



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

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. 7575B-3

Date: 4-29-15

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

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:

140 acres – SE ¼ Section 36, T114N, R64W

I/We understand that the validity of Water Permit No. 7575B-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, 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. _____ 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 _____ 7575B-3		
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. 07310

By

James J. Loomis
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7575-3
7575B-3

MAY 18 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

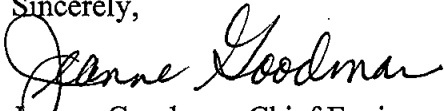
Enclosed is your Water Permit No. 7575B-3.

On April 29th and May 5th, 2015, ownership changes were received from you and from Terry 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. 07370 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

SOUTH DAKOTA
WATER PERMIT NO. 7575B-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

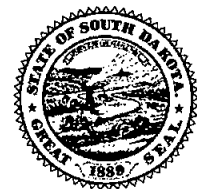
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7575B-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



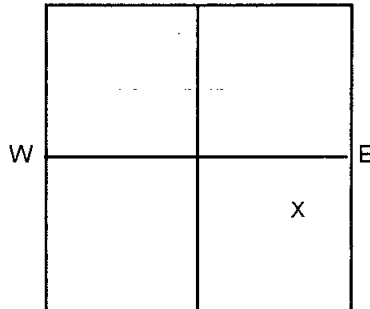
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 35 Twp 114 Rg 64County Spink

North

Please mark well location with an "X"



Well Completion Date

7/28/2015

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:

Reverse

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16 IN	0 FT	76 FT	25 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	47	Lb/gal	0 Ft	72 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16 Inches Length 30 FeetMaterial SCH 40Slot Size 0.060 Set From 76 Feet to 106 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Pea Rock

Describe packer(s) and location

72-106'

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Gary Marshall

Business Name: _____

Address: 19032 388th AveCity, State, Zip: Hitchcock ☒ SD ☒ 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Sand	0	6
Yellow Clay w/ Rocks	6	17
Blue Clay w/ Rocks	17	63
Blue Clay w/ S/S	63	73
Blue Clay	73	77
Coarse Sand w/ Gravel	77	82
Gravel & Rocks w/ Blue Clay breaks	82	93
Coarse Sand w/ Gravel & Coal	93	103
Coarse Sand	103	106

STATIC WATER LEVEL

35

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

JAN 27 2016

WATER RIGHTS
PROGRAM

TULARE: WESTERN SINK / HITCHCOCK 100

This well was drilled under license # 440 and this report is true and accurate.Drilling firm: Pullman Drilling IncSignature of License Representative: Ken Pullman

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Permit No. 7575B-3

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. **7575B-3**, bearing the priority of **December 14, 2012** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Tulare: Western Spink Hitchcock Aquifer** for **irrigation** purposes, in **Spink** County.

The system is in the following condition **good**. The points of diversion is located **from the SE corner of Section 36, T114N, R64W 1,996' West and 2,640' North** with latitude of **44.64034** and a longitude of **-98.47081** and **1,075' West and 2,136' North** with latitude of **44.63906** and a longitude of **-98.46742** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** 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 36, T114N, R64W**

NW ¼ SE ¼ - 33.5 ac NE ¼ SE ¼ - 33.5 ac SE ¼ SE ¼ - 33.5 ac SW ¼ SE ¼ - 33.5 ac
comprising a total of **134** acres of land and the license should be issued for **1.78** 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: **Empire Irrigation** 2) Well **1** 3) Depth **134** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches 2) Length **na** feet 3) Type **fiberglass**

Screen:

- 1) Type **fiberglass** 2) Length **na** feet 3) Static water level **15** feet

Pump:

- 1) Make **submersible** 2) Model **na** 3) Size **na** 4) Capacity **300** GPM

Motor:

- 1) Make **na** 2) Model No. **na** 3) Horsepower rating **15** hp

- 1) Well Drilling Firm: **Pullman** 2) Well **2** 3) Depth **106** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches 2) Length **76** feet 3) Type **Steel**

Screen:

- 1) Type Stainless steel 2) Length 30 feet 3) Static water level 35 feet

Pump:

- 1) Make turbine 2) Model na 3) Size na 4) Capacity 500 GPM

Motor:

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

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size * inches 3) Length 1,870 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic 2) Overall length 1300 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type yes
7) Injection pump type not present 8) Injection check valve not present
9) Injection line check valve or positive displacement pump not present
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes with exceptions noted.

Comments: Second well was drilled to meet production needed to operate center pivot

Terry D Helms

Date Report Completed: August 21, 2019

Terry Helms
Water Rights Inspector
DENR, Water Rights Program

Wells for Water Permit No. 7575B-3

18 September 2019

Water Permit No. 7575B-3, held by Gary Marshall, is currently permitted to withdraw 1.78 cfs from the Tulare: Western Spink Hitchcock aquifer from one well located in the SE ¼ Section 36-T114N-R64W to irrigate 140 acres in the same location. Terry Helms inspected Water Permit No. 7575B-3 and located two wells used to irrigate the acres permitted. The Marshall brothers did not submit any water well completion reports with the application for Water Permit No. 7575-3 (which changed to Water Permit Nos. 7575A-3 and 7575B-3 later), so Water Rights staff must identify the wells drilled for this permit from the water well completion report database.

Currently in the database, there is only one well matching the legal description of this permit. That well was completed on May 15, 1979 by Empire Irrigation. The water permit that corresponds with that well was cancelled because the owner did not find enough water at the time the well was drilled. Eric Gronlund called Mr. Marshall and confirmed that well was one of the wells used to supply Water Permit No. 7575B-3. Mr. Marshall also informed Eric that the second well was drilled by Pullman Drilling, Inc.

According to the database, the second well was completed on July 28, 2015. However, originally the well completion report had the legal description listed as Section 35-T114N-R64W. Later, the 64 in the range part of the form was crossed out and replaced with 63 and "7575B-3" was written in the header. According to the 2016 plat book, Mr. Marshall does not own any land in Sections 35 or 36 in T114N-R63W, nor does he own any land in the SE ¼ Section 35-T114N-R64W. Therefore, by process of elimination, the well drilled for Gary Marshall on July 28, 2015 is in Section 36 T114N-R64W.

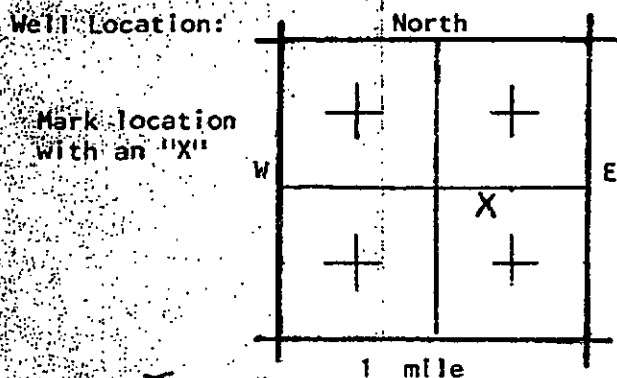


Kimberly C. Drennon
Natural Resources Engineer

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner: Par-a-dox's Acres
Name Redfield, SD
Address



County Spink
Sec. 36 Twp. 114 Rg. 64

Proposed Use:
☒ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 32"
Depth 134'
Casing ☐ Steel ☐ Concrete
☐ Plastic ☒ Other
If other, specify Fiberglass
Was casing end left open no
Was a well screen installed yes
Describe Well Screen
Diameter 16" Material Fiberglass
Slot size .050+.060
Was well gravel packed yes
Was well grouted no
Was water sample taken no

Remarks:

Water Level Information:
Static water level 15' below land surface
If flowing: closed in pressure PSI
rate of flow GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other; specify

Well Test Data:
☒ Pumped Describe:
☐ Bailed
☐ Other
Pumping Level Below Land Surface
44 ft. After Hrs. pumped 400 GPM
50 " " 6 hrs. " " 200 "

Well Log:

Formation	Depth	
	From	To
Topsoil	0	2
Clay + sand streaks	2	68
Med. sand + small		
clay layers	68	89
Gray till	89	100
med. sand	100	104
Gray till	104	115
fine sand + coal	115	132
Gray till	132	134

(Use Back if Necessary)

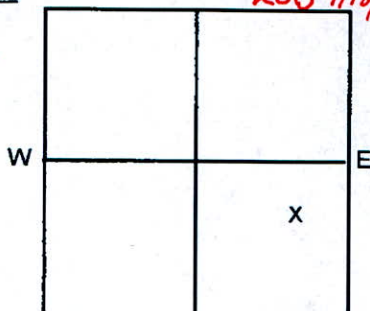
Date Completed: 5/15/79
Driller: Empire Irrigation #251
Driller's or Firm's Name License NO.
Frankfort, SD
Address
W Road
Signed By Date 6/4/79

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SE ¼ Sec 35 Twp 114 Rg 64County Spink

North

Please mark well
location with an "X"

Well Completion Date

7/28/2015

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:

Reverse

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16 IN	0 FT	76 FT	25 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	47	Lb/gal	0 Ft	72 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 30 FeetMaterial SCH 40Slot Size 0.060 Set From 76 Feet to 106 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pea Rock

Describe packer(s) and location

72-106'

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Gary Marshall

Business Name:

Address: 19032 388th AveCity, State, Zip: Hitchcock ☒ SD ☒ 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Sand	0	6
Yellow Clay w/ Rocks	6	17
Blue Clay w/ Rocks	17	63
Blue Clay w/ S/S	63	73
Blue Clay	73	77
Coarse Sand w/ Gravel	77	82
Gravel & Rocks w/ Blue Clay breaks	82	93
Coarse Sand w/ Gravel & Coal	93	103
Coarse Sand	103	106

STATIC WATER LEVEL 35 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

JAN 27 2016

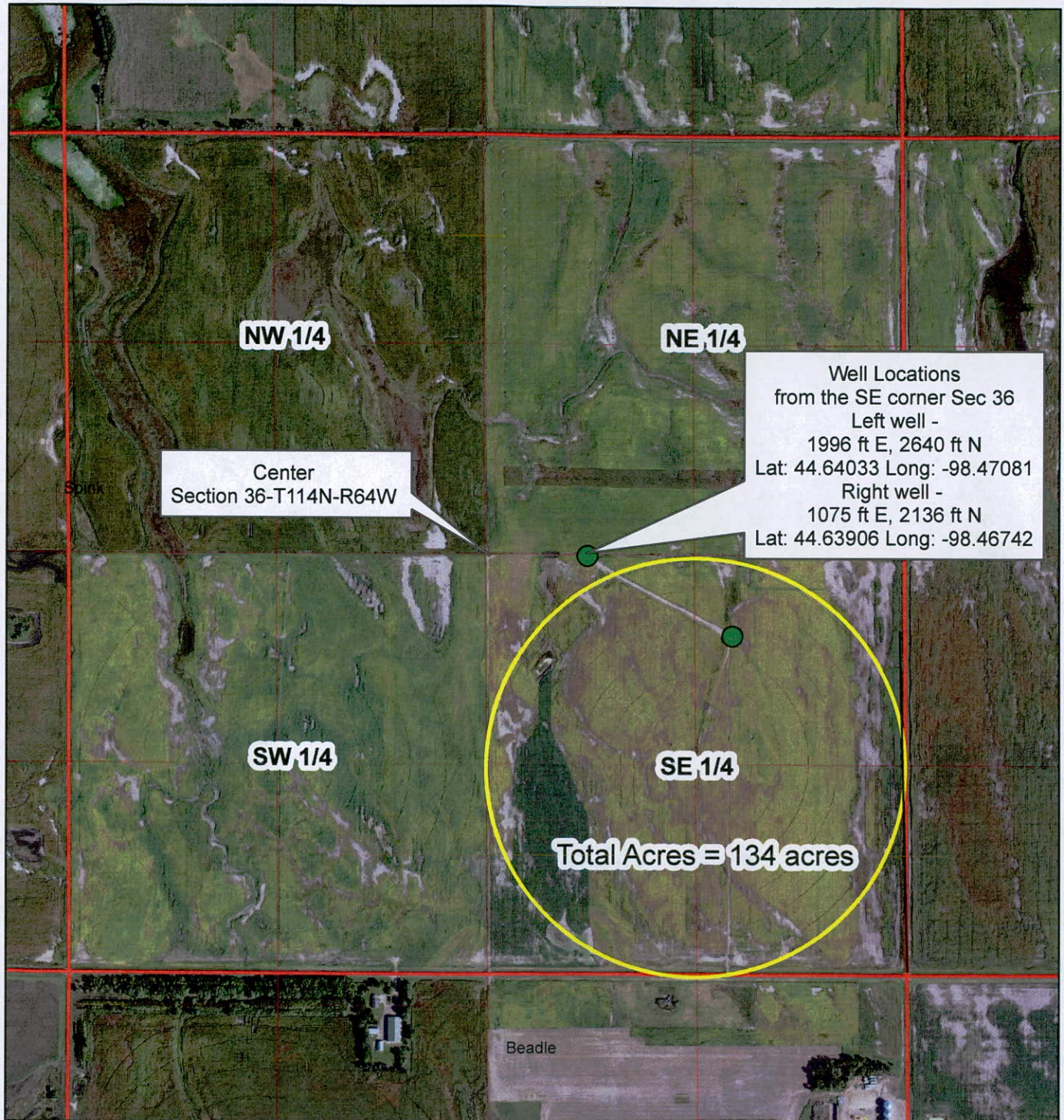
WATER RIGHTS
PROGRAMTOLUKE: WESTERN SPIKE/HITCHCOCK NOThis well was drilled under license # 440 and this
report is true and accurate.Drilling firm: Kullman Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Water Right No. 7575B-3, Gary Marshall



0 320 640 1,280 1,920 2,560 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
July 25, 2019

Approval of an Additional Diversion Point(s)

NAME: Gary Marshall

ADDRESS: 870 beach Avenue NE, Huron SD 57350

DATE: August 22, 2019 **COUNTY:** Spink **TELEPHONE:**

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Water Permit No. 7575B-3 appropriates 1.78 cfs from one well to be completed into the Tulare:Western Spink Hitchcock aquifer located in the center of the SE 1/4 Section 36-T114N-R64W for irrigation of 140 acres in SE 1/4 of this section. A licensing investigation found two wells drilled to supply the center pivot. One well is located in the NE 1/4 SE 1/4 and the second well is in the NW 1/4 SE 1/4 all in Section 36-T114N-R64W.

- **Developed water source same as permitted source and no additional water appropriated**

The water permit appropriates 1.78 cfs and this is the amount found to be developed during the licensing investigation.

- **If irrigation, no new land is irrigated**

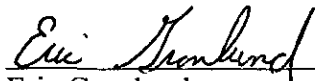
The water permit authorized irrigation of 140 acres and 134 acres were found to be developed during the licensing investigation.

- **Review of Existing Diversions**

The nearest water permit is in the quarter section to the west (SW 1/4 Section 36) of well authorized by Water Permit No. 7575B-3. The change in location moves the wells slightly farther away from the originally authorized location. The change does move the well approximately 1,000 feet closer to the slough used as the water source under Water Permit No. 7315A-3, Van Buskirk Farms. However, this is considered a separate water source. The change also moves the location of one of the well about 1,320 feet closer to a permitted well in the SE 1/4 Section 25 to the north. This permit is held by Gary Marshall so in the unlikely event of interference it can be managed.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2020

7575B-3

Gary Marshall
870 Beach Ave NE
Huron SD 57350

Dear Mr. Marshall:

Enclosed is Water License No. 7575B-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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7575B-3

(1) Gary Marshall, 870 Beach Ave NE, Huron SD 57350 was issued Water Permit No. 7575B-3, May 18, 2015 for a water permit to divert 1.78 cubic feet of water per second (cfs) from ground water, one well (Tulare Western Spink Hitchcock Aquifer, Spink County, South Dakota for irrigation purposes. Permit No. 7575B-3, with a priority date of December 14, 2012 (established under Water Permit No. 7575-3) was approved 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, 2018 and for the application to beneficial use of water on or before May 2, 2022.

An investigation of the water use system found an additional well had been drilled to bring diversion capacity up to the amount needed to supply the center pivot. The total capacity of the two wells does not exceed the permitted rate of 1.78 cfs. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding the additional diversion point did not increase the potential for adverse effects to existing diversions.

(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 1.78 cubic feet of water per second for beneficial use. The diversion points are located:

- 1,996'W and 2,640'N of the SE corner of Section 36, T114N, R64W (NW ¼ SE ¼)
Latitude 44.64034, Longitude -98.47081
- 1,075'W and 2,136'N of the SE corner of Section 36, T114N, R64W (NE ¼ SE ¼)
Latitude 44.63906, Longitude -98.46742

(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:

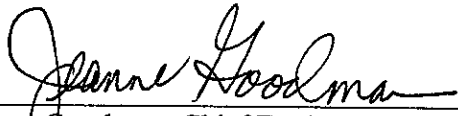
T114N, R64W Section 36	NW ¼ SE ¼	33.5 acres
	NE ¼ SE ¼	33.5 acres
	SE ¼ SE ¼	33.5 acres
	SW ¼ SE ¼	33.5 acres
Total		134.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Marshall, 870 Beach Ave NE, Huron SD 57350 the holder and/or owner of Water Right No. 7575B-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer) with a priority date of December 14, 2012 from the locations specified in (2) of this license for irrigation purposes.

Continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7575B-3 and subject to the following qualifications:

- The wells 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 wells authorized by Permit No. 7575B-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. *Copies of the well logs are on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 24 2020

date

