

WATER PERMIT NO. 8215-3

Name of Applicant: Gary Marshall

Address: 19032 388th Ave, Hitchcock SD 57350 Phone: 605 350-1401

Amount of Water Claimed: 2.67 cfs Total Acres: 345 acres

Source of Water Supply: pond using urface water from drain tile

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: 4 miles southeast of Tulare

PRIORITY Date Received: 3-28-16

Application/License Fee: \$ 1350.00

Corrected Application Received: 4-6-16

Period of Annual Use: April 1 – October 31

Remarks: Same acreage dovered by Water Permit Nos. 7126A-3, 7638-3 and 7721-3

Diversion Point: W 1/2 SW 1/4 Sec 18-T114N-
R63W

Land to be Irrigated: E 1/2, SW 1/4 Sec 18-T114N-
R63W

Depth of Well: NA

Well Driller:

Remarks:

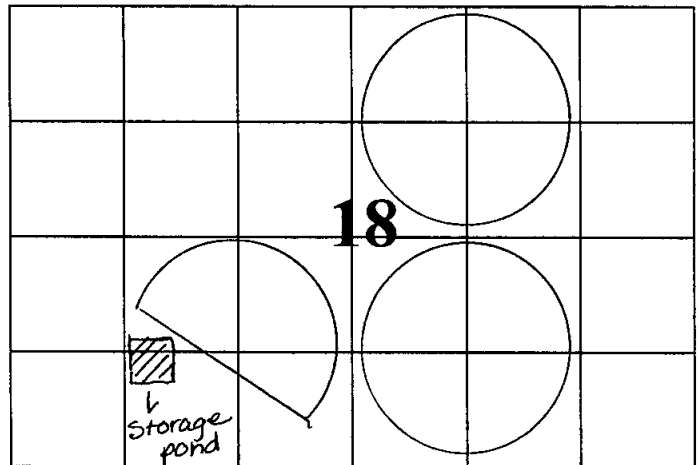
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 4-11-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



605-1150

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8215-3</u> (office use only) Hydrologic Unit <u>10160066</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u> <u>605-472-6822</u>
	<u>Plainsman-Huron</u> <u>605-353-7401</u>

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MAR 28 2016

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Gary Marshall

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 19032 388th ave Hitchcock ☒ SD ☒ 57350
(Address) (City) (State) (Zip Code)

Phone 605-266-2720 Mobile 605-350-1401 Email twieting@venturecomm.net

2. Amount of water claimed 2.67 *CFS or 1200 **GPM ***AF Total Acreage 345
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Man made pond that uses surface water from drain tile

4. Location of point of diversion SW 1/4 sec 18 114-63 on the west side of the quarter in the center of the quarter
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Spink ☒

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April-October

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
N 1/2 of the NE 1/4 SEC 18 114-63	65	N 1/2 OF THE SW 1/4 SEC 18 114-63	60
S 1/2 OF THE NE 1/4 SEC 18 114-63	65	N 1/2 OF THE S 1/2 OF THE SW 1/4 SEC 18	25
N 1/2 OF THE SE 1/4 SEC 18 114-63	65		
S 1/2 OF THE SE 1/4 SEC 18 114-63	65		

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

A man made pond will be the diversion point. This pond will be 8 acres in size and will be about 10 feet deep. It will be constructed by making a berm around the pond and be in the side of a current hill. From this pond we will pump the water to three irrigation systems to irrigated 345 acres. Only two pivots will be able to run at a time. The water will be water collected from tile that is installed in the ground.

I, Gary Marshall, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8215-3**

Date of first receipt of application March 28, 2016.

Date of return to applicant for corrections, amendments or changes March 28, 2016.

Date of receipt of corrected application April 11, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8215-3 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. 8215-3 appropriates 2.67 cubic feet of water per second from a storage pond with a storage capacity of up to 50 acre feet of water to be located in the W 1/2 SW 1/4 Section 18 for irrigation of 345 acres located in the E 1/2, SW 1/4 Section 18; all in T114N-R63W. The permit holder intends to utilize water collected in the storage pond from a drain tile system and precipitation. Water Permit Nos. 7126A-3, 7638-3 and 7721-3 authorize irrigation of the same acreage from wells located in the Tulare:Western Spink/Hitchcock Aquifer.
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 March 28, 2016.
4. The date of approval of Permit No. 8215-3 is July 5, 2016.
5. One-fifth of the construction is to be completed on or before January 5, 2019.
6. All construction is to be completed on or before July 5, 2021.
7. Water is to be put to beneficial use on or before July 5, 2025.
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. Permit No. 8215-3 does not allow the diversion of groundwater from wells authorized by Water Permit Nos. 7126A-3, 7638-3 and 7721-3 to the storage pond.
2. 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

AUG 01 2016

date



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MAR 28 2016

WATER RIGHTS
PROGRAMForm 2A
(Complete required and applicable portions only)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions 550 feet X 600 feet Depth 10 feet

b) Depth to water (ground surface to water level) above ground

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

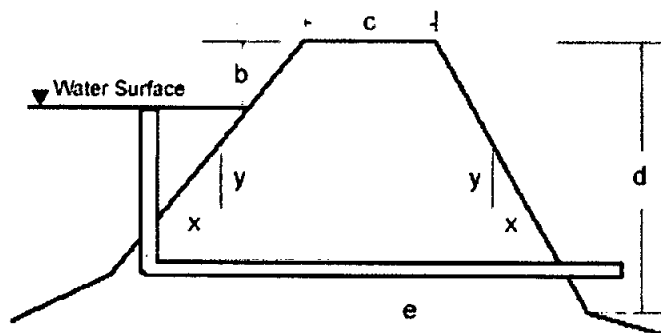
Upstream ____

Downstream ____

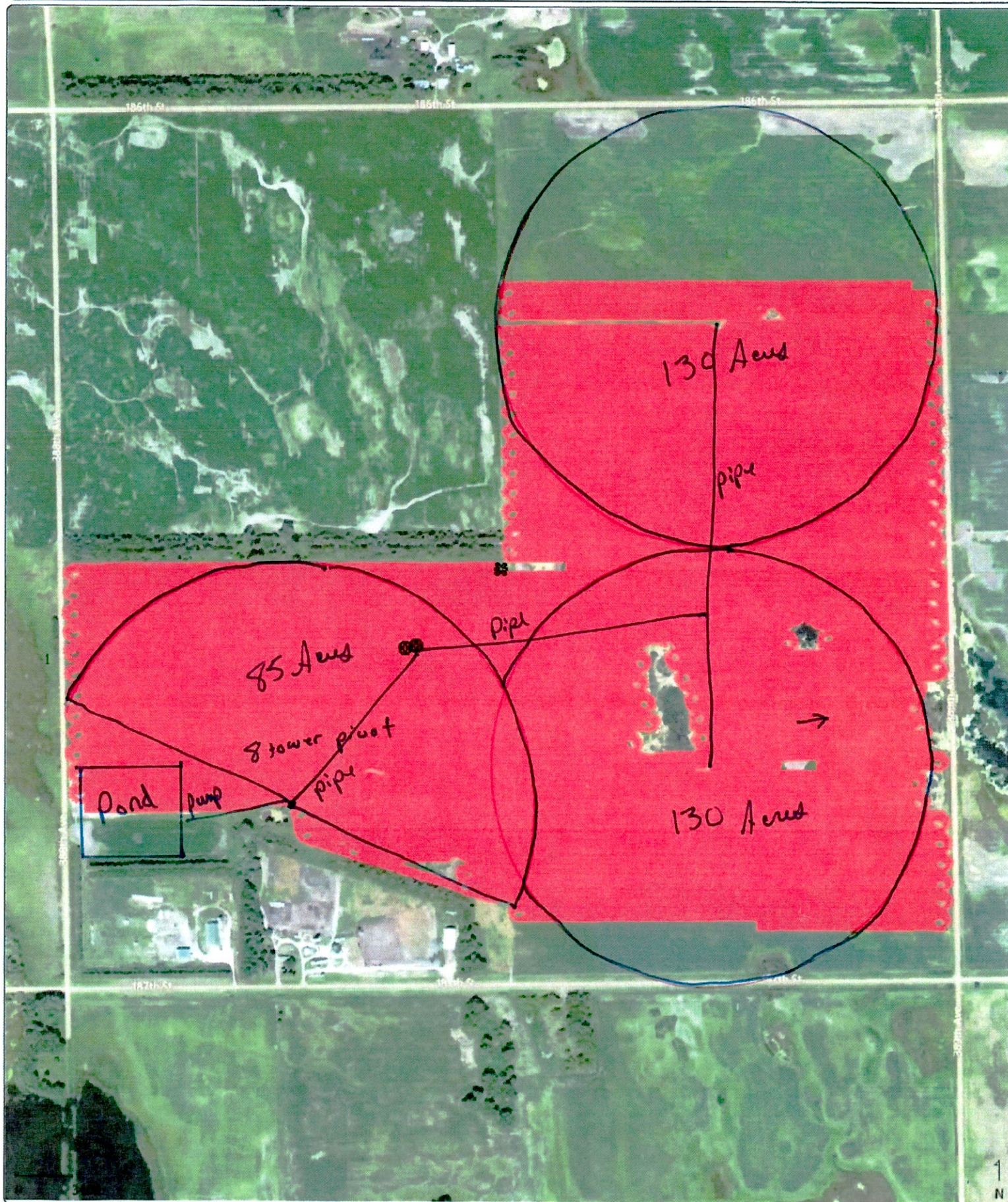
h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



114-63



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/6, 20 16

RECEIVED OF Terry Wieting 870 Beach Ave NE Huron SD 57350

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

Fee for Application for Permit No. <u>8215-3</u> to Appropriate Water, to construct and to put water to beneficial use	<u>1150</u> 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>8215-3</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	1350 00

No. **07809**

By Jeanne Goodman
Chief Engineer

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, March 23, 2016 4:43 PM
To: Goodman, Jeanne; Rath, Mark; Buhler, Ken; Duvall, Ron
Cc: Mines, Ann
Subject: tile drainage and irrigation

Received a call from Josh Knoll ?sp?. A number of landowners in Spink County got together this morning over coffee to discuss a proposed tile drainage project where the water is to be collected and then used for irrigation. I indicated that it would be a two step process in that the tile drainage is under county jurisdiction and once the water day lights and is pumped to place water to beneficial use for irrigation it requires a state water right permit. He said he talked with the county Director of Equalization and once irrigation was mentioned they indicated it was solely state jurisdiction. I stated that is not my understanding and that the actual drainage component is under county jurisdiction. I said there are a few occasion where tile drainage is collected and then used for irrigation. In at least one instance in Spink County it was acknowledged in the water permit that the drainage component needed county authorization. I brought up that both Van Buskirk and Peterson have permits permit in the that area that collect tile drainage that is then used for irrigation.

Mr. Knoll said he is aware of the Van Buskirk system and has been the recipient of unwanted water from their tile drain. The case he was bringing up dealt with Terry Wieting draining land he rents from Gary Marshall. I was not aware of any permit application filed by either Mr. Wieting or Mr. Marshall to irrigate from drainage water that is collected. However, Mr. Marshall does hold ground water permits from the TWSH aquifer in this section (18-T114N-R63W).

He was going to call the Director of Equalization back and inform her of the position the state has taken in similar situations. Mr. Knoll was very polite and just trying to educate himself. I got the impression this was not the last we'd hear on this issue.

Gronlund, Eric

From: Terry Wieting <twieting@venturecomm.net>
Sent: Monday, April 11, 2016 11:03 PM
To: Gronlund, Eric
Subject: RE: Gary Marshall application

Eric,
After talking with Ron, my plan is to keep the height of the berm at 6 ft. The pond will still be about 1 foot below ground level making for a height of about 6.5 feet. The pond will be 1000 feet by 350 feet. We will actually be about right at 50 acre feet anyway. I can get you a map of the pond this week. If you need anything else let me know.

Terry Wieting

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Monday, April 11, 2016 2:28 PM
To: 'Terry Wieting'
Cc: Schaal, Tim
Subject: Gary Marshall application

Terry – received the application filing fee but still awaiting information on the pond. The form indicated the pond to be 10 feet deep and you later indicated one foot of that will be in the ground. Since the berm is over six feet in height, it qualifies as a dam. That will require plans and specification prepared by an engineer if the pond will store more than 50 acre feet at the top of dam. Please provide specifics on the ponds storage capacity. I believe Ron Duvall and you spoke a little about this in a phone conversation.

Eric

From: Gronlund, Eric
Sent: Monday, March 28, 2016 1:57 PM
To: 'Terry Wieting'
Cc: Schlaak, Karen; Schaal, Tim
Subject: Gar

The application filing fee for 345 acres is \$1,150 plus the \$200 licensing fee for a total of \$1,350. Check should be made payable to the Water Rights Program and sent to Water Rights Program, DENR, Joe Foss Building, 523 E Capitol Avenue, Pierre SD 57501.

The drain tile system will need to be authorized by the Spink County Drainage Board. By state law, drainage is the county's jurisdiction.

The application indicates the pond will largely be above the natural ground surface. Given the dimensions provided (550 ft X 600 ft and 10 feet deep) this equates to an approximate volume of water at the top of berm of 80 acre feet of water assuming a consistent depth throughout the 8 surface acre area. Your description of the project indicates the pond will be in the side of a current hill so I am not sure how impacts the actual storage volume. If the capacity is greater than 50 acre feet of water, the diked pond will likely need to be engineering designed to insure that proper freeboard is provided. The storage that is actually excavated into the ground will not be used in calculating the storage that requires an engineered design. If you have specific questions regarding this, please contact Tim Schaal with our program at 605 773-3352.

The acreage being applied for appear to already be covered by water rights/permits that appropriate water from the Tulare Western Spink Hitchcock aquifer. Is this application intended to supply supplemental water to these acres?

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

From: Terry Wieting [<mailto:twieting@venturecomm.net>]
Sent: Saturday, March 26, 2016 10:58 PM
To: Gronlund, Eric
Subject: Gary For water out of the pond

Here is the paper work for the project we are working on Gary to tile into a pond and then irrigate out of the pond. This pond will be on top of the ground and if any maybe a foot into the ground. If you have any questions let me know. I think I will need to send you a check for \$1150? Thanks

Terry Wieting

If you need the original sheets let me know.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 13, 2016

Josh Knoll
38783 187th Street
Hitchcock SD 57348

Dear Mr. Knoll:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 8215-3 filed by Gary Marshall. The notice is scheduled to be published June 22, 2016, in the Plainsman and Redfield Press.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures



**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. 8215-3, 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. 8215-3, Gary Marshall, 19032 388th Avenue, Hitchcock SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 8215-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Permit No. 8215-3 does not allow the diversion of groundwater from wells authorized by Water Permit Nos. 7126A-3, 7638-3 and 7721-3 to the storage pond.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

June 10, 2016

NOTE: The tile drain may not be a reliable source of water capable of sustaining the number of acres proposed to be irrigated. The past years of precipitation have been above normal. Return to normal or below normal precipitation will directly impact the water availability from this water source.

Issuance of a water permit deals with the appropriation and placement of water to beneficial use for irrigation. It does not address the need to comply with other state, federal and local regulations. The installation of sub-surface drainage tile will need to comply with any Spink County drainage regulations. You are encouraged to contact Spink County prior to installation of drainage tile. There may also be federal regulations administered through the Natural Resources Conservation Service, Environmental Protection Agency and Corps of Engineers. You are encouraged to contact any of these federal agencies.

REPORT ON WATER PERMIT APPLICATION NO. 8215-3

Gary Marshall

June 7, 2016

Application No. 8215-3, Gary Marshall, proposes to appropriate 2.67 cubic feet of water per second from a storage pond with a capacity of up to 50 acre-feet of water to be located in the W 1/2 SW 1/4 Section 18 for irrigation of 345 acres located in the E 1/2, SW 1/4 Section 18; all in T114N-R63W. The applicant is proposing to utilize water collected in the storage pond from a drain tile system and precipitation. Water Permit Nos. 7126A-3, 7638-3 and 7721-3 authorize irrigation of the same acreage from wells located in the Tulare:Western Spink/Hitchcock aquifer. The proposed project is located 4 miles southeast of Tulare in Spink County.

Review of the Proposed Project

The applicant proposes to utilize a subsurface tile drainage system to provide water for this project. The drain tile system will be installed on approximately 335 acres underlying much of the same ground proposed to be irrigated. Water discharged from the drainage system will be collected in a 50 acre-foot above ground storage pond. Water pumped from the storage pond will be used to supply 3 center pivots irrigating 345 acres. These same acres are irrigated from wells located in the Tulare:Western Spink/Hitchcock aquifer under Water Permit Nos. 7126A-3, 7638-3 and 7721-3. The project will allow for some recycling and reuse of the water applied for irrigation from both the ground water and the collection storage pond.

In areas where irrigation water is scarce, the use of drainage water is an important strategy for supplementing water resources. Furthermore, reuse may help alleviate drainage disposal problems by reducing the volume of drainage water involved (FAO No. 61). The ability for the drain tile to supply sufficient water for the irrigation system will be climatic driven.

Water Permit Application No. 8215-3 proposes to appropriate water from a drain tile system that once it daylight is considered surface water. The water will be captured and stored in a pond until applied for irrigation. SDCL 46-2A-9 provides for that a permit may be issued only if there is a 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 application seeks to recapture and store water from a drain tile system that would otherwise flow downstream. The stored water will then be applied for irrigation. Whether unappropriated water is available is driven by climatic condition, which is the determining factor for the discharge from the drain tile system. This water from the drain tile system can be considered unappropriated water that is available for appropriation to the extent water discharges from the drain tile system.

The 30 year (1971-2000) average annual precipitation for the Redfield 5 SE weather station located approximately 11 miles north of this project is 19.96 inches. For the five year period 2007 through 2011, annual precipitation averaged 8.14 inches above the 30 year average. The

applicant should recognize that when the climatic conditions shift from wet conditions to a more normal to dry conditions, the water supply from the drain tile system likely will be reduced. There may be times when there is limited discharge that may not satisfy the need for the number of acres requested.

In South Dakota authority over drainage falls under the jurisdiction of counties as specified in South Dakota Codified Law chapter 46A-10A. Installation of a tile drainage system to collect water, as proposed in this application, would need to meet any legal requirements Spink County has adopted in their local ordinances.

Review of Existing Water Rights

A review of existing water rights found numerous active water permit/rights within a 3 mile radius of the project. Most of these rights are from ground water from the Tulare:Western Spink/Hitchcock aquifer. The closest surface water right is located approximately 3 miles to the southeast and is for irrigation from a slough. Since the source of this water is from the collection of water from a drain tile system, there are no other existing water rights/permits that will be directly impacted.

Conclusions

1. This application proposes to appropriate 2.67 cubic feet of water per second from a storage pond with capacity of up to 50 acre-feet of water for irrigation of 345 acres.
2. The storage pond will collect water from a drain tile system. Water in the pond will be used to supply three center pivot irrigation systems.
3. These same acres are irrigated from wells located in the Tulare:Western Spink/Hitchcock aquifer.
4. The project will allow for some recycling and reuse of the water applied for irrigation from both the ground water and the collection storage pond.
5. Since the source of this water is from the collection of water from a drain tile system, there are no other existing water rights/permits that will be directly impacted.
6. When the climatic conditions shift from wet conditions to a more normal to dry conditions, the water supply from the drain tile system likely would be reduced and cannot be considered reliable.



Mark D. Rath
Natural Resources Engineer III

References

1. FAO, Irrigation and Drainage Paper No 61. Agricultural Drainage Water Management in Semi-arid Areas. Food and Agriculture Organization of the United Nations.

RECEIVED

JUL 11 2016

Affidavit of Publication

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
County of Spink: ss.

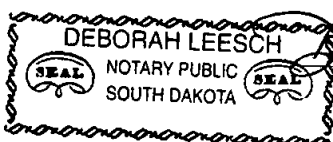
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, 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:

#1957 APPLICATION 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 June 22nd, 2016, that Twenty-seven and 13/100 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 22nd day of June, 2016.



Deborah Leesch
Notary Public, South Dakota

My commission expires 10/09/2019

Application Notice

#1957

NOTICE OF APPLICATION

NO. 8215-3 to Appropriate Water

Notice is given that Gary Marshall, 19032 388th Ave, Hitchcock SD 57350 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from a storage pond with a storage capacity of up to 50 acre feet of water to be located in the W 1/2 SW 1/4 Section 18 for irrigation of 345 acres located in the E 1/2, SW 1/4 Section 18; all in T114N-R63W. The applicant is proposing to utilize water collected in the storage pond from a drain tile system and precipitation. Water Permit Nos. 7126A-3, 7638-3 and 7721-3 authorize irrigation of the same acreage from wells located in the Tulare: Western Spink/Hitchcock Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8215-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application,

and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 July 5, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner
Secretary

Department of Environment
and Natural Resources

Published one time at the total
approximate cost of \$27.13. (June 22)

PRINTER'S AFFIDAVIT

RECEIVED

JUL 28 2016

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ssWATER RIGHTS
PROGRAM

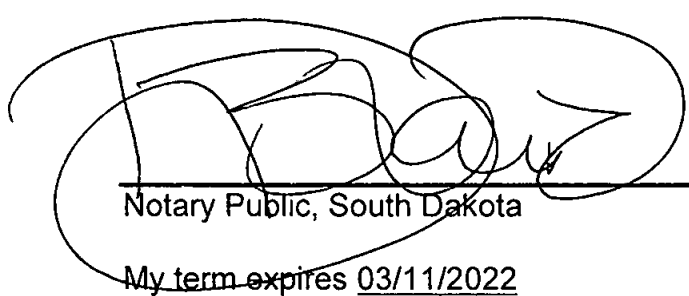
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks 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:

MARSHALL BROTHERS- #2487 WATER RIGHTS

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 22ND Day JUNE 2016. That the full amount of the fee charged for publishing is: THIRTY-EIGHT & 53/100 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 26TH Day of JULY 2016.



Notary Public, South Dakota

My term expires 03/11/2022
Legal #2487

2000 - Legals

F.P. 06-22-16

**NOTICE OF
APPLICATION
NO. 8215-3 to****Appropriate Water**

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources
No. 2487 (adv.)

Published once at the
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\$38.53.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 14, 2016 8:14 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: 8215-3, Gary Marshall
Attachments: 8215-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on June 22, 2016.

Gary Marshall, 19032 388th Ave, Hitchcock SD 57350 (605 266-2720 or c 605 350-1401) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 14, 2016 8:14 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8215-3, Gary Marshall
Attachments: 8215-3publicnov2015.short1.docx; FORM8.FRM.doc

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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 DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

June 13, 2016

Gary Marshall
19032 388th Ave
Hitchcock SD 57350

Dear Mr. Marshall:

Water Permit Application No. 8215-3 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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and 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 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

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.

NOTICE OF APPLICATION NO. 8215-3 to Appropriate Water

Notice is given that Gary Marshall, 19032 388th Ave, Hitchcock SD 57350 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from a storage pond with a storage capacity of up to 50 acre feet of water to be located in the W 1/2 SW 1/4 Section 18 for irrigation of 345 acres located in the E 1/2, SW 1/4 Section 18; all in T114N-R63W. The applicant is proposing to utilize water collected in the storage pond from a drain tile system and precipitation. Water Permit Nos. 7126A-3, 7638-3 and 7721-3 authorize irrigation of the same acreage from wells located in the Tulare:Western Spink/Hitchcock Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8215-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 July 5, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 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 01 2016

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed is Water Permit No. 8215-3 authorizing construction of the 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,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8215-3

I have this day, June 27, 2024, made a thorough examination of the water use system constructed by Gary Marshall of 870 Beach Ave NE, Huron SD 57350 holder of Permit No. 8215-3, bearing the priority of March 28, 2015 authorizing the diversion of 2.67 cu. ft. per second of surface water/runoff collected in a collection pond/dugout for irrigation purposes, in Spink County.

Inspection contact & relationship Terry Weiting, operator

A. Works used to divert the water:

Collection Pond/Dugout Information:

- 1) 1000 ft X 350 ft X 10 ft
- 2) Approx. storage 26 ac-ft

Pump:

- 3) Make NA
- 4) Model turbine
- 5) Size 60 hp
- 6) Capacity 1200 GPM

Motor:

- 1) Make GE
- 2) Model No. NA

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

- 1) Type PVC 2) Size 10 inches 3) Length 3700 feet
- 1) Type PVC 2) Size 8 inches 3) Length 9000 feet

C. Works used to apply water to beneficial use:

Center pivot: NE 1/4

- 1) Make Zimmatic
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 600 GPM

Center pivot: SE 1/4

- 6) Make Valley
- 7) Overall length 1280 feet
- 8) Number of towers 7
- 9) End gun Y
- 10) Capacity 600 GPM

Center pivot: SW 1/4

- 11) Make Zimmatic
- 12) Overall length 1280 feet
- 13) Number of towers 7
- 14) End gun Y
- 15) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y

Comments: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: from the SE corner of Sec 18 T114N-R63W: Pond Pump 4960 ft W and 1840 ft N, latitude of 44.68161 and longitude of -98.46207, NW ¼ SW ¼.
2. The works are capable of diverting and conveying to the place of use 2.67 cu. ft. per second of water and/or storing 26 acre-feet 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 18 T114N-R63W
NW ¼ NE ¼ - 32.5 ac NE ¼ NE ¼ - 32.5 ac SE ¼ NE ¼ - 32.5 ac SW ¼ NE ¼ - 32.5 ac
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
NW ¼ SW ¼ - 26.5 ac NE ¼ SW ¼ - 33.5 ac SE ¼ SW ¼ - 18 ac SW ¼ SW ¼ - 2 ac
comprising a total of 344 acres of land and the license should be issued for 2.67 cfs and 26 acre-feet of storage.
3. All structures, wells and lands on map Y
If no, describe: none

F. Comments or other permit(s) associated with the project:

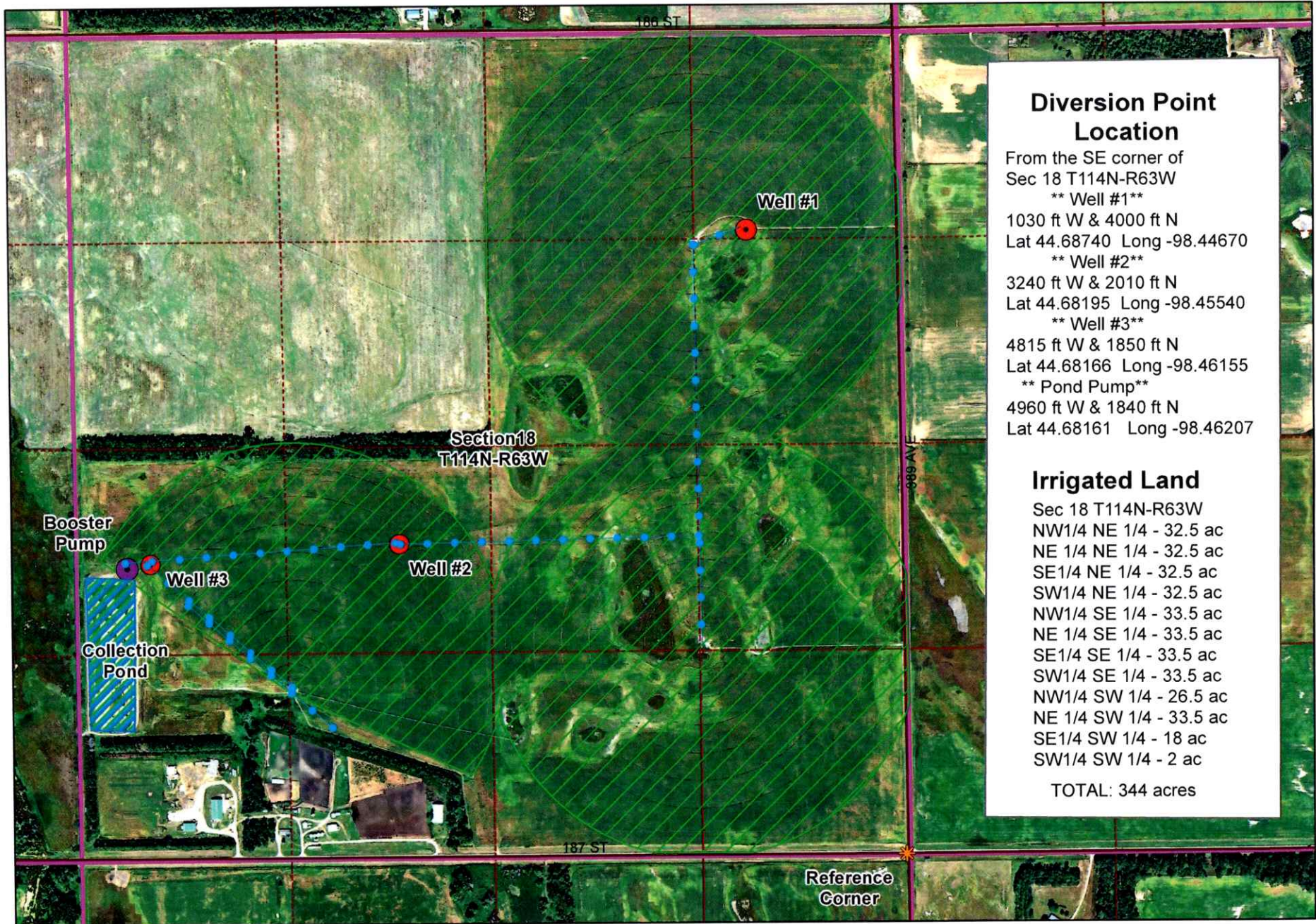
The distribution pipeline connects the three wells (authorized by WR No. 3054A-3 & WP Nos. 7721-3, 7638-3, 7126A-3) to the three pivots, water flow to each pivot is controlled by valves and water pumped from the pond can be blended with well water to supply the pivots.



Mark D Rath
Water Rights Inspector
DANR, Water Rights Program

Date report completed: 07/17/2024

Nos. 8215-3, 7721-3, 7638-3, 7126A-3 & 3054A-3



Diversion Point Location

From the SE corner of
Sec 18 T114N-R63W

**** Well #1****

1030 ft W & 4000 ft N

Lat 44.68740 Long -98.44670

**** Well #2****

3240 ft W & 2010 ft N

Lat 44.68195 Long -98.45540

**** Well #3****

4815 ft W & 1850 ft N

Lat 44.68166 Long -98.46155

**** Pond Pump****

4960 ft W & 1840 ft N

Lat 44.68161 Long -98.46207

Irrigated Land

Sec 18 T114N-R63W

NW1/4 NE 1/4 - 32.5 ac

NE 1/4 NE 1/4 - 32.5 ac

SE1/4 NE 1/4 - 32.5 ac

SW1/4 NE 1/4 - 32.5 ac

NW1/4 SE 1/4 - 33.5 ac

NE 1/4 SE 1/4 - 33.5 ac

SE1/4 SE 1/4 - 33.5 ac

SW1/4 SE 1/4 - 33.5 ac

NW1/4 SW 1/4 - 26.5 ac

NE 1/4 SW 1/4 - 33.5 ac

SE1/4 SW 1/4 - 18 ac

SW1/4 SW 1/4 - 2 ac

TOTAL: 344 acres



0.5

0.25

0

0.5 Miles

Mark D Rath
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 22 2024

7712-3
8215-3

Gary Marshall
870 Beach Ave NE
Huron SD 57350

Dear Mr. Marshall:

Enclosed are Water License Nos. 7712-3 & 8215-3. These are the final water right documents completing your process of obtaining Water Rights. Included with your licenses 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTES: The applicable portions of Water Right No. 3054A-3 and Water Permit Nos. 7126A-3 & 7638-3 have been incorporated into Water Right No. 7721-3.

Water Right Nos. 7721-3 & 8215-3 authorize irrigation of the same acres; one from groundwater (Tulare: Western Spink Hitchcock Aquifer), and one from surface water collected in the storage pond. The wells may not be used to supplement water levels in the storage pond.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8215-3**

(1) Gary Marshall, 870 Beach Ave NE, Huron SD 57350, made Application No. 8215-3, March 28, 2016, for a water permit to divert 2.67 cubic feet of water per second from a drain tile system and precipitation collected in a storage pond located in the W ½ SE ¼ Section 18, T114N, R63W, Spink County, South Dakota for irrigation purposes. Permit No. 8215-3, with a priority date of March 28, 2016, was approved July 5, 2016, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 5, 2021, and for the application to beneficial use of water on or before July 5, 2025.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to impound 26 acre-feet of water and divert 2.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Pond Pump: 4,960 ft W & 1,840 ft N of the SE corner Section 18, T114N, R63W (NE ¼ SE ¼)
(Latitude 44.68161 & Longitude -98.46207)

(3) The amount of 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.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 18, T114N, R63W			
NE ¼ NE ¼	32.5 acres	NE ¼ SW ¼	33.5 acres
NW ¼ NE ¼	32.5 acres	NW ¼ SW ¼	26.5 acres
SW ¼ NE ¼	32.5 acres	SW ¼ SW ¼	2 acres
SE ¼ NE ¼	32.5 acres	SE ¼ SW ¼	18 acres
	NE ¼ SE ¼	33.5 acres	
	NW ¼ SE ¼	33.5 acres	
	SW ¼ SE ¼	33.5 acres	
	SE ¼ SE ¼	33.5 acres	
TOTAL: 344 acres			

(5) Pursuant to South Dakota Water Law 46-5-30.1 Gary Marshall, the holder and/or owner of Water Right No. 8215-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from a storage pond, with a priority date of March 28, 2016, from the location 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. 8215-3 and subject to the following qualifications:

1. Permit No. 8215-3 does not allow the diversion of groundwater from the wells authorized by Water Permit Nos. 7126A-3, 7638-3, and 7721-3 to the storage pond.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 22 2024
date

