

WATER PERMIT NO. 7573A-3

Name of Applicant: Gary Marshall

Address: 19032 388th Ave, Hitchcock SD 57348

Phone: 605 350-1401

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation

County: Beadle

Type of Waste Disposal System:

Location: 5 miles east of Hitchcock

PRIORITY

Date Received: 4-29-15

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: changes acres under Water Right No. 7573-3 to accommodate installation of a cornering system

Diversion Point: near the center of SE 1/4 Sec 8-T113N-R62W

Land to be Irrigated: SE 1/4 Sec 8-T113N-R62W

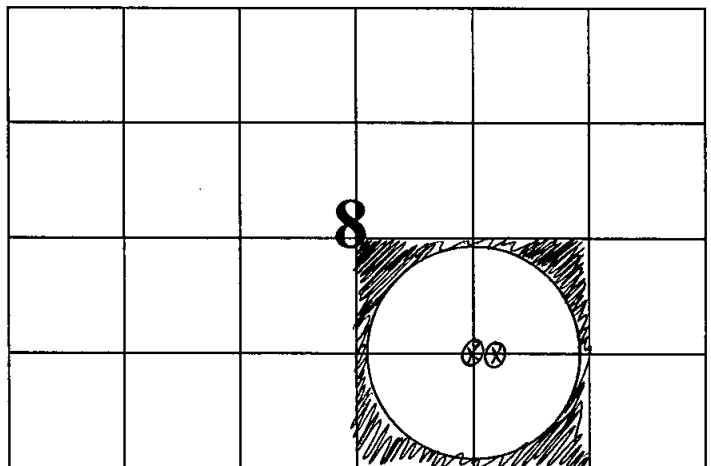
Depth of Well: 80 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 5-4-15

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	No. <u>7573A-3</u> (office use only)	Hydrologic Unit <u>10/0006</u>
	Basin <u>James River</u>	
	Newspaper <u>Plainsman</u>	

RECEIVED

APR 29 2015

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7573-3
(Use predates Mar 2, 1955)

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

transfer 24 acres under Water Permit No. 7573-3 to the quarter section authorized by Water Right No. 4723-3A to accommodate installation of a cornering system

1. Name to Appear on Irrigation Permit Gary Marshall(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 19032 388th Avenue Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Home Phone 266-2720 Cell 350-1401 Email marshall@sbtc.net

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage no 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 Tulare:Western Spink Hitchcock aquifer (2 existing wells)

4. Location of point of diversion approximate center of SE 1/4 & 150 feet east of center of SE 1/4; all in Section 8, T113N, R62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Beadle5. County or counties where water will be used Beadle6. 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
NW 1/4 SE 1/4 Section 8, T113N, R62W	6		
NE 1/4 SE 1/4 Section 8, T113N, R62W	6		
SW 1/4 SE 1/4 Section 8, T113N, R62W	6		
SE 1/4 SE 1/4 Section 8, T113N, R62W	6		

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

Desire to transfer acres to accommodate installation of a cornering system. No diversion rate authority is to be transferred. The existing well information is on file

I, Gary Marshall, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7573A-3

Date of first receipt of application April 29, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7573A-3 to 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. 7573A-3 transfers 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This permit will move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifer located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. Permit No. 7573A-3 authorizes a total diversion of 1.94 cfs to irrigate 160 acres.

Water Permit No. 7573-3 is reissued to appropriate 1.78 cfs from one well located near the center of the NW 1/4 Section 27 for irrigation of 136 acres in the NW 1/4 Section 27; all in T114N-R63W, Water Permit Nos. 7573-3 and 7573A-3 are now stand alone permits.

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 dates from which applicant may claim right are December 14, 2012 (24 acres comprised of 6 acres in corners) and April 9, 1981 (1.94 cfs and 136 acres established by No. 4723-3A).
4. The date of approval of Permit No. 7573A-3 is July 27, 2015.
5. One-fifth of the construction is to be completed on or before November 2, 2015.
6. All construction is to be completed on or before May 2, 2015.
7. Water is to be put to beneficial use on or before May 2, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

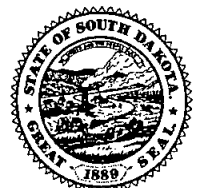
QUALIFICATIONS

1. The wells approved under Permit Nos. 4723-3A and 7573A-3 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. 7573A-3 incorporates Water Right No. 4723-3A.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015
date



WATER PERMIT APPLICATION FOR GARY MARSHALL



1,100 550 0 1,100 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation of Gary Marshall
in the office on April 29, 2015

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

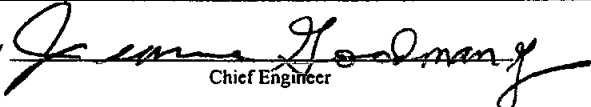
Date 4/29, 20 15

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. <u>7573A-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>7573A-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. 07360

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

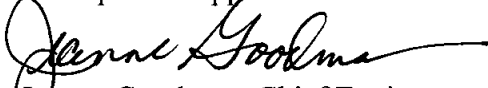
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7573A-3, Gary Marshall**

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. 7573A-3, Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7573A-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 wells approved under Permit Nos. 4723-3A and 7573A-3 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. 7573A-3 incorporates Water Right No. 4723-3A.

See report on application for additional information.


Leanne Goodman, Chief Engineer
July 6, 2015

NOTE: Water Permit No. 7573-3 will be reissued to reflect the reduction of 24 acres that are being transferred if this application is approved. Water Permit No. 7573-3 and 7573A-3 will be separate water permits.

The incorporation of Water Right No. 4723-3A into Water Permit No. 7573A-3 is intended to reflect that this is one water use system. By incorporating, the permit holder will receive one irrigation questionnaire each fall to report water use by this system. The priority date for the 1.94 cfs and 136 acres established by Water Permit No. 4723-3A will be retained.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7573A-3
GARY MARSHALL
JUNE 16, 2015

Water Permit No. 7573-3 authorizes the irrigation of 160 acres located in the NW¼ Sec. 27, T114N-R63W, using one well completed into the Tulare: Western Spink/Hitchcock aquifer, diverted at a maximum rate of 1.78 cfs. The well location authorized by Water Permit No. 7573-3 is near the center of the NW¼ Sec. 27, T114N-R63W. Water Right No. 4723-3A authorizes the irrigation of 136 acres located in the SE¼ Sec. 8, T113N-R62W, using two wells completed into the Tulare: Western Spink/Hitchcock aquifer, diverted at a maximum rate of 1.94 cfs. The well locations authorized for Water Right No. 4723-3A are in the center of the SE¼ Sec. 8, T113N-R62W and 400 feet east of the center of the SE¼ Sec. 8, T113N-R62W.

The applicant proposes to replace an existing irrigation system, constructed under the auspices of Water Right No. 4723-3A, with a system capable of irrigating an additional 24 acres. Water Permit Application No. 7573A-3 proposes to amend Water Permit No. 7573-3 by transferring the authority for irrigation of 24 acres from the NW¼ Sec. 27, T113N-R62W to acres located in the SE¼ Sec. 8, T113N-R62W, to accommodate installation of a cornering system. The applicant does not propose to transfer any diversion rate authority and there will be no increase to the 1.94 cfs for the system that is to be located in the SE¼ Sec. 8, T113N-R62W.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 provides:

“...if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit.”

These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits with diversion points in the vicinity of 4723A-3 are shown in Table 1 and Figure 1.

Table 1. Water Rights/Permits in the vicinity of 4723-3A

PERMIT NO	NAME	PRIOR DATE	STATUS	CFS	ACRES
1423-3	MOROG FAMILY LIMITED	06/16/1967	LC	1.88	132
3191-3	SCOTT A MUELLER	10/15/1976	LC	1.69	118
3192-3	RIVERSIDE HTTRN BRTH	10/15/1976	LC	1.88	132
4350-3	RANDY R PUFFER	09/03/1976	LC	1.89	132
4723-3A	GARY MARSHALL	04/09/1981	LC	1.94	136
4794-3	GARY MARSHALL	04/09/1981	LC	2.22	264
6159-3	TERRY M WIETING	12/09/1999	LC	1.67	128
6331A-3	OSCAR INC	03/28/2007	LC	1.34	132
7373-3	TERRY M WIETING	06/14/2012	PE	1.78	160
7640-3	GARY MARSHALL	12/14/2012	PE	1.78	160
7719-3	GARY MARSHALL	02/08/2013	PE	1.78	135
7718A-3	TERRY M WIETING	03/03/2014	PE	1.78	135
5671-3	PETERSON FARMS	07/13/1992	LC	2.89	263



Figure 1. Approximate location of wells supplying water rights/permits from the Tulare: Western Spink/Hitchcock aquifer, in the vicinity of Water Right No. 4723-3A

The Tulare: Western Spink/Hitchcock aquifer is under unconfined conditions in this area. The DENR-Water Rights Program monitors an observation well (SP-79N) completed into the Tulare: Western Spink/Hitchcock aquifer, located approximately two miles north of the wells that supply Water Right No. 4723-3A. A hydrograph for the observation well is shown in Figure 2. The hydrograph documents seasonal water level fluctuation that may be the result of nearby well pumping. Well interference has never been an issue from the aquifer and it is likely that diversions proposed by these applications can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output.

The 1979-2014 average irrigation application rate from the Tulare: Western Spink/Hitchcock aquifer was 9.37 inches per acre per year. The additional 24 acres this application proposes to irrigate in the SE¼ Sec. 8, T113N-R62W, can be expected to result in an additional average withdrawal from the wells used to supply Water Right No. 4723-3A, of 18.74 acre-feet. Over a 185 day irrigation season, 18.74 acre-feet would result in an average diversion rate from the wells of 0.051 cfs (approximately 23 gallons per minute). The additional drawdown associated with 0.051 cfs is not expected to be significant to water levels in area wells.

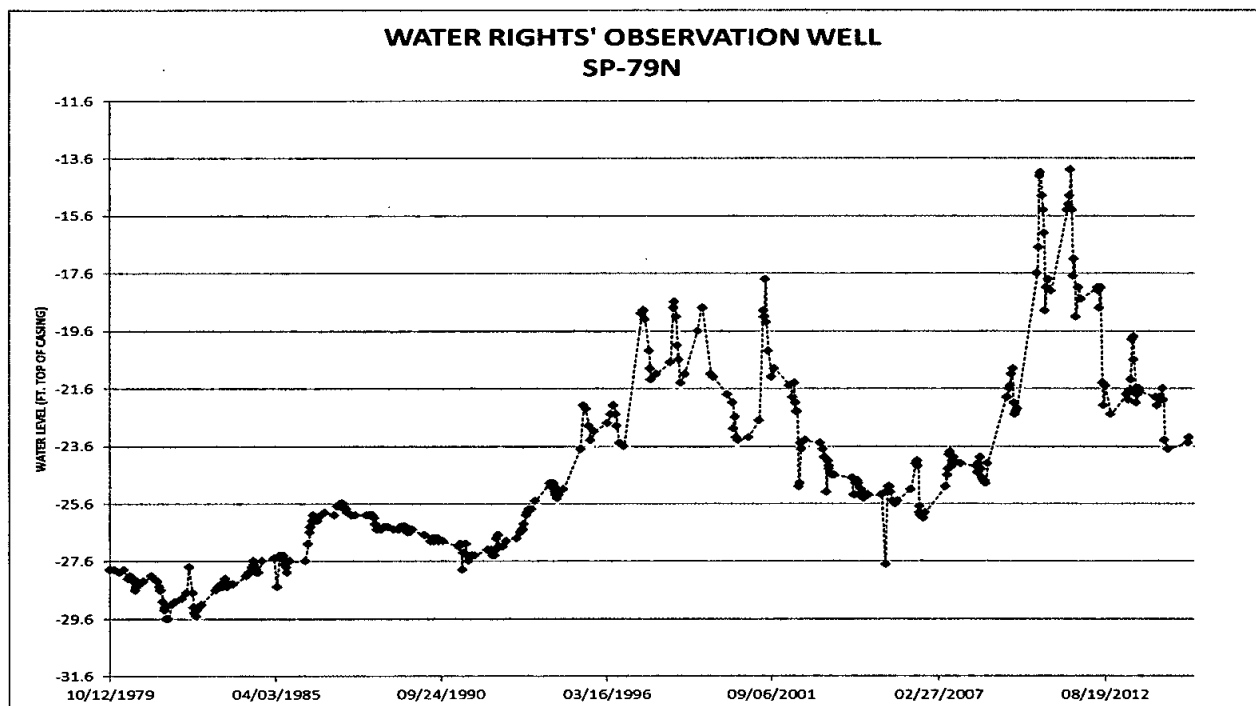
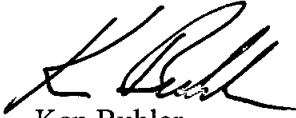


Figure 2. Hydrograph for DENR-Water Rights' observation well completed into the Tulare: Western Spink/Hitchcock aquifer approximately three-fourths of a mile northeast of the wells that supply water for Water Right No. 4794-3.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.

2. These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. The amendments proposed by Water Permit Application No. 7573A-3 are not expected to adversely impact existing water rights.



Ken Buhler
DENR-Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

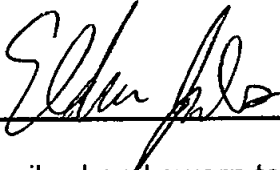
JUL 29 2015

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, 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 ENVIROMENTAL – MARSHALL
BROTHER WATER RIGHTS**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 15TH day JULY 2015. That the full amount of the fee charged for publishing is: FIFTY-THREE & 62/100 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 whom so ever.



Subscribed and sworn to me before this 15TH Day of JULY 2015.


Notary Public, South Dakota

My term expires 01/27/2018
Legal #1917

NOTICE OF
APPLICATION NOS.
4794B-3 and 7573A-3

Notice is given that Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 has filed the following applications for water permits.

Application No. 4794B-3 requests to amend Water Right No. 4794-3 by transferring 28 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed in the Tulare Western Spink/Hitchcock Aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This application proposes to transfer 28 acres from the SW 1/4 Section 4 to the SE 1/4 Section 5-T113N-R62W to accommodate installation of a cornering system. Seven acres will be transferred from each quarter-quarter section in Section 4-T113N-R62W to corresponding quarter-quarter sections in the SE 1/4 Section 5-T113N-R62W. This application also serves to clarify the location of the two existing Tulare Western Spink/Hitchcock Aquifer wells supplying Water Right No. 4794-3 as being located in the SE 1/4 SW 1/4 Section 4 and SE 1/4 SE 1/4 Section 5; all in T113N-R62W. No increase in the diversion rate or number of acres irrigated is authorized by this application.

Application No. 7573A-3 requests to amend Water Permit No. 7573-3 by transferring 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This application proposes to move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifer located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. No increase in the 1.94 cfs diversion

rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4794A-3 and 7573A-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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources, No. 1917(adv.) Published once at the total approximate cost of \$53.61.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

July 6, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Water Permit Application Nos. 4794B-3 and 7573A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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 applications.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, June 01, 2015 8:42 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 7570A-3, Terry Wieting
Attachments: 7570A-3public.short.docx

Attached is a Notice of Application No. 7570A-3 for Terry Wieting, 870 Beach Ave NE, Huron SD 57350 (605 350-5142) to be published on June 5, 2015. Mr. Wieting has been notified to contact the paper to authorize publication and arrange for payment.

Let me know if you have questions. Please send the affidavit ASAP.
Thanks,

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

NOTICE OF APPLICATION NOS. 4794B-3 and 7573A-3

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Application No. 7573A-3 requests to amend Water Permit No. 7573-3 by transferring 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This application proposes to move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifers located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. No increase in the 1.94 cfs diversion rate or number acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4794A-3 and 7573A-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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed are Water Permit Nos. 4794B-3, 7573A-3 and Reissued Water Permit No. 7573-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 4794B-3 incorporates Water Permit No. 4794-3.
Water Permit No. 7573A-3 incorporates Water Permit No. 4723-3A.

enclosures

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 9-1-15TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Gary Marshall
(name)
19032 388th Avenue
(address)
Hitchcock S.D. 57348 (605) 266-2720
(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.

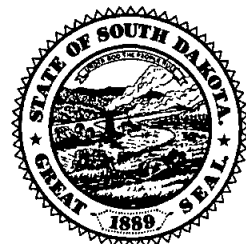
Water Permit No. 7573A-3 states that the water use system is to be constructed by 5-2-2018, and water is to be put to beneficial use by 5-2-2022.
(date) (date)

The water use system was completed on 8-1-15.
(date)

Applying the water to beneficial use was completed on 8-1-15.
(date)

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

Gary Marshall
(signature)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 3, 2015

4794B-3
7573-3
7573B-3

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Marshall:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems.

The systems are 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 completion of the projects and the staff inspection has no bearing on your water permits.

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,

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

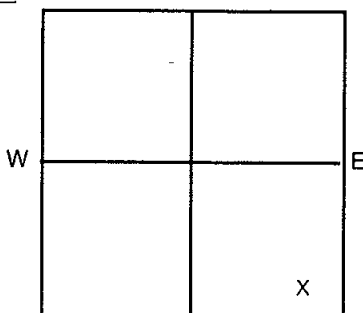
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 113 Rg 62County Beadle ☒

North

Please mark well
location with an "X"

Well Completion Date

6/17/2016

1 Mile

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
 ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☒ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8 IN	0 FT	68 FT	12.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
DF Grout	7	Lb/gal	0 Ft	49 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8 Inches Length 15 FeetMaterial Stainless SteelSlot Size 0.060 Set From 53 Feet to 68 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? PeaRock

Describe packer(s) and location

49-68'

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☐ No, Why Not?

 Lab to which water
 quality sample sent for analysis
Well Owner: Terry Wieting

Business Name: _____

Address: 870 Beach Ave NECity, State, Zip: Huron ☒ SD ☒ 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay w/ Little Rocks	0	20
Med to Fine Yellow Sand	20	53
Coarse Grey Sand w/ Coal	53	68

STATIC WATER LEVEL 11 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: w/ Air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped 200+ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 18 2017

 WATER RIGHTS
 PROGRAM

Tulare: Western Spink H. toh

 This well was drilled under license # 440 and this
 report is true and accurate.
Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

Schlaak, Karen

Subject: FW: question on a well completion report received

From: Terry Wieting [<mailto:twieting@venturecomm.net>]
Sent: Wednesday, January 25, 2017 4:34 PM
To: Gronlund, Eric
Subject: RE: question on a well completion report received

Tried calling. Old well casing broke. We concreted shut. The hole Pullman drilled was about 5 feet from old well. We used the same pipe. So no additional diversion point, just new casing and screen.

Terry

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Wednesday, January 25, 2017 4:19 PM
To: twieting@venturecomm.net
Cc: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: question on a well completion report received

Terry – DENR received a well completion report from Pullman drilling for a well they completed for you on June 17, 2016. The well is located in the SE ¼ SE ¼ Section 8, T113N, R62W. It appears to be to supply the pivot in that same quarter section authorized by 4723-3A and 7573A-3. No. 4723-3A is the originating water right but was incorporated into 7573A-3 when you moved acres to allow for a corning system so the entire quarter section is irrigated. The existing water rights was for use of two wells near the center of the SE ¼ of Section 8. Was this well drilled as a replacement well or an additional well to supply the pivot? Just so you know when you change well location or add a diversion point there is a process to go through for authorization.

Let me know what is the purpose of this well drilled last June.

Thanks – Eric
605 773-3352
Eric.gronlund@state.sd.us

Permit No. 7573A-3 and Water Right No. 4723-3A

Contact Person & Address: Gary Marshall, 870 Beach Ave. NE, Huron, SD 57350

Report of Examination of Works

On, July 9, 2019, I made a thorough examination of the water use system constructed by Gary Marshall holder of Permit No. 7573A-3, bearing the priority of December 14, 2012 (24 acres compromised of 6 acres in the corners) and April 9, 1981 for 136 acres established by No. 4723-3A authorizing the diversion of 1.94 cu. ft. per second of the waters of ground water (Tulare Western Spink/Hitchcock Aquifer) for irrigation purposes, in Beadle County.

The system is in the following condition good. The points of diversion is located from the SE corner of Section 8, T113N, R62W 1,320' North and 1,320' West with latitude of 44.60732 and a longitude of -98.30666 and 1,320' North and 890' West with latitude of 44.60732 and a longitude of -98.30496 determined using GPS. The works are capable of diverting and conveying to the place of use 1.94 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:

All land is located in Sec 8, T113N, R62W:

NW ¼ SE ¼ - 39 ac NE ¼ SE ¼ - 39 ac SE ¼ SE ¼ - 39 ac SW ¼ SE ¼ - 39 ac

comprising a total of 156 acres of land and the license should be issued for 1.94 cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none.

Report On the Specifics of the System**Diversion Point Information:****Well Information:**

- 1) Well Drilling Firm: Riverside 2) Well No. 1 3) Depth(s) 90 feet 4) Well log is available no

Casing:

- 1) Diameter 16 inches 2) Length 70 feet 3) Type plastic

Screen:

- 1) Type stainless steel 2) Length 20 feet 3) Static water level na feet

- 1) Well Drilling Firm: Pullman 2) Well No. 2 3) Depth(s) 68 feet 4) Well log is available yes

Casing:

- 1) Diameter 8 inches 2) Length 53 feet 3) Type steel

Screen:

- 1) Type stainless steel 2) Length 15 feet 3) Static water level 11 feet

Pump:

- 1) Make both submersible 2) Model na 3) Capacity 870 GPM

Motor:

- 1) Make na 2) Model No. na 3) Horsepower rating 15/20 and 25/30 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 6 & 8 inches 3) Length 330' of 6" & 20' of 8" feet

SYSTEM TYPE:

Center pivot:

- 1) Make 1) Valley 2) Overall length 1320 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure low 6) Capacity 870 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief # 4) Low pressure drain #
5) Discharge is 20' from source # 6) Interlock type #
7) Injection pump type # 8) Injection check valve #
9) Injection line check valve or positive displacement pump #
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules #

Comments: Chemigation equipment not present at time of inspection

Water Permit No. 7573A-3 and Water Right No. 4723-3A should be incorporated into one license.

Terry D Helms

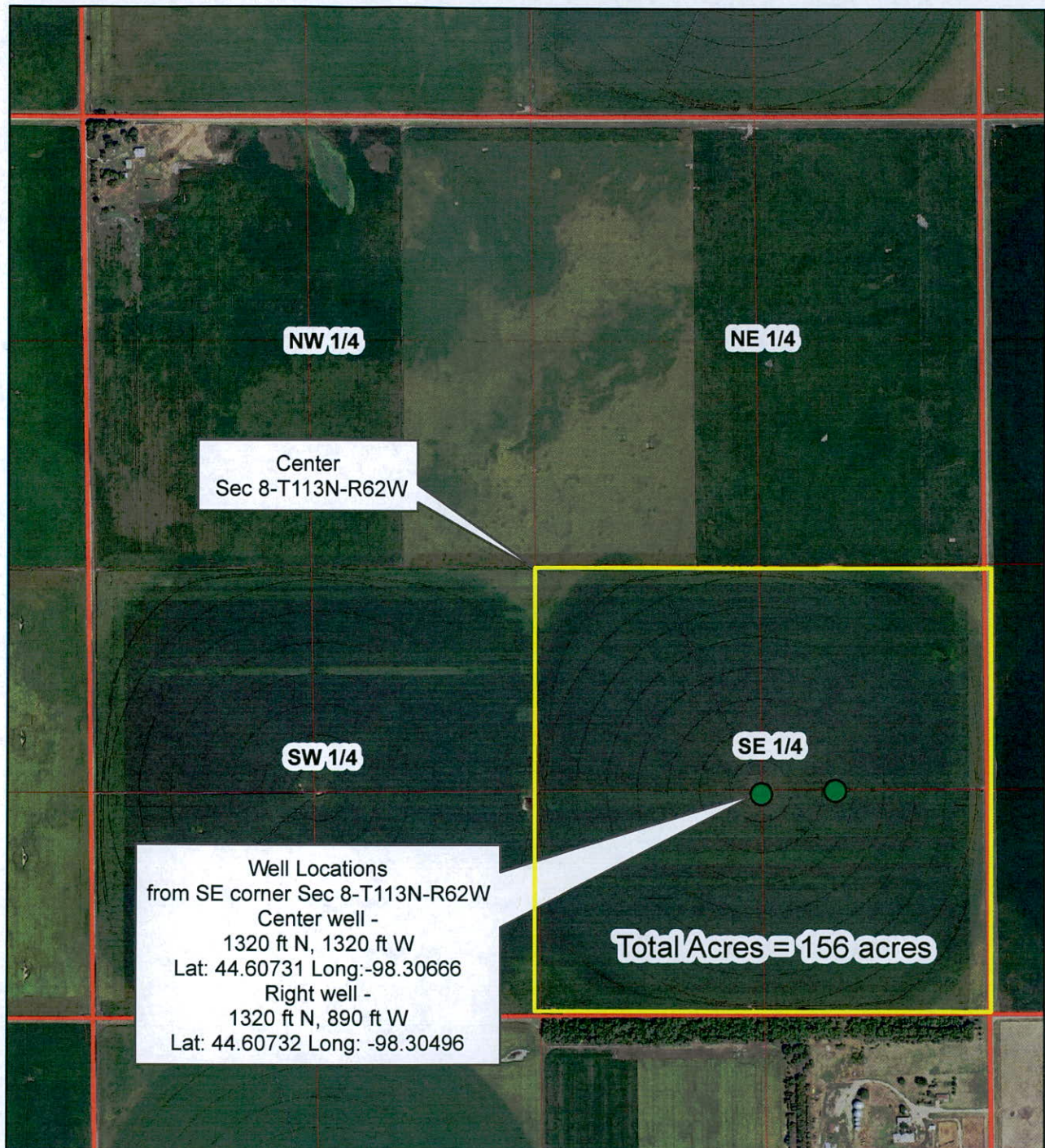
Date Report Completed: August 21, 2019

Terry Helms

Water Rights Inspector

DENR, Water Rights Program

Water Right No. 7573A-3, Gary Marshall



0 385 770 1,540 2,310 3,080 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
July 17, 2019



7573 A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2020

7573-3
7573A-3

Gary Marshall
870 Beach Ave NE
Huron SD 57350

Dear Mr. Marshall:

Enclosed are Water License Nos. 7573-3 and 7573A-3. These are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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 Licenses, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7573A-3**

(1) Gary Marshall, 870 Beach Avenue, Huron SD 57350 made Application No. 7573A-3, April 29, 2015 for a water permit to transfer 24 acres from Water Permit No. 7573-3 to accommodate installation of a cornering system on acreage authorized under Water Right No. 4723-3A. Upon approval, the applicable portions of No. 4723-3A were incorporated into Permit No. 7573A-3 authorizing diversion of 1.94 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 7573A-3, with priority dates of December 14, 2012 (24 acres) and April 9, 1981 (1.94 cfs and 136 acres) was approved July 27, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2015 and for the application to beneficial use of water on or before May 2, 2022.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.94 cubic feet of water per second for beneficial use. The diversion points are located:

- 1,320' N and 1,320' W of the SE corner of Section 8, T113N, R62W (center of SE ¼)
Latitude: 44.60732, Longitude: -98.30666
- 1,320' N and 890' W of the SE corner of Section 8, T113N, R62W (430' E of the center of SE ¼)
Latitude: 44.60732, Longitude -98.30496

(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:

T113N, R62W Section 8	NW ¼ SE ¼	39 acres
	NE ¼ SE ¼	39 acres
	SE ¼ SE ¼	39 acres
	SW ¼ SE ¼	<u>39 acres</u>
	Total	156 acres

Priority dates: April 9, 1981 for 136 acres (established under Water Right No. 4723-3A)
December 14, 2012 for 24 acres (corners) (established under No. 7573-3)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Marshall, 870 Beach Avenue, Huron SD 57350 the holder and/or owner of Water Right No. 7573A-3 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer) with priority dates of April 9, 1981 (136 acres and 1.94 cfs) and December 14, 2012 (24 acres) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7573A-3 and subject to the following qualifications:

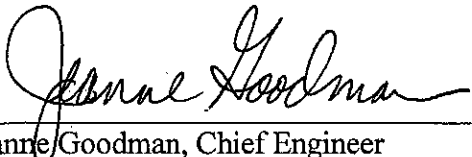
- The wells approved under Nos. 4723-3A and 7573A-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

Water License No. 7573A-3

Page 2

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 7573A-3 incorporates Water Right No. 4723-3A. *(This action was done during initial permitting.)*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 24 2020

date

