

WATER PERMIT NO. 7126A-3

Name of Applicant: Marshall Brothers

Address: 19032 388th Ave, Hitchcock SD 57348

Phone: 605 226-2720

Amount of Water Claimed: no add'l

Total Acres: 45 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: spink

Type of Waste Disposal System:

Location: 4 miles northwest of Hitchcock

PRIORITY

Date Received: 7-24-12

Application/License Fee: \$ 300

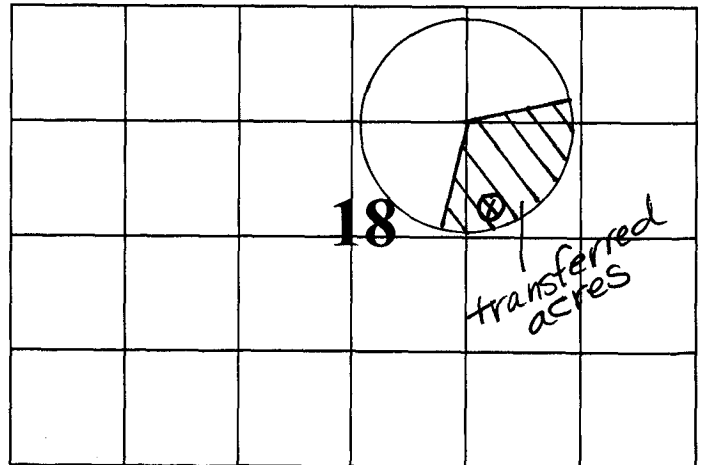
Corrected Application Received:

Period of Annual Use: May 1 – November 1

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 18-T114N-R63W

Land to be Irrigated: E ½ NE ¼, SW ¼ NE ¼ Sec
18-T114N-R63W



Depth of Well: 95 feet deep

Well Driller: Grosch Irrigation

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 7-24-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7126A-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-472-0822</u>
	Newspaper <u>Redfield Press P.O. Box 44057469</u>	<u>Plainsman P.O. Box 1278 Huron 57350-605-352-6401</u>

RECEIVED

JUL 24 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7126-3
(Use predates Mar 2, 1955)

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

Sever and move the 45 acres authorized by Water Permit No. 7126-3 back to its original location

1. Name of Applicant Marshall Brothers Phone (605) 266-2720
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 19032 388th Avenue Hitchcock SD 57348
(Address) (City) (State) (Zip Code)
2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage 45
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well authorized by Water Right No. 3054A-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
SE 1/4 NE 1/4 Section 18, T114N, R63W
5. County or counties where water will be used Spink
6. Annual period during which water is to be used May 1 - November 1
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 Section 18, T114N, R63W	8		
SW 1/4 NE 1/4 Section 18, T114N, R63W	4.5		
SE 1/4 NE 1/4 Section 18, T114N, R63W	32.5		

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

Michael Watson who is the owner of the land authorized by Water Permit No. 7126-3 consents to transferring ownership of No. 7126-3 to Marshall Brothers for the purpose of filing this application to sever and simultaneously transfer to the original location in Section 18 which is now owned by Marshall Brothers (see attached letter)

STATE OF SOUTH DAKOTA)
County of Beadle) SS

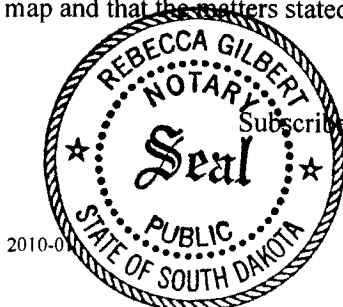
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Gary Marshall, 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 Gary MarshallSubscribed and sworn to before me this 20th day of July 20 12

my commission expires
9-20-2014

Rebecca Gilbert
Notary Public signature



**SOUTH DAKOTA
WATER PERMIT NO. 7126A-3**

Date of first receipt of application July 24, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7126A-3 to Marshall Brothers, c/o Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 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. 7126A-3 transfers 45 acres authorized by Water Permit No. 7126-3. Water Permit No. 7126-3 authorizes irrigation of 45 acres located in the W 1/2 SE 1/4 Section 11-T114N-R63W. This permit authorizes transferring the location of the 45 acres approximately 4 miles southwest to the E 1/2 NE 1/4, SW 1/4 NE 1/4 Section 18-T114N-R63W. This permit will utilize the diversion rate authority from Water Right No. 3054A-3 to irrigate the 45 acres described above. Water Right No. 3054A-3 appropriates 1.21 cubic feet of water per second from one well completed into the Tulare:Western Spink/Hitchcock Aquifer (61 feet deep) located in SE 1/4 NE 1/4 Section 18 for irrigation of 85 acres located in the W1/2 NE 1/4, NE 1/4 NE 1/4 Section 18; all in T114N-R63W. No additional water is authorized by this permit.
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: May 1 – November 1.
3. The date from which applicant may claim right is September 14, 1976 (established by Water Permit No. 7126-3).
4. The date of approval of Permit No. 7126A-3 is October 9, 2012.
5. One-fifth of the construction is to be completed on or before April 9, 2015.
6. All construction is to be completed on or before October 9, 2017.
7. Water is to be put to beneficial use on or before October 9, 2021.
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 Water Right No. 3054A-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7126A-3 cancels Water Permit No. 7126-3.

WATER MANAGEMENT BOARD

By: Garland Erbele

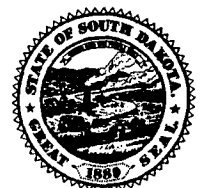
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 11 2012

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

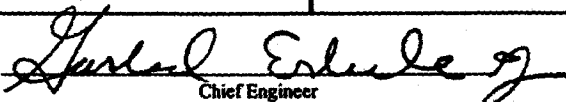
Date 7/24, 20 12

RECEIVED OF Marshall Brothers 19032 388th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>7126A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7126A-3</u>	200	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. **05498**

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 2012

Gary Marshall
19032 388th Avenue
Hitchcock SD 57348

Dear Mr. Marshall:

Please find the following enclosed

- Water Permit No. 7126-3
- Water Right No. 3054A-3
- A notice of transfer of ownership to transfer No. 7126-3 to Marshall Brothers. This will entail completing the name of who it is transferred to, signature and a \$50 filing fee.
- A partially completed application form to sever the 45 acres under No. 7126-3 and simultaneously transferring to its original location at the pivot authorized by No. 3054A-3. Filing fee for this application will be \$300.
- A map showing the pivot in the NE ¼ Section 18 and a map submitted by Mr. Watson showing the acreage transferred under No. 7126-3.
- Blank forms in case changes need to be made.

Gary, here is the material regarding transferring the 45 acres back to its location in the NE ¼ of Section 18. I also believe a letter from Mr. Michael Watson attesting to his ownership of the W1/2 SE ¼ Section 11, T114N, R63W and agreeing to the transfer of ownership and supportive of Marshall Brothers transfer of the acres back to the NE ¼ of Section 18 is necessary.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund

Water Rights Program
605 773-3352
eric.gronlund@state.sd.us

enclosures

July 20, 2012

RECEIVED
JUL 24 2012
WATER RIGHTS
PROGRAM

DENR-Water Rights

523 E Capitol Ave

Pierre, SD 57501-3182

Dear Sirs:

The purpose of this letter is to state that I, Michael Watson, owner of the land located in the W ½ of SE ¼ Section 11, T 114 N, R 63 W, do agree and am supportive of the transfer of ownership of the forty-five acre water permit under Permit No 7126-3 to revert back to its original location of Permit No 3054A-3. This property is now owned by Marshall Brothers of Hitchcock, SD.

Thank you for your consideration.

Sincerely,


Michael Watson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7126A-3, Marshall Brothers**

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. 7126A-3, Marshall Brothers, c/o Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7126A-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 Water Right No. 3054A-3 and this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7126A-3 cancels Water Permit No. 7126-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 18, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7126A-3
MARSHALL BROTHERS
AUGUST 30, 2012

Water Permit Application No. 7126A-3 proposes a change of the acreage authorized for irrigation by Water Permit No. 7126-3 from 45 acres located in the S½ SE¼ Section 11, T114N-R63W to 45 acres located in the E½ NE¼ and the SW¼ NE¼ of Section 18, T114N-R63W. This permit application also proposes to allow diversions under the authority of Water Right No. 3054A-3 to be used to irrigate the 45 acres described above. Water Right No. 3054A-3 appropriates 1.21 cubic feet of water per second from one well completed into the Tulare: Western Spink/Hitchcock aquifer (61 feet deep) located in the SE¼ NE¼ Section 18, T114N-R63W.

South Dakota Codified Law (SDCL) 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. The applicant indicates this transfer will allow an existing center pivot to make a complete rotation affecting the economic viability of the irrigation project.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the water availability and existing rights issues pertinent to this application.

WATER AVAILABILITY:

This application does not propose an increase of the amount of water appropriated from the Tulare: Western Spink/Hitchcock aquifer. Therefore, the availability of unappropriated water from the aquifer is not an issue.

EXISTING WATER RIGHTS

The approval of this permit application will authorize the irrigation of 45 additional acres with water diverted from the well that is authorized by Water Right No. 3054A-3. The average annual irrigation application rate for the Tulare: Western Spink/Hitchcock aquifer over the period of record (1979-2011), based on irrigation questionnaires is 9.32 inches per year (Buhler, 2012). Assuming the average application rate applied over 45 acres, an additional 34.95 acre-feet per irrigation season will be diverted from the well. The additional drawdown created by this small increased diversion will not be significant. There is a reasonable probability that approval of this application will not result in the unlawful impairment of existing water rights.

CONCLUSIONS:

1. This water permit application simply proposes to change the acreage that is authorized for irrigation.
2. This application does not propose any increase of the amount of water that is appropriated from the Tulare: Western Spink/Hitchcock aquifer.
3. This application does not propose any increase to the maximum diversion rate authorized for the existing well that is to be used.
4. Approval of this permit will result in the average diversion from this existing well to increase.
5. The small average diversion increase that would be the result of approval of this application will not adversely impact existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Buhler, K.A., 2012, Report to the Chief Engineer on Water Permit Application No. 7289-3, Bixler Farms; Nos. 7290-3 and 7291-3, Lee Gatzke; No. 7293-3, Jeffrey Gatzke; and No. 7292-3, Allen Gatzke; April 25, 2012: SD DENR-Water Rights Program

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA,
County of Spink: ss.

SEP 27 2012

WATER RIGHTS PROGRAM

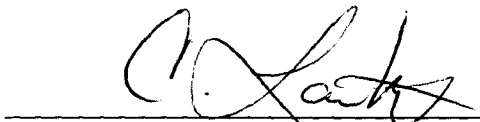
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#589 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on September 26th, that Thirty-one and .85/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, 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 person whomsoever.



Subscribed and sworn to before me this 26th day of September, 2012.



Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#589

NOTICE OF APPLICATION NO. 7126A-3

Notice is given that Marshall Brothers, c/o Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 has filed an application for a water permit to transfer 45 acres authorized by Water Permit No. 7126-3. Water Permit No. 7126-3 authorizes irrigation of 45 acres located in the W 1/2 SE 1/4 Section 11-T114N-R63W. This application proposes to transfer the location of the 45 acres approximately 4 miles southwest to the E 1/2 NE 1/4, SW 1/4 NE 1/4 Section 18-T114N-R63W. This application proposes to utilize the diversion rate authority from Water Right No. 3054A-3 to irrigate the 45 acres described above. Water Right No. 3054A-3 appropriates 1.21 cubic feet of water per second from one well completed into the Tulare:Western Spink/Hitchcock Aquifer (61 feet deep) located in SE 1/4 NE 1/4 Section 18 for irrigation of 85 acres located in the W1/2 NE 1/4, NE 1/4 NE 1/4 Section 18; all in T114N-R63W. No additional water is requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Marshall indicates this transfer will allow his existing center pivot to make a complete rotation affecting the economic feasibility of the irrigation project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7126A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 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 October 9, 2012.

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. Pinner, Secretary
Department of Environment
and Natural Resources

Published at an approximate cost of \$31.85. (Sept 26)

RECEIVED

OCT - 3 2012

PRINTER'S AFFIDAVIT

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL - WATER
APPLICATION - MARSHALL**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 26TH day **SEPT 2012** That the full **FORTY-SIX & 31/000** dollars insures to the benefit of the publisher of 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 person whomsoever.

Trisha Nelson

Subscribed and sworn to before me this 30TH
day of SEPT. 2012.

Shirley Newirth
Notary Public, South Dakota

My term expires 10/25/17

Legal # 399

F.P. 00-20-12

**NOTICE OF
APPLICATION
NO. 7126A-3**

Appropriate Water
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~~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.

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Steven M. Pimer,
Secretary, Department
of Environment and
Natural Resources.
No. 399 (adv.)

Published once at the
total approximate cost of
\$45.08.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 19, 2012

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7126A-3 to Appropriate Water. Please publish the notice once on September 26, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Marshall Brothers, c/o Gary Marshall, 19032 388th Ave., Hitchcock SD 57348 (Ph # 605-266-2720).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 19, 2012

Sent via e-mail

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7126A-3 to Appropriate Water. Please publish the notice once on September 26, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Thursday, September 20, 2012 8:53 AM
To: Schlaak, Karen
Subject: Re: No. 7391-3 and 7126A-3

I have received your email.
Thank you.

Ruby Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Sep 20, 2012, at 7:46 AM, <Karen.Schlaak@state.sd.us> <Karen.Schlaak@state.sd.us> wrote:

Here are two more notices to be published on September 26, 2012.

Notice of Application No. 7391-3, Peterson Farms, c/o Lenny Peterson, 19111 Maple Ave, Hitchcock SD 57348 605 266-2793

Notice of Application No. 7126A-3, Marshall Bros, C/o Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 605 266-2720

Please bill the applicant for the publication and sent us the affidavit ASAP.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7391-3public.short.docx><7126A-3public.short.docx>



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

September 19, 2012

Marshall Brothers
Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Water Permit Application No. 7126A-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 Plainsman printed at Huron SD (Ph # 605-352-6401) and the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

c: Michael Watson, 18593 393rd Ave., Hitchcock SD 57348
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 the Notice on September 26, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7126A-3

Notice is given that Marshall Brothers, c/o Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 has filed an application for a water permit to transfer 45 acres authorized by Water Permit No. 7126-3. Water Permit No. 7126-3 authorizes irrigation of 45 acres located in the W ½ SE ¼ Section 11-T114N-R63W. This application proposes to transfer the location of the 45 acres approximately 4 miles southwest to the E ½ NE ¼, SW ¼ NE ¼ Section 18-T114N-R63W. This application proposes to utilize the diversion rate authority from Water Right No. 3054A-3 to irrigate the 45 acres described above. Water Right No. 3054A-3 appropriates 1.21 cubic feet of water per second from one well completed into the Tulare:Western Spink/Hitchcock Aquifer (61 feet deep) located in SE ¼ NE ¼ Section 18 for irrigation of 85 acres located in the W1/2 NE ¼, NE ¼ NE ¼ Section 18; all in T114N-R63W. No additional water is requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Marshall indicates this transfer will allow his existing center pivot to make a complete rotation affecting the economic feasibility of the irrigation project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7126A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 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 October 9, 2012.

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.
Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

DEC 11 2012

Marshall Brothers
Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed is Water Permit No. 7126A-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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 12-14-12

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

DEC 14 2012

WATER RIGHTS
PROGRAM

FROM: Marshall Brothers
(name)

19032 388th Avenue
(address)

Hitchcock S.D. 57348
(city, state, zip)

(605) 266-2720
(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.

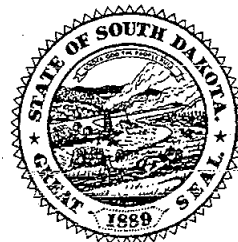
Water Permit No. 7126 A-3 states that the water use system is to be constructed by
Oct 9, 2017, and water is to be put to beneficial use by Oct 9 2021
(date) (date)

The water use system was completed on in place
(date)

Applying the water to beneficial use was completed on _____
(date)

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

Marshall Brothers by Gary Marshall
(signature)



RECEIVED

APR 29 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7126A-3

Date: 4-29-15

I/We request that Water Permit No. 7126A-3

formerly owned by: Marshall Brothers

be transferred to: (name & address) Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348

Telephone No. 605 350-1401

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

45 acres – E ½ NE ¼ and SW ¼ NE ¼ Section 18, T114N, R63W

I/We understand that the validity of Water Permit No. 7126A-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 Gary Marshall, the new owner, certify that the above information is true and correct.

Gary Marshall
(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 4/29, 2015

RECEIVED OF Gary Marshall 19032 388th Ave Hitchcock SD 57348

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>7126A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. 07360

By *James Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 7, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

RE: 7721-3, 7720-3, 7719-3, 7640-3, 7639-3, 7638-3, 7637-3, 7575B-3, 7573-3, 7126A-3,
4794-3, 4723-3A, 3054A-3

Dear Mr. Marshall:

I am writing in follow-up to your office visit last week when you submitted ownership changes to the above listed water permits and water rights.

All of the ownership changes with the exception of Water Permit No. 7575B-3 have been completed. The ownership change submitted for portions of Water Permit No. 7575-3 is being processed separately. This is done in part because the permit will need to be divided and reissued to reflect separate ownership (No. 7575A-3 - Terry Marshall and No. 7575B-3 - Gary Marshall).

The receipts for the filing fees are enclosed. If you have any questions, please let me know.

Sincerely,

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

enclosures – receipts for the filing fees