

WATER PERMIT NO. 6684-3

Name of Applicant: Robert Norton

Address: Box 388, Jefferson SD 57038 Phone: 605 966-5759

Amount of Water Claimed: 0.24 add'l cfs Total Acres: 0

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 8 south of Elk Point

PRIORITY Date Received: 1-11-06 Application/License Fee: \$200

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

Remarks: increases the diversion rate authorized by Permit No. 5253-3. Requesting more than the statutory limit

Diversion Point: center of NE ¼ Sec 32-T90N-R49W

Land to be Irrigated: E ½ NE ¼ Sec 32-T90N-R49W

Depth of Well: 108⁵ feet deep

Well Driller: : Wetmore Drilling

Remarks:

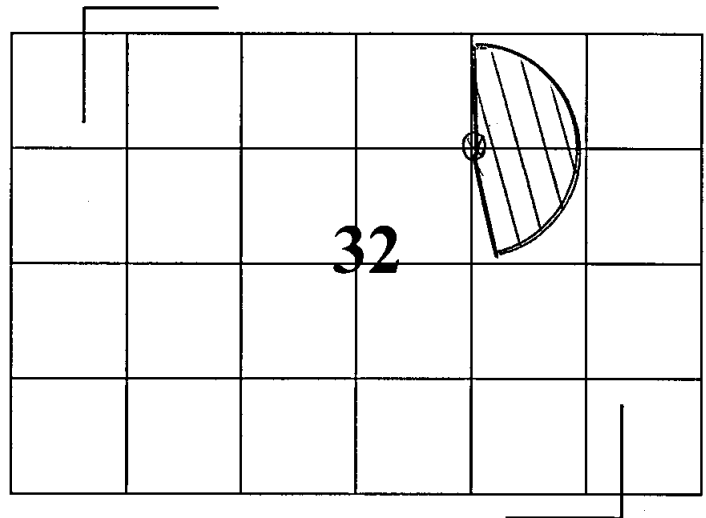
Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 1-11-06

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>66843</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Leader-Courier, Elk Point</u>	

RECEIVED
JAN 11 2006
WATER RIGHTS
PROGRAM

Application

For Permit To

Appropriate Water For Irrigation

Type of Application: X 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 Robert Norton Phone 605-966-5759 (Mike Norton)
(check one) X Owner Tenant/lessee
Mailing Address Box 388, Jefferson State SD 57038
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.24 *CFS or **GPM ***AF Total Acreage 58
add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri: Elk Point Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1320' W and 1320' S of the NE corner Section 32-90N-R49W
W County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April 1 - October 31

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
Section 32-T90N-R49W:			
NE 1/4 NE 1/4	31		
SE 1/4 NE 1/4	27		

8. Give a description of the project. (Attach sheet if more space is needed)
The center pivot operates at 1.33 cfs to irrigate 58 acres. Permit No. 5253-3 authorizes 1.09 cfs to irrigate 76.4 acres. The statutory limit for 58 acres is 0.83 cfs however, the irrigation system and the sandy soils require more than the statutory limit. The additional diversion requires an application to apply water at a greater rate than 1 cfs per 70 acres and for the additional 0.24 cfs above the 1.09 cfs authorized by the permit.

STATE OF SOUTH DAKOTA) SS
County of Union

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, Robert Norton, 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 Robert Norton

Subscribed and sworn to before me this 9th day of January 2006

Sharon R McSwine
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6684-3**

Date of first receipt of application January 11, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6684-3 to Robert Norton, Box 388, Jefferson SD 57038 which authorizes the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6684-3 authorizes an additional 0.24 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 5253-3. Water Permit No. 5253-3 appropriates 1.09 cfs from one existing well completed into the Missouri-Elk Point Aquifer (105 feet deep) located in the center of the NE ¼ Section 32 to irrigate 76 acres located in the E ½ NE ¼ Section 32; all in T90N-R49W. An investigation of the permit found the system capable of diverting an additional 0.24 cfs from the existing well and irrigating 58 acres. This permit authorizes a total diversion rate of 1.33 cfs for irrigation of 58 acres.
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 11, 2006 (additional 0.24 cfs).
4. The date of approval of Permit No. 6684-3 is March 13, 2006.
5. 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5253-3 and 6684-3, combined, authorize a maximum diversion rate of 1.33 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

APR 07 2006

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 105'
- b) Casing Type pvc Diameter 16 Thickness 1/2"
- c) Screen Type Slotted pvc Diameter 16 Thickness 1/2"
- d) Gravel Pack 3" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 61'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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

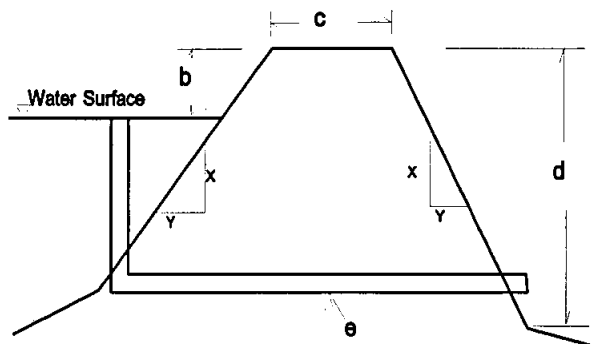
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

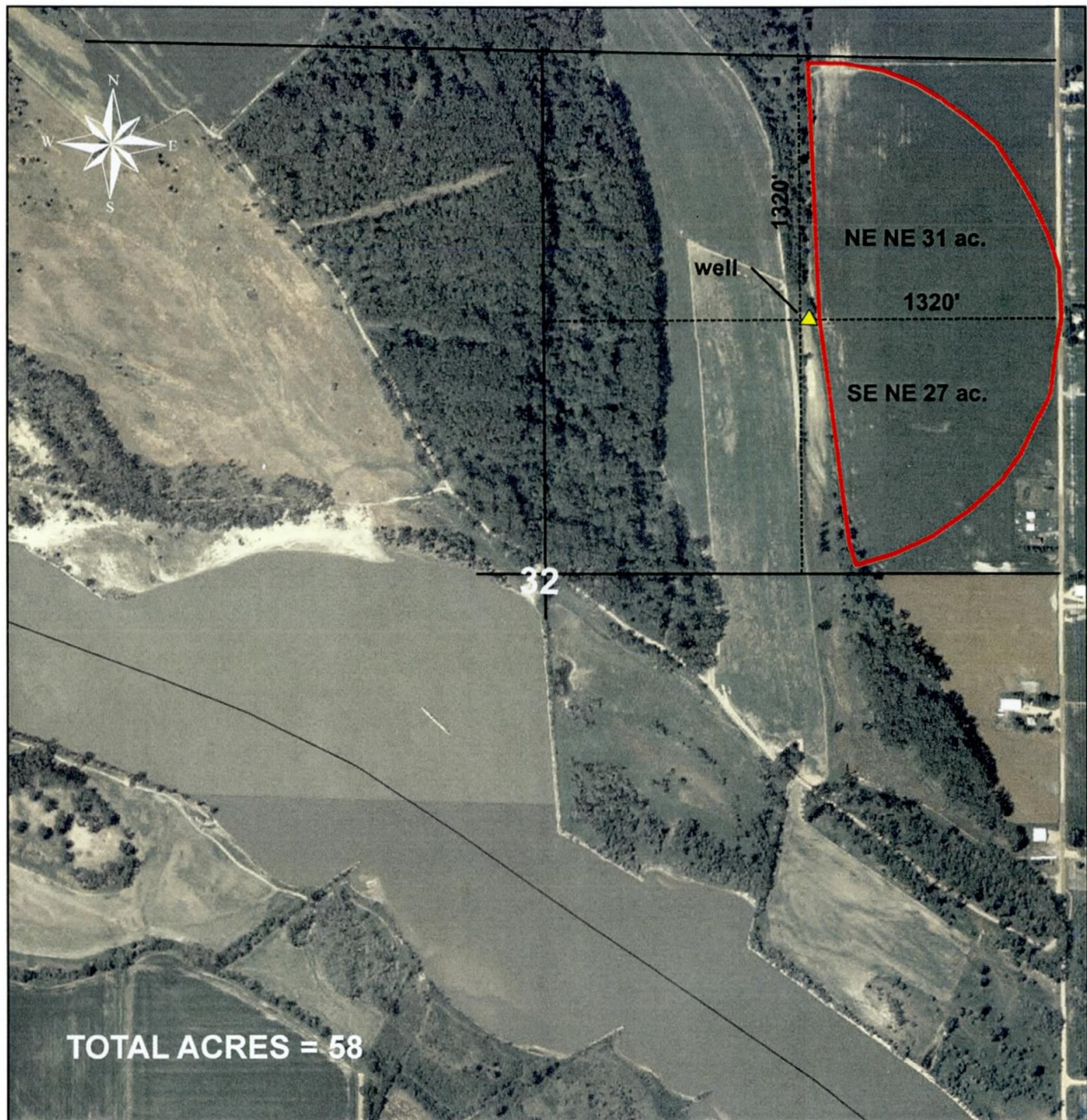
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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



WATER RIGHT NO. 5253-3
ROBERT NORTON



R49W



T90N

scale

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
August 15, 2005



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 11, 20 06

RECEIVED OF Michael Norton, 47936 County Road 1B, 47936-Goun Elk Point SD 57025

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

Fee for Application for Permit No. <u>6684-3</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>6684-3</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.

002173

By

Darland Elbek
Chief Engineer *gm*

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6684-3

(1) Robert Norton, Box 388, Jefferson SD 57038 made Application No. 6684-3, January 11, 2006 for a water permit to divert an additional 0.24 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6684-3, with a priority date of January 11, 2006 was approved March 13, 2006 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 5253-3, with a priority date of November 18, 1988, authorizes 1.09 cfs to irrigate 76 acres. The applicable portions of No. 5253-3 are incorporated into Water Right No. 6684-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6684-3 is issued a license, bearing priority dates of November 18, 1988 (1.09 cfs) and January 11, 2006 (0.24 cfs) to divert 1.33 cfs from groundwater (one well) to irrigate 58 acres.

The diversion point is located: 1,320 feet west and 1,320 feet south of the northeast corner of Section 32-T90N-R49W. The acres authorized for irrigation are as follows:

Section 32-T90N-R49W	NE ¼ NE ¼	31 acres
	SE ¼ NE ¼	27 acres
	Total	58 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6684-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5253-3 and 6684-3, combined, authorize a maximum diversion rate of 1.33 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- 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 07 2006

date



Permit No. 5253-3 - 6684-3
Big Sioux 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, July 27, 2005, made a thorough examination of the water use system constructed by Robert Norton of Box 388, Jefferson SD 57038 holder of Permit No. 5253-3, bearing the priority of November 18, 1988 authorizing the diversion of 1.09 cu. ft. per second of the waters of Missouri: Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship **Mike Norton – son (605) 966-5759**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 108 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 68 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 40 feet
- 3) Static water level 21 feet

Pump:

- 1) Make Verti Line
- 2) Model
- 3) Size
- 4) Capacity 600 GPM

Motor:

- 1) Make Detroit diesel
- 2) Model No.
- 3) Horsepower rating 80 hp

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

- 1) Type aluminum 2) Size 6 inches 3) Length 25 feet
- 1) Type steel 2) Size 8 inches 3) Length 5 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Overall length 1320' feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure med.
- 6) Capacity 600 GPM

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 yes
- 3) Exceptions to compliance are:

The system is in good condition with the point(s) of diversion located as follows: 1320' W and 1320' S of the NE corner Section 32-T90N-R49W. The works are capable of diverting and conveying to the place of use 1.33 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:

Section 32-T90N-R49W:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 ac.

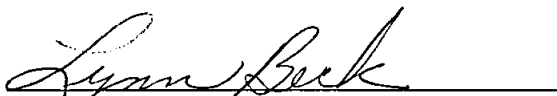
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27 ac.

Comprising a total of 58 acres of land and the license should be issued for cfs.

All structures, wells and lands on map yes

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

The center pivot operates at 1.33 cfs to irrigate 58 acres. Permit No. 5253-3 authorizes 1.09 cfs to irrigate 76.4 acres. The statutory limit for 58 acres is 0.83 cfs however, the irrigation system and the sandy soils require more than the statutory limit. The additional diversion requires an application to apply water at a greater rate than 1 cfs per 70 acres and for the additional 0.24 cfs above the 1.09 cfs authorized by the permit.


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: August 15, 2005

Lat: 42.572761
Long: -96.650101



September 6, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Robert Norton % Mike Norton
47936 County Road 1B
Elk Point SD 57025

Dear Mr. Norton:

Enclosed is a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.) on the instruction sheet. I have already prepared one. The enclosed copy is yours to keep or to make any corrections/additions and return with the application.

An inspection of Permit No. 5253-3 found additional water use to what is authorized. Permit No. 5253-3 authorizes 1.09 cubic feet per second (cfs) or 490 gallons per minute (gpm) to irrigate 76.4 acres. The developed irrigation consists of a center pivot which operates at 1.33 cfs (600 gpm) to irrigate 58 acres of land. The statutory limit is 1 cubic feet per second per 70 acres of land to be irrigated. However, the irrigation system and the sandy soils require more than the statutory limit. The additional water use requires a new application.

This application is for an additional 0.24 cfs (110 gpm) above the 1.09 cfs authorized by Permit No. 5253-3 and to apply water at a greater rate than 1 cfs per 70 acres. A \$200.00 fee is required for the application/licensing of the additional 0.24 cfs.

If you have any questions, please feel free to contact me at (605)773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist

REPORT ON WATER PERMIT APPLICATION NO. 6684-3

For Robert Norton

January 25, 2006

Application No. 6684-3 proposes to appropriate an additional 0.24 cubic feet per second (cfs) to what is currently authorized by Water Permit No. 5253-3. Water Permit No. 5253-3 appropriates 1.09 cfs from one existing well completed into the Missouri: Elk Point Aquifer (approximately 105 feet deep) located in the center of the NE ¼ Section 32 to irrigate 76 acres located in the E ½ NE ¼ Section 32; all in T90N R49W. An investigation of the permit found the system capable of diverting an additional 0.24 cfs from the existing well and irrigating 58 acres. This application, if approved, will authorize a total diversion rate of 1.33 cfs for irrigation of 58 acres.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 99,600 acres and contains an estimated 1.5 million acre feet of water in storage in Union County (Hedges, 1982). The aquifer is hydraulically connected to both the Missouri and Big Sioux Rivers. Also in this portion of Union County (southern) the aquifer directly overlies the Dakota Formation and it may be possible for ground water to move upward into the Missouri Elk Point from the Dakota aquifer. Ground water movement is from northwest to southeast and locally toward the Missouri or Big Sioux Rivers (Niehus, 1994).

The Water Rights Program monitors an observation well (UN-77R) which is completed into the Missouri Elk Point aquifer and located approximately 1 mile northeast 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. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2005).

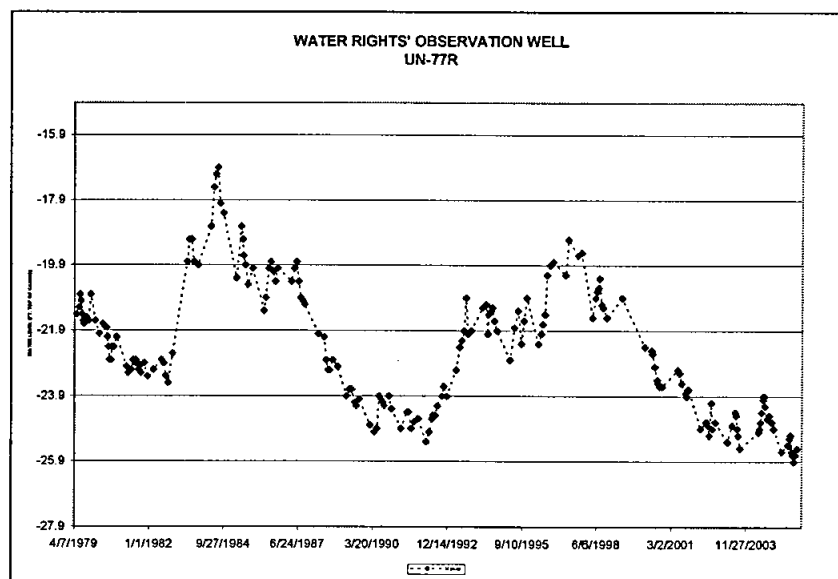


Figure 1. Hydrograph of observation well UN-77R.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Missouri: Elk Point is located approximately ½ mile southeast of this application. This well is for Water Right No. 6453-3 (0.89 cfs for irrigation of 37 acres). There are numerous irrigation wells in the area and drawdown measured in the observation wells is not significant. This particular well is located within ½ mile of the Missouri River, under water table conditions, and interference should not be a problem.

The applicant is requesting a diversion rate greater than the statutory limit than the 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require. The annual volume of water delivered to the land may not exceed two acre-feet per year.

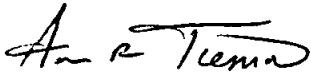
Table 1. Table identifying water rights within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
2347-3	KARPEN	M:EP	IRR	1.8
3102-3	WRIEDT	BS:S	IRR	1.85
3344-3	BAKER	M:EP	IRR	1.9
3345-3	DONNELLY	M:EP	IRR	1.85
3365-3	MOLLET	M:EP	IRR	1.7
3461-3	DAILEY	M:EP	IRR	5.55
3871-3	PETERSON	M:EP	IRR	3.55
4433-3	DAILEY	M:EP	IRR	1.89
5253-3	NORTON	M:EP	IRR	1.09
5273-3	HALL	M:EP	IRR	0.97
5841-3	TRUDEAU	M:EP	IRR	0.56
5906-3	MOLLET JR	M:EP	IRR	1.78
5989-3	PETERSON IRREVOCABLE TRUST	M:EP	IRR	1.2
6079-3	TRUDEAU	M:EP	IRR	2.67
6453-3	HUMMEL	M:EP	IRR	0.89
6515-3	ROSENBAUM	M:EP	IRR	1.7
6665-3	ROSENBAUM	M:EP	IRR	1.63
6672-3	MOLLET	M:EP	IRR	1.78

CONCLUSIONS

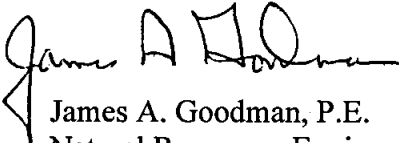
1. The Missouri Elk Point aquifer is a viable groundwater source and water is available for this appropriation.
2. The applicant is requesting a diversion rate greater than the statutory limit than the 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require. According to the applicant the irrigation system and sandy soils require a diversion rate greater than the statutory limit.

3. The aquifer is unconfined and under water table conditions. The aquifer is highly productive and historically the water levels do not fluctuate significantly in this area.
4. The well authorized for this application is an existing well and is completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Niehus, D.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6684-3, Robert Norton**

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. 6684-3, Robert Norton, Box 388, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6684-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 5253-3 and 6684-3, combined, authorize a maximum diversion rate of 1.33 cfs for the irrigation of 58 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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 30, 2006

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 23, 2006

March 2, 2006

Cost of Printing 47.38

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

March 2, 2006
(Date Signed)

NOTICE OF APPLICATION NO. 6684-3 TO APPROPRIATE WATER

Notice is given that Robert Norton, Box 388, Jefferson SD 57038 has filed an application for a water permit to appropriate an additional 0.24 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 5253-3. Water Permit No. 5253-3 appropriates 1.09 cfs from one existing well completed into the Missouri-Elk Point Aquifer (105 feet deep) located in the center of the NE ¼ Section 32 to irrigate 76 acres located in the E ½ NE ¼ Section 32; all in T90N-R49W. An investigation of the permit found the system capable of diverting an additional 0.24 cfs from the existing well and irrigating 58 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This application, if approved, will authorize a total diversion rate of 1.33 cfs for irrigation of 58 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6684-3 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 March 13, 2006.

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.

Publish February 23 and March 2, 2006

8-7-82 47.38

RECEIVED

MAR - 6 2006

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on February 23, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6684-3 to Appropriate Water

Notice is given that Robert Norton, Box 388, Jefferson SD 57038 has filed an application for a water permit to appropriate an additional 0.24 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 5253-3. Water Permit No. 5253-3 appropriates 1.09 cfs from one existing well completed into the Missouri-Elk Point Aquifer (105 feet deep) located in the center of the NE ¼ Section 32 to irrigate 76 acres located in the E ½ NE ¼ Section 32; all in T90N-R49W. An investigation of the permit found the system capable of diverting an additional 0.24 cfs from the existing well and irrigating 58 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This application, if approved, will authorize a total diversion rate of 1.33 cfs for irrigation of 58 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6684-3 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 March 13, 2006.

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

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

January 31, 2006

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6684-3 to Appropriate Water to be published twice. Please publish the first notice on February 9, 2006 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 Robert Norton, % Mike Norton, 47936 County Road 1B, Elk Point, SD (Ph # 605-966-5759).

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. 6684-3

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

Date _____

We are in receipt of your letter of January 31, 2006 enclosing Notice to Appropriate Water by Application No. 6684-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 31, 2006

Robert Norton
Box 388
Jefferson SD 57038

Dear Mr. Norton:

Water Permit Application No. 6684-3 for irrigation use has 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 Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). 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 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

c: Mike Norton, 47936 County Rd 1B, Elk Point SD 57025

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on February 9, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6684-3 to Appropriate Water

Notice is given that Robert Norton, Box 388, Jefferson SD 57038 has filed an application for a water permit to appropriate an additional 0.24 cubic feet of water per second (cfs) to what is currently authorized by Water Permit No. 5253-3. Water Permit No. 5253-3 appropriates 1.09 cfs from one existing well completed into the Missouri-Elk Point Aquifer (105 feet deep) located in the center of the NE ¼ Section 32 to irrigate 76 acres located in the E ½ NE ¼ Section 32; all in T90N-R49W. An investigation of the permit found the system capable of diverting an additional 0.24 cfs from the existing well and irrigating 58 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This application, if approved, will authorize a total diversion rate of 1.33 cfs for irrigation of 58 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6684-3 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 February 27, 2006.

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**

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

APR 07 2008

6684-3

Robert Norton
Box 388
Jefferson SD 57038

Dear Mr. Norton:

Enclosed is Water Permit and Water License No. 6684-3. The Water License is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

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.denr.sd.gov

October 27, 2011

5243-3
6684-3

George Norton
Norton Farms
48123 330th St
Jefferson SD 57038

Dear Mr. Norton:

Thank you for visiting with me about the ownership changes needed for Water Right Nos. 5243-3 and 6684-3. I have enclosed copies of the water rights for your records.

Also enclosed as we discussed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I included the 2011 irrigation questionnaires that will need to be completed and returned prior to December 2, 2011. Thank you in advance for completing all the documents and getting them returned to us.

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

RECEIVED

NOV 09 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6684-3
Date: 11-1-11

I/We request that Water Right No. 6684-3

formerly owned by: Robert Norton

be transferred to: (name & address) George Norton
48123 330th St
Jefferson, S.D. 57038 Telephone No. 712-281-4721

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

58 acres - E 1/2 NE 1/4 Section 32, T90N, R49W

I/We understand that the validity of Water Right No. 6684-3 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 George Norton, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/9, 20 11

RECEIVED OF Norton Farms 47986GCo Rd 1B Elk Point SD 57025

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>6684-3</u>		
Fee for _____	50.00	
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.

05062

By

Robert E. Schell
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2011

5243-3
6684-3

George Norton
Norton Farms
48123 330th St
Jefferson SD 57038

Dear Mr. Norton:

I am writing to acknowledge receipt of the 2011 irrigation questionnaires (for 4247-3, 5243-3 and 6684-3) and also the transfer forms and filing fees you submitted for Water Right Nos. 5243-3 and 6684-3.

The ownership changes have been completed. The water rights formerly held by Robert Norton are now listed in your name.

Enclosed for your records are Receipt Nos. 05061 and 05062 in the amounts of \$50.00 each.

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

enclosures