

RECEIVED

MAY 05 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7575A-3

Date: 4-30-15

I/We request that portions of Water Permit No. 7575-3

formerly owned by: Marshall Brothers

be transferred to: (name & address) Terry Marshall, 38735 SD Hwy 28N, Hitchcock SD 57348

Telephone No. _____

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

140 acres – SW ¼ Section 36, T114N, R64W

I/We understand that the validity of Water Permit No. 7575A-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 Terry Marshall, the new owner, certify that the above information is true and correct.

Terry 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 5/5, 20 15

RECEIVED OF Farm Credit Services PO Box 1317 Huron SD 57350

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>7575A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07381**

By 
Chief Engineer

SOUTH DAKOTA
WATER PERMIT NO. 7575A-3 FOR IRRIGATION
(DIVISION OF WATER PERMIT NO. 7575-3 INTO 7575A-3 AND 7575B-3)

The Water Management Board approved Water Permit Application No. 7575-3 on May 2, 2013 for Gary Marshall – Marshall Brothers 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. 7575-3 appropriates 3.56 cubic feet of water per second (cfs) from two wells to be completed into the Tulare: Western Spink Hitchcock Aquifer (80 feet deep) located in the centers of the SW ¼ and SE ¼ Section 36 to irrigate 280 acres located in the S ½ Section 36, all in T114N, R64W.

Based on ownership changes filed with No. 7575-3, the permit is being divided and reissued as follows:

- **Water Permit No. 7575A-3:** Terry Marshall, 38735 SD Hwy 28N, Hitchcock SD 57348 authorizing 1.78 cfs from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (80 feet deep) located in the center of the SW ¼ Section 36 to irrigate 140 acres located in the SW ¼ Section 36, all in T114N, R64W.
 - **Water Permit No. 7575B-3:** Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 authorizing 1.78 cfs from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer (80 feet deep) located in the center of the SE ¼ Section 36 to irrigate 140 acres located in the SE ¼ Section 36, all in T114N, R64W.
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 December 14, 2012 (Receipt of Application No. 7575-3).
 4. One-fifth of the construction is to be completed on or before November 2, 2015.
 5. All construction is to be completed on or before May 2, 2018.
 6. Water is to be put to beneficial use on or before May 2, 2022.
 7. 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. 7575A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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: *Jeanne Goodman*

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

MAY 18 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7575-3
7575A-3

MAY 18 2015

Terry Marshall
38735 SD Hwy 28N
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed is your Water Permit No. 7575A-3.

On April 29th and May 5th, 2015, ownership changes were received from you and from Gary Marshall for the land described in Water Permit No. 7575-3. Based on ownership changes, the permit has been divided and reissued as follows:

- **Water Permit No. 7575A-3: Terry Marshall**, authorizing 1.78 cfs from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer located in the center of the SW ¼ Section 36 to irrigate 140 acres located in the SW ¼ Section 36, all in T114N, R64W.
- **Water Permit No. 7575B-3: Gary Marshall**, authorizing 1.78 cfs from one well to be completed into the Tulare: Western Spink Hitchcock Aquifer located in the center of the SE ¼ Section 36 to irrigate 140 acres located in the SE ¼ Section 36, all in T114N, R64W.

Enclosed for your records is Receipt No. 07387 in the amount of \$50 which you paid for filing the ownership change. If you have any questions concerning the enclosed water permit, please contact our office.

Sincerely,


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

enclosures

7575A-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

7574-3
7575A-3

Terry Marshall
38735 SD Hwy 28
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed is Water License No. 7574-3. 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 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 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,

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

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 7575A-3 were incorporated into Water License No. 7574-3.