

WATER PERMIT NO. 6955-3

Name of Applicant: **Dean Johnson Living Trust**

Address: **2921 Woodland Dr, Logansport IN 46947**

Phone: **574 753-8196**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **128 acres**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **9 miles west of Vermillion**

PRIORITY

Date Received: **1-28-08**

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

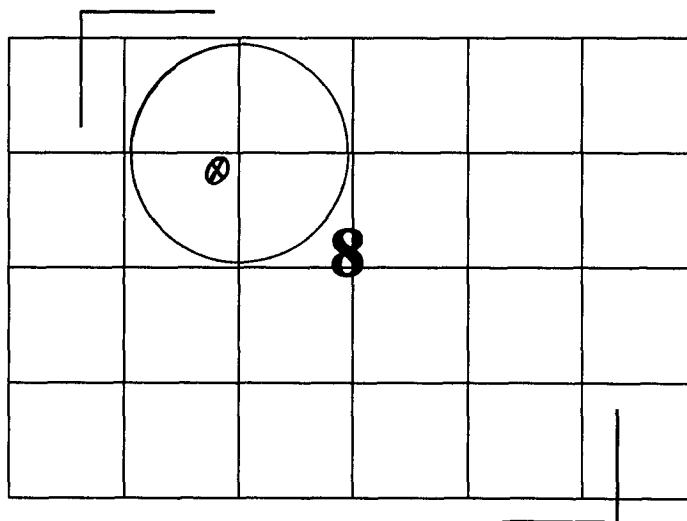
Corrected Application Received: **2-7-08**

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

Remarks:

Diversion Point: **SW ¼ NW ¼ Sec 8-T92N-R53W**

Land to be Irrigated: **NW ¼ Sec 8-T92N-R53W**



Depth of Well: **100 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Valeria w/Yankton Co FSA**

Reviewed and the Number Assigned on: **2-7-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED
JAN 28 2008
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6955-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Plain Talk P.O. Box 256</u> <u>605-624-2695 (7ai) Vermillion 57069</u>

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

- Name of Applicant Dean Johnson Living Trust. Phone 1-574-753-8196
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 2921 Woodland Dr. Logansport State INDIANA 46947
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56*CFS or 700**GPM ***AF Total Acreage 128 Ac.
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water 1 well - Missouri Elk Point Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay County
1 well in SW1/4 of NW1/4 Sec. 8-T92N-R53W
- County or counties where water will be used Clay county, South Dakota
- Annual period during which water is to be used April 1st - October 31st.
- 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>NW1/4 NW1/4 Sec. 8 T92N R53W</u>	<u>32</u>		
<u>NE1/4 of NW1/4 Sec. 8 T92N R53W</u>	<u>32</u>		
<u>SE1/4 of NW1/4 Sec. 8 T92N R53W</u>	<u>32</u>		
<u>SW1/4 of NW1/4 Sec. 8 T92N R53W</u>	<u>32</u>		

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

Installing center pivot to water crop ground in section NW1/4 of Section 8, T92N R53W in Clay county, S.D.

STATE OF SOUTH DAKOTA)
County of CLAY SS

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

I, DEAN M. JOHNSON, LIVING TRUST, 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 Dean M Johnson

Subscribed and sworn to before me this 7th day of January 20 08

Notary Public signature

com exp.
1/13/2012

**SOUTH DAKOTA
WATER PERMIT NO. 6955-3**

Date of first receipt of application January 28, 2008.

Date of return to applicant for corrections, amendments or changes January 28, 2008.

Date of receipt of corrected application February 7, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6955-3 to Dean Johnson Living Trust, 2921 Woodland Dr, Logansport IN 46947 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. 6955-3 appropriates 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in SW ¼ NW ¼ Section 8 to irrigate 128 acres located in the NW ¼ Section 8; all in T92N-R53W.
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 28, 2008.
4. The date of approval of Permit No. 6955-3 is March 24, 2008.
5. One-fifth of the construction is to be completed on or before September 24, 2010.
6. All construction is to be completed on or before March 24, 2013.
7. Water is to be put to beneficial use on or before March 24, 2017.
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. 6955-3 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

APR 11 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 1/16" - 3/16"
- d) Gravel Pack Pea Rock Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
- On applicants property Ø On property owned by others 3960'

2. Wastewater Disposal System Information

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

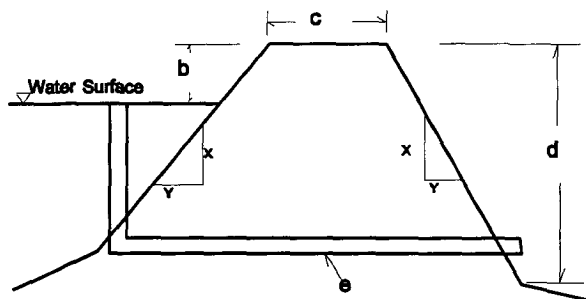
3. Dugout Information

- 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 1/28, 20 08

RECEIVED OF Dean M Johnson 2921 Woodland Dr Logansport IN 46947

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	250	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. _____	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	300 00

No. 03451

BY

[Signature]

Chief Engineer

Aerial Map

NE corner of NE 1/4 Sec. 8
T92N-R53W



map center: 42° 48' 3.31", 97° 7' 51.4"
scale: 1:8785

RECEIVED

FEB - 7 2008

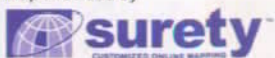
WATER RIGHTS
PROGRAM



12/28/2007

8-92N-53W
Clay County
South Dakota

Map Provided by



©AgriData, Inc. 2006



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 28, 2008

Dean Johnson Living Trust
c/o Dean M Johnson
2921 Woodland Dr
Logansport IN 46947

Dear Mr. Johnson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Clay County, South Dakota. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS or FSA office). It appears there are initials on the map, but initials do not meet the required signature criteria.
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**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. 6955-3, Dean Johnson Living Trust**

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. 6955-3, Dean Johnson Living Trust, c/o Dean Johnson, 2921 Woodland Drive, Logansport, Indiana 46947.

The Chief Engineer is recommending APPROVAL of Application No. 6955-3 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. The well authorized by Permit No. 6955-3 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
February 28, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6955-3
For Dean Johnson Living Trust
February 22, 2008

Application No. 6955-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 100 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 8 to irrigate 128 acres located in the NW $\frac{1}{4}$ of section 8 in T92N R53W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, into Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 100 to 125 feet thick in this area. Christensen described the aquifer as follows "On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--- gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash" (Christensen, 1967).

No test well was drilled for this application. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site and should be capable of producing the amount of water requested.

The Water Rights Program monitors two observation wells in this area. Observation well CL-80B that is located about two miles southeast of this application and observation well YA-80KA is located about three miles northwest of this application. Water level records for observation well CL-80B go back in time to 1958. Water level records for these wells show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these observation wells are included with this report. Also, note the overall decline in water lowest levels since record keeping began. This appears to be due to the entrenching of the Missouri River which in turn lowers the ground water level. This phenomenon is noticed on all the observation wells located near to the river.

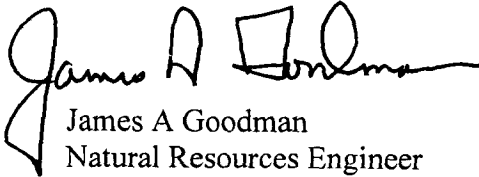
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Permit is No. 6601-3 (2.22 cfs, 132 acres). That well has been completed and reportedly was capable of producing 750 gpm with nine feet of

drawdown. This equates to a specific capacity of 83 gpm/ft of drawdown. This is a relatively large specific capacity. This well appears to be located about one-half mile south from the well for this application. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. This is also shown by the observation well record. Also there have never been any reported water availability problems for the Missouri Elk Point aquifer in Clay County.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to under water table conditions. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The aquifer is very prolific in this area as shown by the test of the irrigation well for Water Permit No. 6601-3.



James A Goodman
Natural Resources Engineer

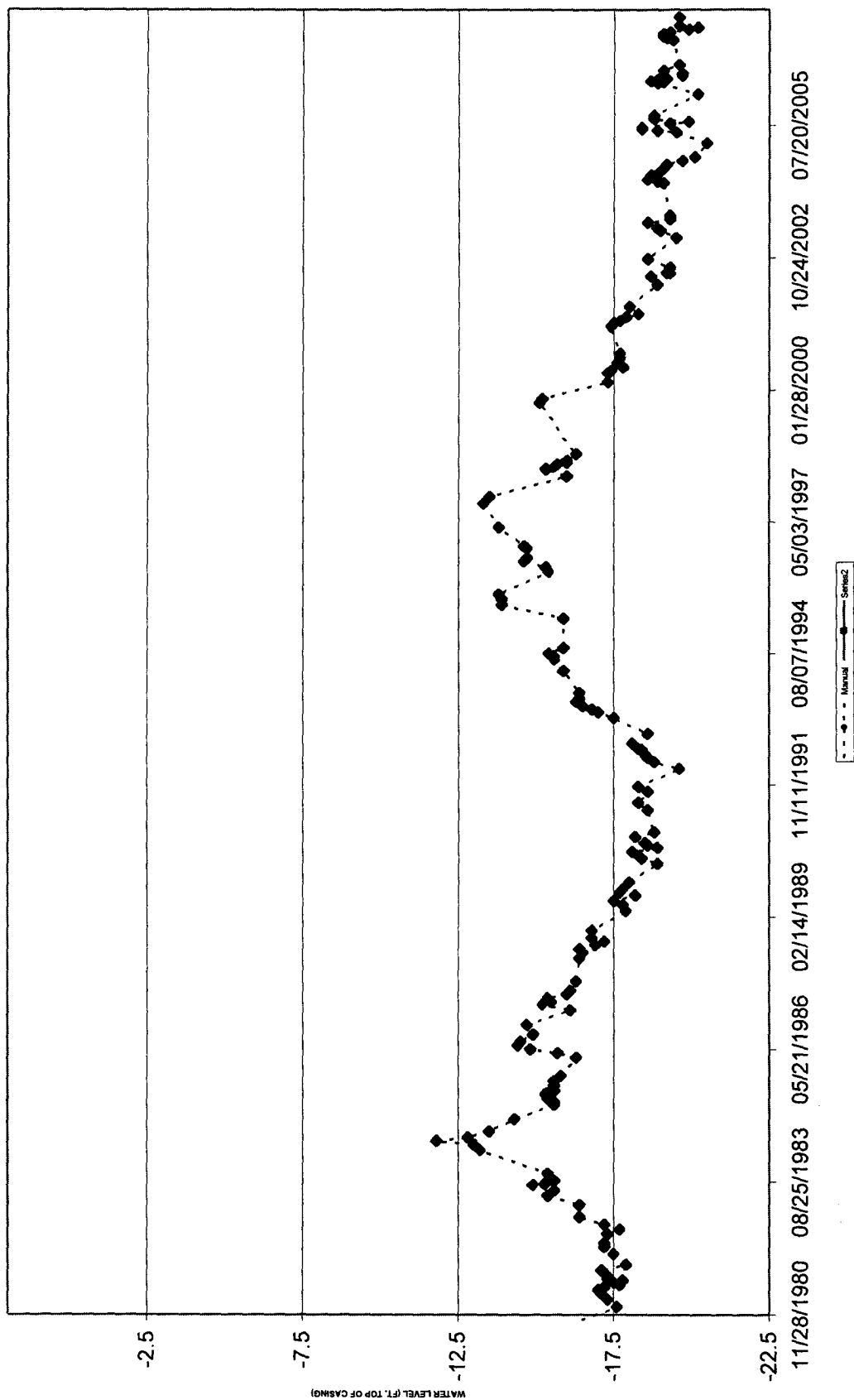
BIBLIOGRAPHY

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

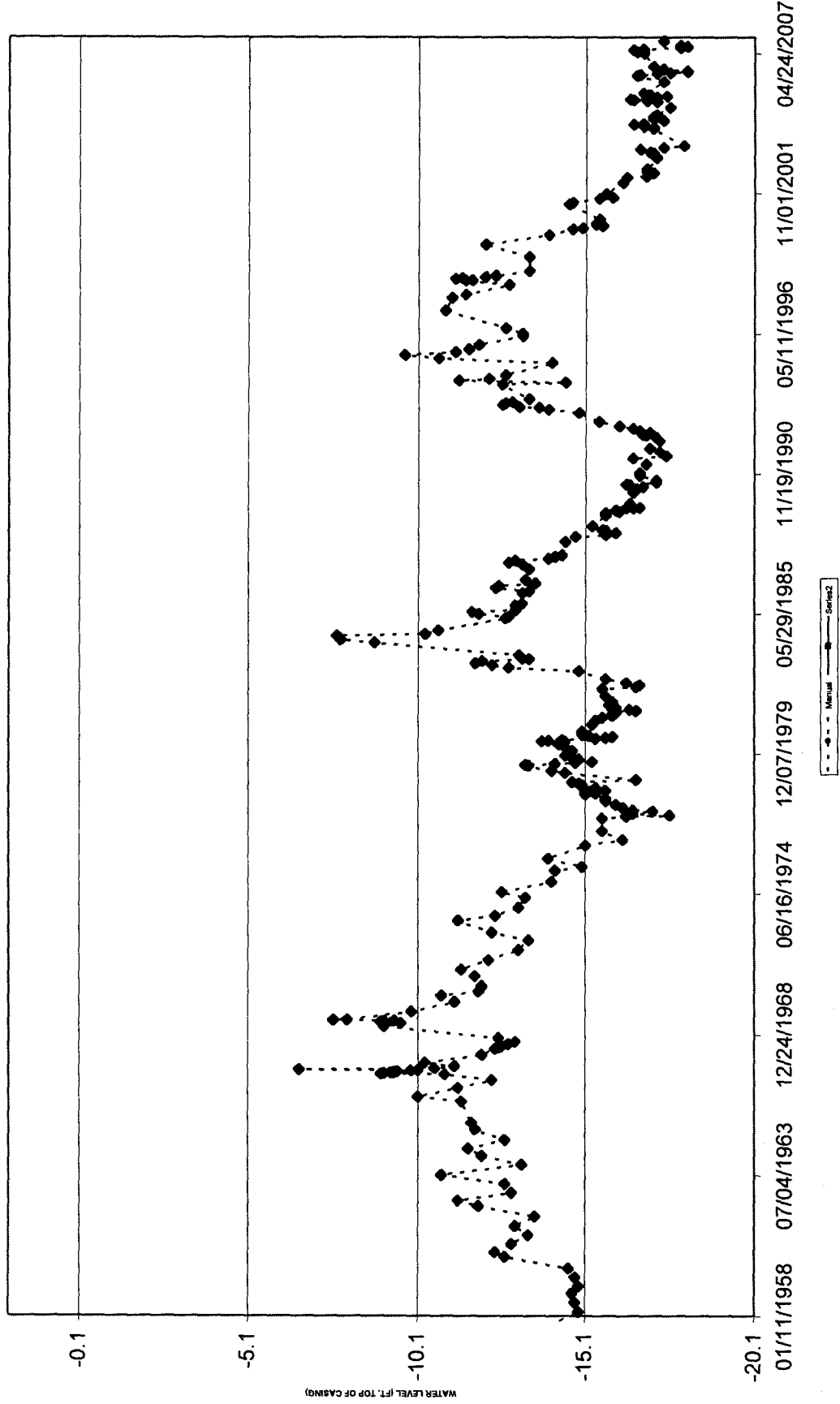
Hedges, L.S. and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
YA-80KA



WATER RIGHTS' OBSERVATION WELL
CL-80B



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

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. 6955-3

TO APPROPRIATE WATER

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 7th day of March, 20 08, and that the succeeding publications were severally

on Friday, the 14th day of March, 20 08,

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-eight dollars and 12 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.

Penny Tucker

Subscribed and sworn to before me

this 14th day of March, 20 08

Diane J. Savio

Exp 9-5-2013

Notary Public

RECEIVED

MAR 17 2008

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 6955-3 to Appropriate Water

Notice is given that Dean Johnson Living Trust, c/o Dean Johnson, 2921 Woodland Dr., Logansport, IN 46947, has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri/Elk Point Aquifer (approximately 100 feet deep) located in SW 1/4 NW 1/4 Section 8 to irrigate 128 acres located in the NW 1/4 Section 8; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6955-3 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 this 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 this 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 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 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 24, 2008.

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: March 7 & 14, 2008



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 29, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

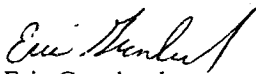
Enclosed is a Notice on Application No. 6955-3 to Appropriate Water to be published twice. Please publish the first notice on March 7, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Dean Johnson Living Trust, Dean M Johnson, 2921 Woodland Dr, Logansport IN 46947 (Ph # 574-753-8196).

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. 6955-3

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

Date _____

We are in receipt of your letter of February 29, 2008 enclosing Notice to Appropriate Water by Application No. 6955-3 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.

February 29, 2008

Dean Johnson Living Trust
Dean M Johnson
2921 Woodland Dr
Logansport IN 46947

Dear Mr. Johnson:

Water Permit Application No. 6955-3 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 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 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

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 March 7, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6955-3 to Appropriate Water

Notice is given that Dean Johnson Living Trust, c/o Dean Johnson 2921 Woodland Dr, Logansport IN 46947 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 100 feet deep) located in SW ¼ NW ¼ Section 8 to irrigate 128 acres located in the NW ¼ Section 8; all in T92N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6955-3 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 this 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 this 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 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 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 24, 2008.

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 11 2008

Dean Johnson Living Trust
2921 Woodland Dr
Logansport IN 46947

Dear Mr. Johnson:

Enclosed is Water Permit No. 6955-3 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 Erbelé, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

RECEIVED

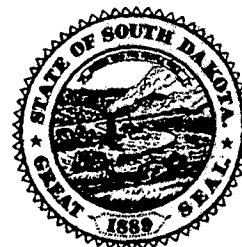
AUG 28 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-20-2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Chris Nelson (operating Dean Johnson Living Trust well.)
(name)
903 W 4th
(address)
Yankton, S.D. 57078 605-260-0858
(city, state, zip) (phone)

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

Water Permit No. 6955-3 states that the water use system is to be constructed by3-24-2013, and water is to be put to beneficial use by 3-24-2017
(date) (date)The water use system was completed on 6-2008
(date)Applying the water to beneficial use was completed on 6-2008
(date)

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

Chris Nelson
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 2008

6955-3

Chris Nelsen
903 W 4th
Yankton SD 57078

Dear Mr. Nelsen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you submitted for Water Permit No. 6955-3 held by Dean Johnson Living Trust.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of the project and the staff inspection has no bearing on the water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

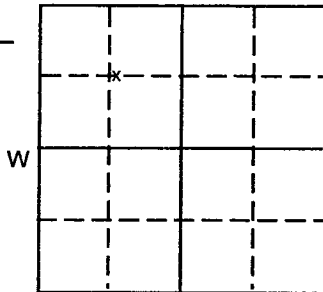
11-02

Location se 1/4 nw 1/4 Sec 8 Twp 92n Rg 53w

County

Clay

North



Please mark well location with an "X"

Well Completion Date

4/28/2008

1 Mile

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

? 2,200.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	77.0 FT	22.00 IN

LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grout	20	9.4 Lb/gal	0.0 Ft	71.0 Ft

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .080 Set From 77.0 Feet to 97.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Dean Johnson

Business Name:

Address: 2921 Woodland DriveCity, State, Zip: Logansport, IN Mn 46947

WELL LOG:

DEPTH

FORMATION	FROM	TO
Silt, brown, clayey,	0	9
sand, fine, silty	9	70
Sand, coarse	70	82
gravel, coarse, sandy	82	101

STATIC WATER LEVEL 18.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

12/10/08



**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 19, 2009

6955-3

Chris Nelson
30723 444th Ave
Mission Hill SD 57046-6009

Dear Mr. Nelson:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to you (as the operator) at 903 W 4th in Yankton. The post office notified us that your address has changed and I will update our records accordingly. If you no longer operate the land for the "Dean Johnson Trust", please let me know.

Sincerely,

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

enclosures

Permit No. 6955-3
Missouri 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, 9/1/2009, made a thorough examination of the water use system constructed by **Chris Nelson(Dean Johnson Living Trust)** of **30723 444th Ave, Mission Hill SD 57046-6009** holder of Permit No. **6955-3**, bearing the priority of **1/28/2008** authorizing the diversion of **1.56** cu. ft. per second of the waters of the **Missouri Elk Point aquifer** for **irrigation** purposes, in **Clay** County.

Inspection contact & relationship to permit holder, if applicable: **Chris Nelson—Rents/farms the land from Dean Johnson Living Trust**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 101 feet
- 4) Well log is available Yes
- 5) Comment: appears to be an adequate well—log on file

Casing:

- 1) Diameter 16 inches
- 2) Length 77 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated pipe
- 2) Length 20 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Grundfos
- 2) Model 625S-300
- 3) Size 30 hp
- 4) Capacity 675 GPM

Motor:

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

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

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1,280 feet
- 3) Number of towers 7
- 4) Distance between towers ~182 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 675 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: list

The system is in good condition with the point of diversion located as follows: 1,249 feet east and 1,284 feet south of the NW corner of Section 8, Township 92 North, Range 53 West, lat/long N 42.80462 W -97.13610. The works are capable of diverting and conveying to the place of use 1.50 cu. ft. per second of water of the Missouri Elk Point aquifer which is to be used for crop irrigation. Water has been put to beneficial use to the maximum extent as follows:

Report of Examination of Works

Permit No. 6955-3

NW ¼ NW ¼ 32 acres
NE ¼ NW ¼ 32 acres
SE ¼ NW ¼ 32 acres
SW ¼ NW ¼ 32 acres

**All in Section 8, Township 92 North, Range 53
West**

comprising a total of **128** acres of land and the license should be issued for **1.50** cfs.

All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **None**

Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **3/10/2010**

Permit No. 6955-3
Dean Johnson Living Trust



0.5

_____ Miles

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

6955-3

Dean Johnson Living Trust
2921 Woodland Dr
Logansport IN 46947

Dear Mr. Johnson:

Enclosed is Water License No. 6955-3. 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. 6955-3, 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,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" being more prominent than the last name "Erbele".

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

enclosures

c: Chris Nelson, 30723 444th Ave, Mission Hill SD 57046-6009 w/attachments

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6955-3**

(1) Dean Johnson Living Trust, 2921 Woodland Dr, Logansport IN 46947 made Application No. 6955-3, January 28, 2008 for a water permit to divert 1.56 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6955-3, with a priority date of January 28, 2008 was approved March 24, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 24, 2013 and for the application to beneficial use of said water on or before March 24, 2017.

A "Notice of Completion of Works and Application of Water to Beneficial Use" was received on August 28, 2008. The "Notice" indicated the water use system was completed and water placed to beneficial use in June, 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.50 cubic feet of water per second for beneficial use. The location of the diversion point is 1,249 feet east and 1,284 feet south of the NW corner of Section 8, T92N, R53W (NW ¼ NW ¼ - or approximate center of the NW 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, R53W Section 8	NW ¼ NW ¼	32 acres
	NE ¼ NW ¼	32 acres
	SE ¼ NW ¼	32 acres
	SW ¼ NW ¼	32 acres
	Total	128 acres

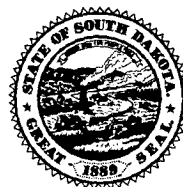
(4) Pursuant to South Dakota Water Law 46-5-30.1 Dean Johnson Living Trust, 2921 Woodland Dr, Logansport IN 46947 the holder and/or owner of Water Right No. 6955-3 is issued a license to appropriate water, the right to use 1.50 cubic feet of water per second from ground water (one well – Missouri:Elk Point Aquifer) with a priority date of January 28, 2008 from the location specified in (2) of this license for irrigation purposes on the land described above.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6955-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6955-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*The well was drilled by Hammond Wetmore Drilling and log is on file with the Water Rights Program.*)
- 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



6955-3



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

January 20, 2022

NOTICE

TO: CHRIS NELSEN, MGR, 30723 444TH AVE, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 7066-3, 7109-3, 7511-3, 6955-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7066-3, 7109-3, 7511-3, 6955-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XBOAGL**

c: BRUCE JOHNSON, PO BOX 125, OAKDALE CA 95361-0125

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.

6955-3



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

January 25, 2022

Chris Nelsen
30723 444th Ave
Mission Hill SD 57046

Dear Mr. Nelsen:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Water Permit or Water Right Nos. 6955-3, 7066-3, 7109-3 and 7511-3.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the above listed permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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