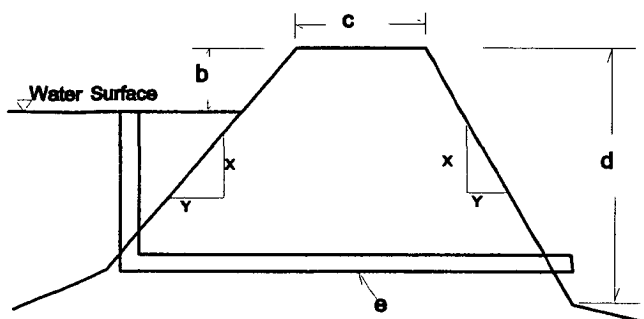
3. Dugout Information

- 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 January 7, 20 05

RECEIVED OF David Smit, 28386 460th Ave., Davis SD 57021-6122

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

Fee for Application for Permit No. <u>6562-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6562-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

001020

By

Darland Erbe
Chief Engineer
gm



United States Department of Agriculture
Farm Service Agency

05-97-52

January 27, 2004

Turner County

1997 Digital Orthophotography - Not To Scale



Edie Schoenwald P.T.

4562-3

REPORT ON WATER PERMIT NO. 6562-3
For David Smit
January 11, 2005

Application No. 6562-3 proposes to appropriate 1.56 cfs from one well approximately 60 feet deep located in the center of the NE ¼ of section 5 to irrigate 120 acres located in the NE ¼ of section 5; all in T97N R52W in Turner County.

AQUIFER – PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into Clay and Lincoln Counties to the south, splits into the West and East Fork Vermillion aquifers to the north, and is hydraulically connected to the Niobrara aquifer in the subsurface and to the Vermillion River. Recharge to the aquifer has been estimated to be about 4.9 inches per year or an annual volume of about 19,340 acre feet per year (Hedges, 1983). The annual volume of pumping from the Parker Centerville has never exceeded 14,000 acre-feet in a given year. Ground water movement is from north to south and toward the Vermillion River in the area of this application (Lindgren, 1990).

No test holes were drilled for this application. There is sufficient information available from the county study, area drilling and observation wells to evaluate this application. Observation well TU-80G is located within one half mile to the south of this application. The gravel thickness at this site is 53 feet and appears to be fairly consistent over this immediate area (Lindgren, 1990). The Parker Centerville is a prolific aquifer and where the saturated thickness is sufficient can provide the amount of water requested by this application.

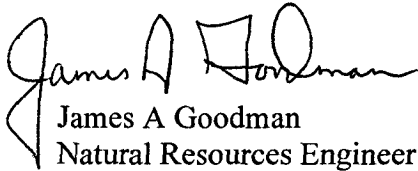
Observation well TU-80G is located in the immediate area of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. There is very little fluctuation due to pumping exhibited by this water level record. Drawdown created by pumping is not expected to be significant and interference is not a concern. A graph of the water level record for this observation well record is included with this report (Water Rights, 2004).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Water Right No. 5617-3 is located about one half mile southeast of this application. Interference is not a concern. The observation well hydrograph indicates that drawdown created by pumping is simply not significant. The fluctuation shown by the hydrograph is related to high water (recharge) events, very wet conditions or river flooding. The graph shows an almost immediate rise and then draining relatively quickly by gravity to a relatively stable base level.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is under water table conditions in this area. Drawdown is not expected to be significant. Interference is not expected to be a problem.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The Parker Centerville aquifer may be nearing full appropriation. At this time it appears that based upon water use reporting, the annual use is still below the average annual recharge estimate.



James A Goodman
Natural Resources Engineer

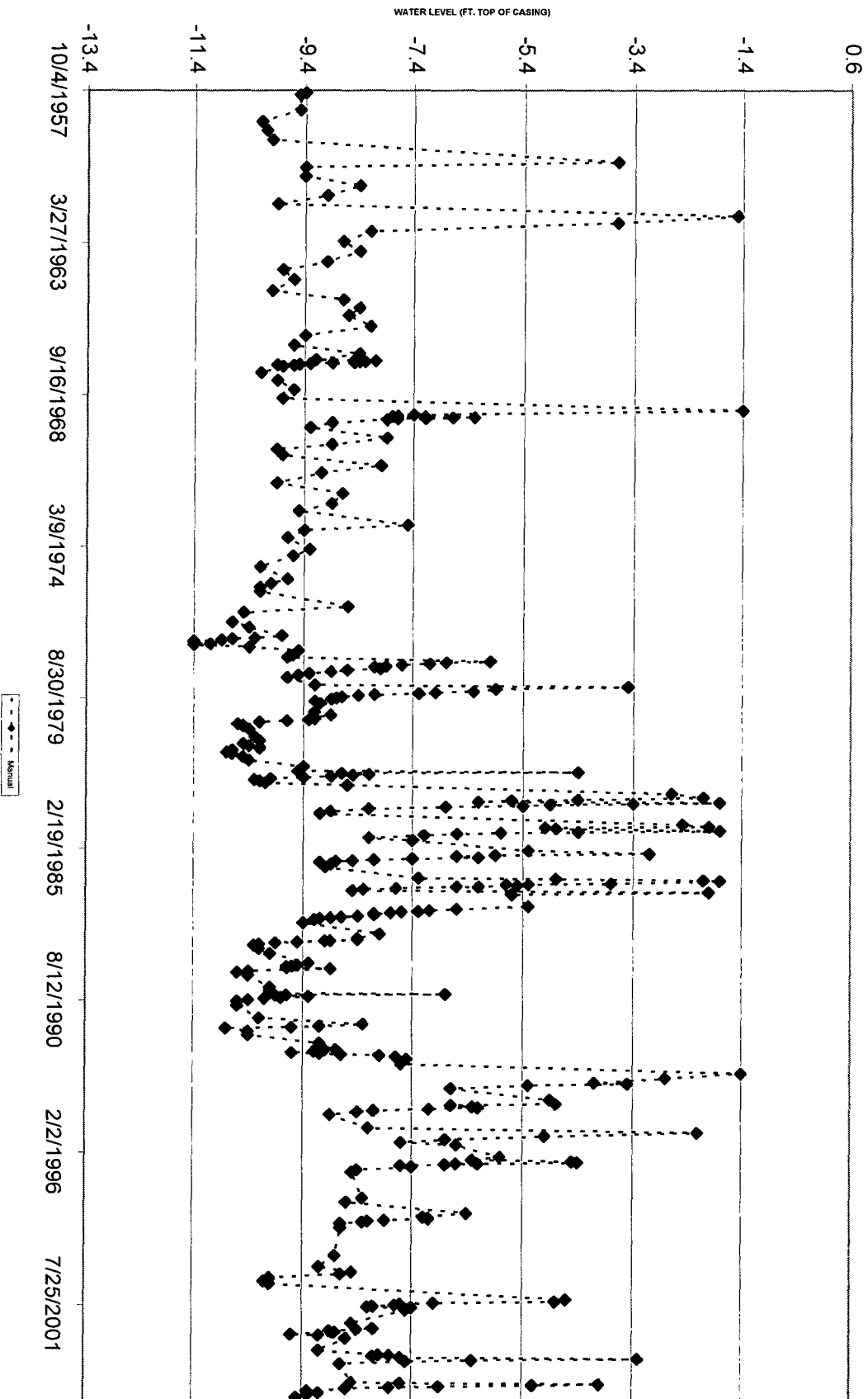
BIBLIOGRAPHY

Hedges, L.S., and others, 1983, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, Task 7 Ground Water Recharge, SD DENR, SDGS, Vermillion, SD, 57069.

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2004, Unpublished Observation Well Data for the Parker Centerville Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-80G





**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. 6562-3, David Smit**

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. 6562-3, David Smit, 28386 460th Avenue, Davis SD 57021.

The Chief Engineer is recommending APPROVAL of Application No. 6562-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. The well authorized by Permit No. 6562-3 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) 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
January 19, 2005

Note: The well proposed by this application, if approved, must be completed into the Parker Centerville Aquifer. If the well is constructed into the deeper Upper Vermillion Missouri Aquifer, a new water permit must be obtained.

Affidavit of Publication

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

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

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

3648 - notice of application

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

On Thursday, the 27th day of Jan., 2005;
On Thursday, the 3rd day of Feb., 2005;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

That \$ 42.95 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

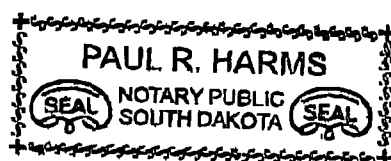
Lisa Joffer
Subscribed and sworn to before me this 31st
day of JANUARY, 2005

My Commission
Expires:

02/02

2006.

Notary Public, Turner County, South Dakota



Notice of application Nos. 6561-3 and 6562-3 to appropriate water

Notice is given that David Smit, 28386 460th Ave, Davis, S.D. 57021 has filed the following applications for a water permit.

Application No. 6561-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri Aquifer (approximately 200 feet deep) located in the center of the NW 1/4 Section 32 to irrigate 160 acres located in the NW 1/4 Section 32; all in T98N-R52W.

Application No. 6562-3 proposes to appropriate 1.56 cfs from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the center of the NE 1/4 Section 5 to irrigate 120 acres located in the NE 1/4 Section 5; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6561-3 and 6562-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre S.D. 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 Feb. 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pines, Secretary, Department of Environment and Natural Resources.

(#3648, 1/27/05, 2/03/05, The New Era)
Received Payment, 19.10



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.

January 19, 2005

David Smit
28386 460th Ave
Davis SD 57021

Dear Mr. Smit:

Water Permit Application Nos. 6561-3 & 6562-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the New Era printed at Parker, SD (Ph # 605-297-4419). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Ruth & Ray Buus, 45967 Hwy 18, Davis SD 57021

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on January 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO'S. 6561-3 and 6562-3 to Appropriate Water

Notice is given that David Smit, 28386 460th Ave, Parker SD 57021 has filed the following applications for a water permit.

Application No. 6561-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri Aquifer (approximately 200 feet deep) located in the center of the NW ¼ Section 32 to irrigate 160 acres located in the NW ¼ Section 32; all in T98N-R52W.

Application No. 6562-3 proposes to appropriate 1.56 cfs from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the center of the NE ¼ Section 5 to irrigate 120 acres located in the NE ¼ Section 5; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6561-3 and 6562-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 February 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2005

The New Era
PO Box 579
Parker SD 57053-0579

ATTENTION: Legal Public Notice

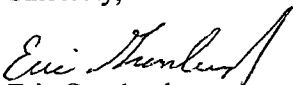
Enclosed is a Notice on Application Nos. 6561-3 and 6562-3 to Appropriate Water to be published twice. Please publish the first notice on January 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 David Smit, 28386 460th Ave, Davis SD (Ph # 605-238-5450).

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. 6561-3 & 6562-3

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

Date _____

We are in receipt of your letter of January 19, 2005 enclosing Notice to Appropriate Water by Application Nos. 6561-3 & 6562-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 28 2005

David Smit
28386 460th Ave
Davis SD 57021

Dear Mr. Smit:

Enclosed is Water Permit No. 6562-3 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 22, 2010

David Smit
45536 283rd St
Hurley SD 57036

RE: Water Permit or Right Nos. 3832-3, 6301-3, 6561-3, 6562-3

Dear Mr. Smit:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 28386 460th Ave, Davis 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,

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

enclosures



6562-3
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 20, 2017

NOTICE

TO: JEROME HULT, RENTER, 45967 HWY 18, DAVIS, SD 57021 6021
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6562-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6562-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6562-3 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 1, 2017** 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>

c: DAVID SMIT, 45536 283RD ST, HURLEY SD 57036 6021

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

denr.sd.gov

February 2, 2017

6562-3

Richard Lee Poppinga
46433 286th St
Davis SD 57021

Dear Mr. Poppinga:

I am contacting you in regard to ownership of land described in Water Permit No. 6562-3. The water permit is currently listed in the name of David Smit. Mr. Smit applied for the water permit back in 2005 as a tenant.

Recently, we were contacted by Jerome Hult of Davis, SD who indicated Mr. Smit had retired and you actually owned the land. Under South Dakota Water Law, water permits for irrigation go with the land. As owner of the property, the water permit should be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. 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 the water permit for your records. If you have any questions concerning the water permit or completion of the transfer form, please get in touch with me.

Sincerely,

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

enclosures

RECEIVED

FEB - 8 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6562-3

Date: 2-6-'17

I/We request that Water Permit No. 6562-3

formerly owned by: David Smit

be transferred to: (name & address) Richard L. Poppinga

46433 286th St Davis, S.D. 57021

Telephone No. 261-8566

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

NE ¼ Section 5, T97N, R52W

I/We understand that the validity of Water Permit No. 6562-3 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 Richard Poppinga, the new owner, certify that the above information is true and correct.

Richard L. Poppinga

(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 2/8, 20 17

RECEIVED OF Richard Poppinga 46433 286th St Davis SD 57021

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>6562-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08160**

By *Jean Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

6562-3

Richard L Poppinga
46433 286th St
Davis SD 57021

Dear Mr. Poppinga:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Permit No. 6562-3.

The ownership change has been completed. Water Permit No. 6562-3, formerly held by David Smit, is now listed in your name.

Enclosed for your records is Receipt No. 08180 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