

Water Right Number 1307-2

1. Considered November 12, 1975
2. Name of Applicant Albert & Donald Novotny
3. Post Office Address Winner, SD
4. Amount of water claimed 2.5 2 wells, 2 Dugouts
5. Source of water supply ground water aquifer, dugouts & dams
6. Water to be used for irrigation & domestic
- Acres to be irrigated 440
7. Water to be diverted and used in Tripp County
about _____ Miles _____ of _____
8. Proof of Publication Received 11-12-75
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

TEMPORARY FOR 1 YEAR

No. 1307-2Map No. 1106-2 Water Division No. 2 WHITE RIVER District
(Blank to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

7:50

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Albert Novotny Jr. and Donald Novotny
Postoffice address Rural Route #1, Winner, State South Dakota 57580
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, ~~contract or by direct labor~~ or by direct labor) _____
3. Name of diversion work Novotny Domestic and Irrigation Project
4. Amount of water claimed (cubic feet per second) 2 1/2 cubic feet per second
5. Source of water supply ground water aquifer, dugouts and dams.
6. Location of point of diversion two dugouts and dams in the N 1/2 of Section 6, Township 97 North, Range 76, West of the 5th P.M., in Tripp County, S.D. and two irrigation wells located in deep sands as per attached Geological map in the approximate center of Sec. 5, Twp 97 N, Rge 76, West of the 5th P.M., in Tripp Co., S. D. County Tripp
7. Annual period or periods during which water is to be used 10 gallon per minute for private domestic water system January 1st to December 31st, & 2.5 cu. ft. per second for irrigation June 1st to August 30th
8. Use to be made of water. (Irrigation ~~irrigation and domestic~~ and domestic domestic) domestic
9. For irrigation use. Total number of acres to be irrigated 440 acres (THIS SPACE IS RESERVED FOR IRRIGATION USE)

List below each forty acre subdivision, or lot, or fraction thereof, and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Circular pivot in the SW 1/4	133 1/3		
Circular pivot in the NW 1/4	133 1/3		
Circular pivot in the NE 1/4	133 1/3		
A portion of W 1/2 SE 1/4, 11 in	40		

Sec. 6-97-76, Tripp Co., S.D. Attach sheet if more space is needed which would overlap from other pivots.

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Winner Advocate, Winner, S. D. 57580
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Drill well with vertical turbine pump and dugout dam complex for storage of runoff water.

B. Works proposed to transport water to place of use.

IRRIGATION-Dugout and well sites to be constructed as close to circular system as possible with pipe line if necessary.

DOMESTIC-Construct domestic water system to supply water to approximately 2800 acres of farming and ranching land approximately 3 miles north and east of the above described property.

C. Works proposed to apply water to beneficial use.

Provide domestic water to entire Novotny families farming and ranching operation in Tripp County, South Dakota, and irrigate approximately 440 acres as above set forth.

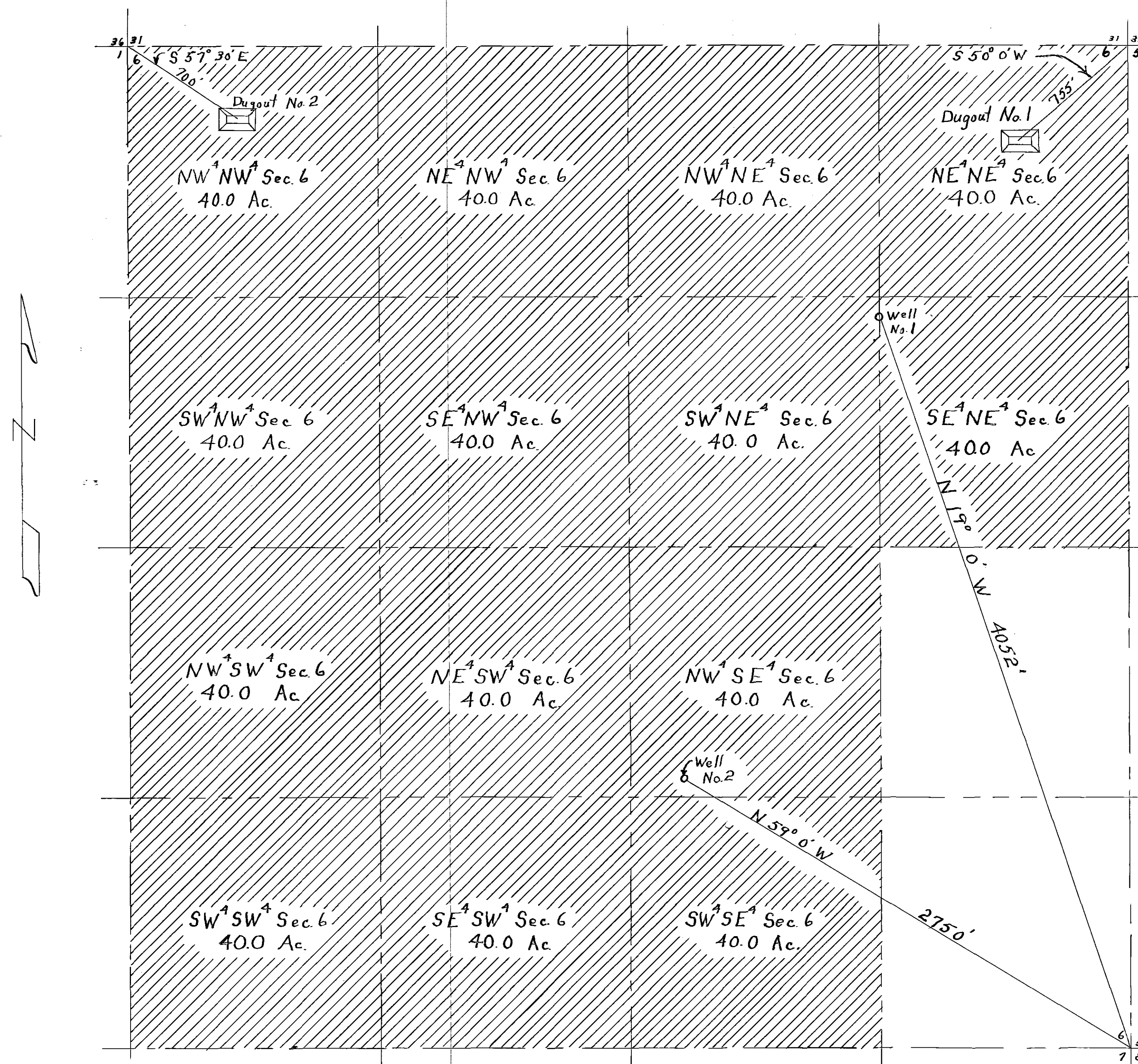
Estimated Total Cost \$75,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of TRIPPWE, Albert Novotny Jr. the applicant certify that we have read the foregoing application and have examined the attached map and that the matters therein stated are true and that we intend, and are able to complete the necessary construction.Signed Albert Novotny Jr.Signed Donald NovotnySubscribed and sworn to before me this 16th day of September 1975Notary Public XXXXXXXXXXXXXXXXXXXX

Albert Novotny Jr and Donald Novotny Irrigation Project
in Sec 6-T 97N-R 76W-Tripp County, S. D.
Scale - 1" = 400'



Land to be Irrigated

All Lands to be Irrigated owned by
Albert Novotny Jr and Donald Novotny

Location of Lands to be Irrigated				
Location	Section	Township	Range	Area
NW ¹ NW ¹	6	97	76	40.0
NE ¹ NW ¹	6	97	76	40.0
SE ¹ NW ¹	6	97	76	40.0
SW ¹ NW ¹	6	97	76	40.0
NW ¹ NE ¹	6	97	76	40.0
NE ¹ NE ¹	6	97	76	40.0
SE ¹ NE ¹	6	97	76	40.0
SW ¹ NE ¹	6	97	76	40.0
NW ¹ SW ¹	6	97	76	40.0
NE ¹ SW ¹	6	97	76	40.0
SE ¹ SW ¹	6	97	76	40.0
SW ¹ SW ¹	6	97	76	40.0
NW ¹ SE ¹	6	97	76	40.0
SW ¹ SE ¹	6	97	76	40.0
Total				560.0

I hereby certify that the map and plans of the
Albert Novotny Jr and Donald Novotny Irrigation Project consisting
of this sheet is an accurate representation of
a survey made under my supervision and
direction
Dated September 25, 1975.

Harry Sandstrom
Registered Land Surveyor

WATER RIGHT APPLICATION APPROVAL

The Water ^{Rights} Commission hereby approves Water Right Application No. 1307-2
ALBERT NOVOTNY JR & DONALD NOVOTNY, R.R.#1, WINNER
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57580 With the following modifications:
 (State)

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

Date of first receipt of application SEPTEMBER 17 19 75
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application OCTOBER 21 19 75
 Approved DECEMBER 1 19 77 Recorded in Book 19 Page 157

WATER RIGHT PERMIT NO. 1307-2

The Water ^{Rights} Commission hereby grants and issues this Water Right Permit No. 1307-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 17 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before DECEMBER 1 19 79
3. The whole of said work is to be completed on or before DECEMBER 1 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is DECEMBER 1 19 85
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before DECEMBER 1 19 85; said water to be used during the following described annual period: JUNE - APRIL - NOVEMBER

Witness my hand this 6TH day of DECEMBER 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

Conservation
Commission
Form WL #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Albert Novotny Jr.

Disapproved: _____

NAME: Albert Novotny Jr and Donald Novotny
ADDRESS: P.O. Box 44 - Wrenn, S. Dak 57540
COUNTY: C. Tripp

LEGAL DESCRIPTION

1. WELL LOCATION: near center of section (check well)
2. AREA TO BE IRRIGATED: section 6 - 97.76 less 80 acres

TYPE OF IRRIGATION

3. GRAVITY yes SPRINKLER (Indicate Type): self propelled (overhead)
4. CROPS TO BE IRRIGATED: corn, alfalfa, grass

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 to 4 percent SEE ATTACHMENT
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: sandy loam SEE ATTACHMENT.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-915
8. SALINITY: EC = 298 μ mhos/cm (low-medium)
9. SODIUM: SAR = 0.11 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Conservation Service

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Subscribed and sworn before me this

10 day of October 1975.

Albert Novotny Jr.
Donald Novotny

Robert Milas
(Title) Notary



26 - Elsmere fine sandy loam - subirrigated
Capability Unit IVe10, 0-2 percent slopes,
No intake family assigned.

39 - Doger-Elsmere complex, 50-50%, Intake family 3.0
and 1.5, 0-3 percent slopes.

41/6 - Valentine-Dunday complex, 3-9 percent slopes,
Capability Unit VIe7, No intake rating assigned.

38E - Dunday loamy fine sand, eroded, 3-9 percent
slope, Capability Unit VIe7, No intake rating
assigned.

38/4 - Doger loamy fine sandy, 0-6 percent slopes,
Capability Unit IVe9, Intake family 3.0



REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Albert Novotny, Jr.
 Address Rt. 1, Box 44
Winner, SD 57580

Date Rec'd September 24, 1975
 Sample No. 75-915
 Identification Well-
Sec. 6, T 97N, R 76W

WATER ANALYSIS

Calcium (Ca)	46	ppm*	2.30	me/l**
Magnesium (Mg)	2	ppm	0.16	me/l
Sodium (Na)	3	ppm	0.12	me/l
Potassium (K)	4	ppm	0.12	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.09	me/l
Bicarbonate (HCO ₃)	168	ppm	2.76	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	138	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	298	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.11			
Sodium	4.44	% of cations		
Residual sodium carbonate	0.30	me/l		
pH	8.15			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 2.70 me/l
 Total anions 2.89 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$6.00

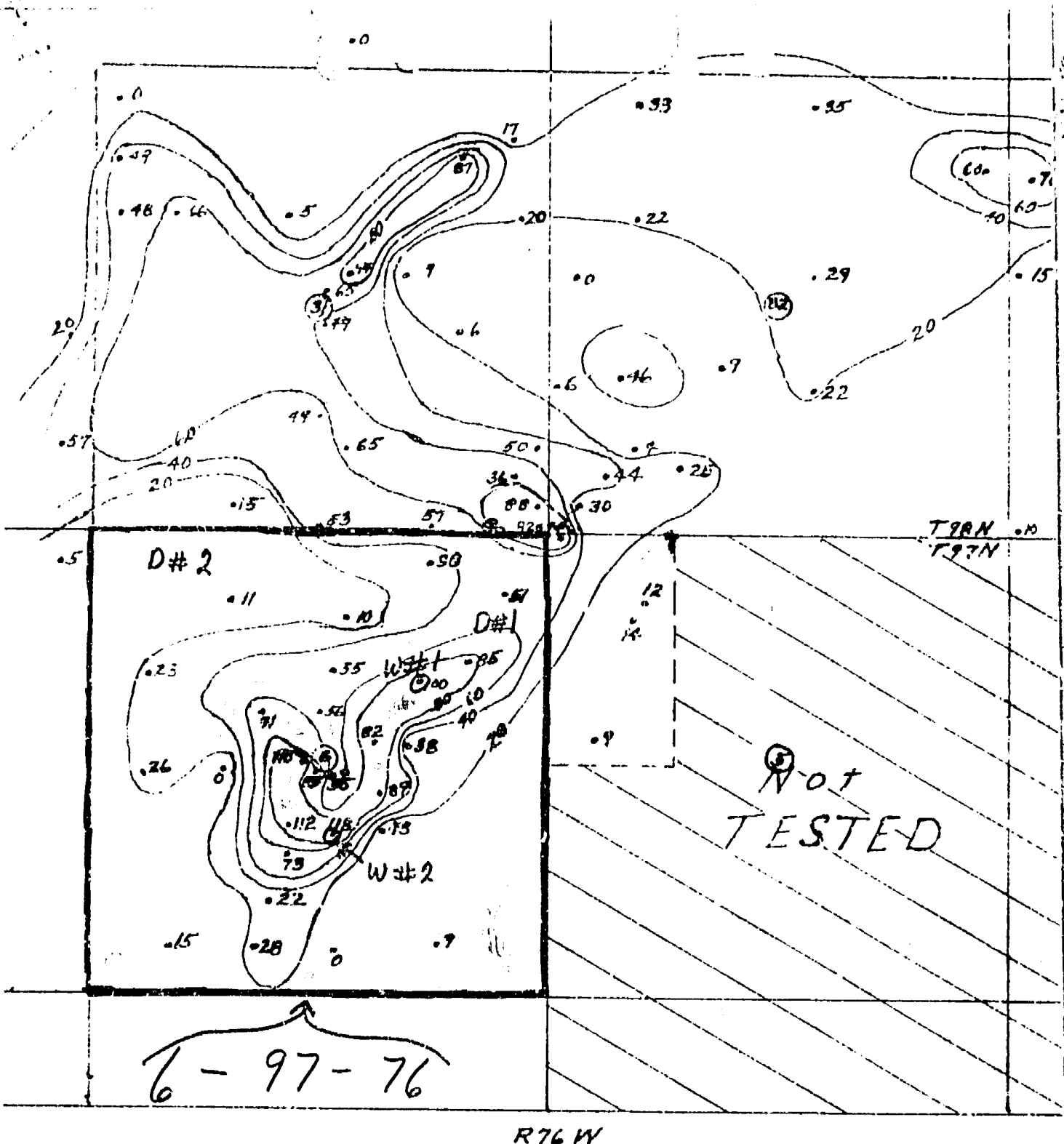
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-915

Amount Enclosed \$

Signed



Map showing thickness of saturated sands

Winner Area

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates (two wells) location marked on attached map.

(1) Drill Hole, Diameter 30", Depth 118' maximum

(2) Casing, Type steel Diameter 16" Thickness 7/16"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Shutter, Diameter 16", Length 20'

(4) Gravel Pack, Thickness 7", Length of gravel pack 50'

E. Dugout Information or Estimates. (two dugouts) location marked on attached map.

(1) Surface dimensions 60' x 200', Depth 12'

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials medium to fine sand

Depth to top of water bearing material approximately 10'

Depth to bottom of water bearing material approximately 98' (See State Geological Map Attached)

Thickness of water bearing material available from State Geologists

Depth to water (ground surface to water level) approximately 10'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property (SW) 40 rds. On property owned by others 160 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Albert M. M. M. M.
Signature of Applicant

M. M. M. M. M.
Signature of Applicant

1307-2

Publish first publication, on or before October 30, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre South Dakota 57501

October 24, 1975

Notice is hereby given that Albert Jr. & Donald Novotny
whose post office address is Winner, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.5 cubic feet of water per second of time from the ground water through the
Novotny Irrigation Project, the point of diversion of which is are located in the the
NE 1/4 SE 1/4 and SE 1/4 NE 1/4, and ditches in the NE 1/4 NE 1/4 and
NW 1/4 NW 1/4

of Section 6, Twp. 97N, Range 76W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:
all of Section 6, T97N, R76W, except the NE 1/4 SE 1/4

This application No. 1307-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ:hw
cc:

J.A. Novotny, Winner, S.D. 57580

No. 1307-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Tripp) ss.

I, A. L. Johannaen hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Winner Advocate

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Winner

County of Tripp and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 29, 1975

November 5, 1975

A. L. Johannaen
(Signature)

Publisher
(Title)

November 5, 1975
(Date Signed)

No. 1307-2

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

October 24, 1975

Notice is hereby given that
Albert Jr. & Donald Novotny
whose post office address is
Winer, South Dakota, has made
an application in accordance
with the provisions of the water
laws of South Dakota for a
permit to appropriate for benefi-
cial use 2.5 cubic feet of water
per second of time from ground
water through the Novotny Irrig-
ation Project, the points of
diversion of which are to be
located in wells in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
and SE $\frac{1}{4}$ NE $\frac{1}{4}$, and dugouts in
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 6, Twp. 97N, Range
76W. Said water to be used for the
purpose of providing irrigation
on portions of the following de-
scribed land: all of Section 6,
T97N, R76W, except the E $\frac{1}{2}$
SE $\frac{1}{4}$.

This application No. 1307-2 will
be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 12th day of
November, 1975, at 2:30 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION

By: Burton J. Jones

BURTON J. JONES

Water Rights Specialist (44-45)

Re: 1307-2

January 12, 1976

Mr. Albert Novotny, Jr.
& Donald Novotny
R. R. #1, Box 44
Winner, SD 57580

Gentlemen:

This letter is in reference to your Water Right Application No. 1307-2 to divert up to 2.5 cfs of ground water from a well to be approximately 118 feet deep, to irrigate 440 acres of land in Section 6-97-76, Tripp County.

The Water Rights Commission at their November 12-13, 1975 meeting passed a motion to allow a temporary permit for one year on one well of application 1307-2 so results of such pumping can be monitored, with the understanding that within the one year period the Commission will reconsider this permit, subject to the following qualifications:

1. In no case is a diversion rate to exceed the application diversion rate of 2.5 cfs of water.
2. It is your responsibility to restrict, if necessary a diversion of water from the well so there is not a reduction of needed water supplies in existing domestic wells, dugouts, springs or other sources of water that would be affected by your diversion of water.
3. Diversion of water during the experimental period shall be in accordance with any written orders issued by a representative of the Water Rights Commission.

The results of this experimental irrigation will be the basis for a later action by the Water Rights Commission, for example,

Albert & Donald Novotny

Page 2

January 12, 1976

approval, approval with qualifications, rejection, extended experimental pumping period. The Commission has no objection to use of water from dugouts during the one year experimental period.

Please advise, if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH:nm

August 31, 1976

Tony Cervenka, Mayor
City of Colome
Colome, South Dakota 57528

Dear Mr. Cervenka:

We have today received your letter requesting an injunction against Albert Novotny, Jr. and Donald Novotny for withdrawing water for irrigation under Water Right Permit No. 1307-2.

Water Right Permit No. 1307-2 is for the withdrawal of 2.5 cfs from two dugouts and dams in the north half and two wells in the approximate center of Section 6, T97N, R76W, Tripp County. The water is to be used for domestic purposes plus the irrigation of 440 acres.

The Water Rights Commission, at their November 12-13, 1975 meeting, approved a temporary permit for one year on one of the wells under application No. 1307-2 so the results of such pumping can be monitored. See attached letter to Mr. Novotny dated January 12, 1976. Mr. Novotny installed a well and started pumping this past summer on an experimental basis.

The City of Colome has six wells located in the SE $\frac{1}{4}$ -SE $\frac{1}{4}$ -Section 31, T98N, R75W on which Water Right No. 632-2 with a priority date of 1930 and 1945 has been issued. Also the City has two wells located in the SE $\frac{1}{4}$ Section 1, T97N, R76W on which Water Right No. 976-2 with a priority date of September 3, 1968 has been issued.

Also enclosed for your information is a sketch map (A) of the area covered by Water Right No. 1307-2 as well as other water rights, future use areas, well locations and observation wells in the area. Also enclosed is sketch map showing the thickness of saturated sands and gravels on Sections 31 and 32, T98N, R76W and Section 6, T97N, R76W (B).

Note observation wells T72E, TW8 and TW9 all within one half mile of Mr. Novotny's well. Water level readings in these wells over the past season are as follows:

<u>Date</u>	<u>T72E</u>	<u>TW8</u>	<u>TW9</u>
3-14-76	7.4'	23.2'	15.9'
4-22-76	7.2'	23.1'	15.7'

Tony Cervenka
August 31, 1976
Page - 2 -

<u>Date</u>	<u>T72E</u>	<u>TW8</u>	<u>TW9</u>
6-1-76	7.7'	23.3'	15.8'
6-14-76	8.2'	23.6'	16.1'
6-29-76	8.3'	23.7'	16.3'
7-13-76	8.6'	24.0'	16.4'
7-27-76	8.9'	24.3'	16.7'
8-9-76	9.1'	24.5'	15.8'
8-21-76	9.2'	24.5'	16.8'

Other observation wells in the area have also been read this past year and in previous years.

Based upon these observation well readings and other information on the aquifer supplied by the State Geological Survey and upon pumping information in the Winner well field, we would conclude that the Novotny well withdrawal under Water Right No. 1307-2 has no impact upon the reported shortage of water in the City of Colome's wells. Therefore, we have no intention of issuing a stop pumping order to Mr. Novotny.

If you have information to the contrary showing a direct connection between Mr. Novotny or any one elses pumping and the drawdown of water in the City of Colome's wells, we would be happy to reconsider this issue.

Very truly yours,

Vern W. Butler
Secretary

VWB:nrf

Enclosure:

CC: Albert Novotny, Jr.

CITY OF COLOME

COLOME, S. DAK. 57528

August 25, 1976



Department of Resource Development
Water Right Commission
Joe Foss Bldg
Pierre, South Dakota 57501

Att: Burton F. Jones

Re: Albert Novotny Jr. &
Donald Novotny
Irrigation Permit # 1307-2

Dear Sirs:

The City of Colome Mayor and Councilmen are asking for an injunction to stop Albert Novotny Jr. & Donald Novotny from exercising irrigation Permit #1307-2, due to critical shortage of water in City Wells located in that same vicinity.

Sincerely,

Tony Certenka
City of Colome
Tony Certenka Mayor

Emil Veskrna
Emil Veskrna, Councilman
Robert Ahlman
Robert Ahlman, Councilman

Sept., 14, 1976

Department of Natural Resource Development

I would like some information on how to change a few months of irrigating from June 1, to Aug. 30, to all year pumping on permit number 1367-2 Section 6-97-76.

As we have found out from our experience this year that it is too short a period for crops other than corn. We have plans to plant alfalfa on some of this acreage and when we do the months for watering will not be sufficient.

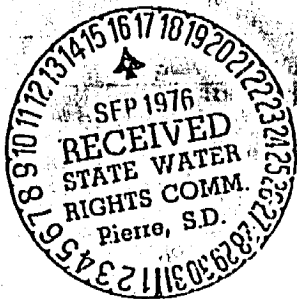
We would like to take care of this matter before we file for a permanent permit if possible. Please inform me on this matter as soon as possible.

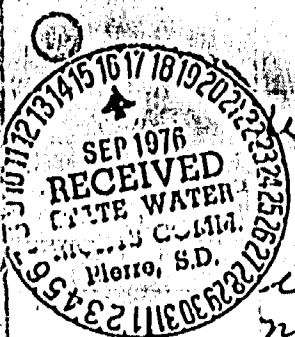
Thank you

Albert Novotny Jr.

P.R. 1 Box 48

Wenner, S. Dak 57680





Sept. 14, 1976

Water Rights Commission:

We are requesting an extended irrigation pumping time on permit number 1307-2 Section 6-97-76.

We would like to run our irrigation system on some rye that we are going to plant on the same ground that we cut for silage. If we can run the sprinkler to help the rye come up and then as needed.

We want it strictly for grazing and most important to keep the ground from blowing.

For your interest and information I am enclosing our well readings taken on Aug. 30, our shut off date and letter.

Please consider this at your Sept. 29 meeting.
Thank you,

Albert Novotny Jr.

RRI Box 44

WINNER, S.D. 57580

August 31, 1976

3:05 AM - 12' 9"

Sept 2, 1976

3:00 PM 10' 9"

August 30, 1976

2:30 PM Shut off

Pull down 32' 5"

2:35 PM 22' 2"

2:37 PM 17' 1"

2:40 PM 16' 6 1/2"

2:45 PM 15' 11"

2:50 PM 15' 3"

2:55 PM 14' 10"

3:00 PM 14' 7"

3:05 PM 14' 3"

October 4, 1976

Albert Novotny, Jr.
R.R. 1, Box 44
Winner, S.D. 57580

Dear Mr. Novotny:

This will acknowledge your letter requesting permission to pump water for irrigation this fall and information on changing the pumping period from June 1st to August 30th.

The Water Rights Commission at their regular meeting September 29-30, 1976 authorized the following:

That the annual period during which water is to be used be changed from June 1, - August 30 to April - November and that your temporary permit be extended until November 1, 1977.

This action will allow pumping this fall and during the 1977 irrigation season. We do not have enough information at this time to recommend approval or denial of your application No. 1307-2; therefore, the above action was taken.

We appreciate your cooperation, and suggest you continue to maintain accurate records of your irrigation operation, including actual hours you irrigate and drawdown and recovery levels on your well.

Please advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw
Encl.:

1307-2



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

November 22, 1977

TO: Persons Concerned With Water Right Application No. 1307-2
Albert Novotny, Jr., and Donald Novotny, Winner, South Dakota

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Notice of Reconsideration Hearing on Application No. 1307-2

The Water Rights Commission will reconsider Water Right Application No. 1307-2 at 10:30 A.M., December 1, 1977 at the South Dakota Education Association Auditorium, 411 East Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application 1307-2 was deferred by the Water Rights Commission on November 12, 1975, pending Staff investigation and to allow pumping under an experimental permit to be monitored.

After reconsideration of Application No. 1307-2 the Commission can approve, defer, or deny all or part of the Application.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Persons who have protested the application.

WR 1307-2

Let reconsideration
Dec 1, 1947 let cont. 4/27/77

W.R. Applications 1300-2 and 1307-2

Ervin Borland, Colome, S.D. 57528
Olen Hoefler, Winner, S.D. 57580
Frieda Hoefler, Winner, S.D. "
Marie Steinke, Colome, S.D. 57528
Donna Manthey, Colome, S.D. 57528
Helen Nagel, Colome, S.D. 57528
Kasper Nagel, Colome, S.D. "
Mr. and Mrs. H. C. Schnabel, Colome, S.D. 57528
Mr. and Mrs. Jack Docken, Winner, S.D. 57580
Robert Sawyer, Hamill, S.D. 57534
William R. Emmul, Clearfield, S.D. 57581
Donald Wood, Millboro, S.D. 57554
Mr. and Mrs. Jack Stone, Millboro, S.D. 57554
Mr. and Mrs. George Rladebo, Millboro, S.D. "
Dale Nagel, Colome, S.D. 57528
Rod Littan, Millboro, S.D. 57554
Emil Steinke, Colome, S.D. 57528
Richard O. Byer, Colome, S.D. "
F. G. Harter, Colome, S.D. "
Jack Manthey, Colome, S.D. "
Carol Nagel, Colome, S.D. "
Denise Nagel, Colome, S.D. "
Henry Miller, Colome, S.D. "
Harold Elliot, Dallas, S.D. 57529
Leonora Harter, Colome, S.D. 57528
Larry Harkin, Millboro, S.D. 57554
Fred Littau, Millboro, S.D. "
Mr. and Mrs. Ray Hoffman, Dallas, S.D. 57529
Alvin Kalenda, Winner, S.D. 57580
Jaquelyn Kalenda, Winner, S.D. "
John Jelink, Winner, S.D. "
Howard Heath, Millboro, S.D. 57554
Roy Lilly, Colome, S.D. 57528
Carol Lilly, Colome, S.D. "
Dennis O'Brien, Colome, S.D. " (Dink O'Brien)
Steve D. Jones, Hamill, S.D. 57534
Orville Smith, Witten, S.D. 57584
James A. Farlwidr, Iona, S.D. 57542
Claude Hikey, Iona, S.D. "
Virgil M. Fulwidea, Iona, S.D. "
Lawrence Wagner, Colome, S.D. 57528

William J. Lusk
Atty - Box 66, Pierre
57501

Albert & Ronald
Norstrom RR1-Box 44
Winner 57580

Lake Andes Area

Vincent Bechen, Lake Andes, S.D.	Leo Holzbauer, Wagner, S.D.
Charles Eitmiller, Armour, S.D.	Douglas A. Wiershma, Wagner, S.D.
Wilbur Slaba, Wagner, S.D.	Richard D. Kafka, Wagner, S.D.
John Uecker, Wagner, S.D.	Steven Hahl, Dante, S.D.
Carl Soulek, Wagner, S.D.	Jake Wirtz, Greenwood, S.D.
Joe Holzbauer, Wagner, S.D.	Joe Glanzer, Delmont, S.D.
Bill Grosz, Delmont, S.D.	Ellwyn Nelson, Wakonda, S.D.
Richard Soulek, Armour, S.D.	Leonard Gunderson, Menno, S.D.
Gary Hedlicka, Armour, S.D.	

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 2, 1984

This is to notify you that the title to the lands described as follows:

Section 6, T97N, R76W

(440 acres)

formerly owned by Albert Novotny, Jr. & Donald Novotny

has been transferred to Albert Novotny, Jr., Winner, SD 57580 RR 1 Box 67

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1307-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

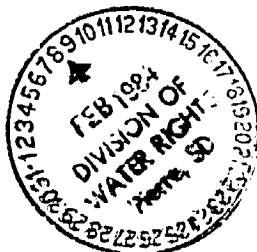
STATE OF SOUTH DAKOTA)
County of Tripp) ss.

I, Albert Novotny Jr. being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Albert Novotny Jr.
(Signed)

Subscribed and sworn to before me this 2nd Day of February 1984.

Gariene L. Meyers
(Notary Public)



State of South Dakota
Water License No. 1307-2

(1) Albert Novotny, Jr. and Donald Novotny
of Winner, South Dakota
made Application No. 1307-2, September 17, 1975 for a water permit to appropriate
2.50 cubic feet per second of water from groundwater (two wells), dugouts & dams
Tripp County, South Dakota for Irrigation purposes.
Permit No. 1307-2, with a priority date of September 17, 1975
was approved December 1, 1977 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before December 1, 1981 and for the application to beneficial use of said
water on or before December 1, 1985.

On February 8, 1984, Water Permit No. 1307-2 was transferred to Albert Novotny, Jr.,
Winner, South Dakota.

and

(2) It is certified that the application 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 divert 0.91 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 220'E and 240'S of the Center of
Section 6, T97N, R76W (08)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 6,
T97N, R76W

SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.5 Acres	(AC)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.5 Acres	(DB)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.3 Acres	(CA)
SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.5 Acres	(BD)
TOTAL	63.8 ACRES	

(4) Pursuant to §46-5-30.1 Albert Hovotny, Jr.
of RR#1, Box 67, Winner, South Dakota 57580
the holder(s) and/or owner(s) of Water Permit No. 1307-2 is issued a license to appropriate water, the right to use 0.91 cubic feet per second of water from groundwater (one well) with a priority date of September 17, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1307-2 and subject to South Dakota State Law.

John Hater
Chief Engineer, Water Rights Division
Department of Water and Natural Resources
February 10, 1984

Permit No. 1307-2

White River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Albert Novotny Jr.
Donald Novotny of Winner, SD 57580 holder of
 Permit No. 1307-2, bearing the priority of September 17, 1975 authorizing
 the diversion of 2.5 cu. ft. per second of the waters of groundwater, dugouts & ditches
 for Irrigation purposes, in Tripp County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

High Thrust U.S. Electric Motor
Model No. 326TP
60HP

National Turbine Pump
Model 10AX6
Serial No. 676-998

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

380 feet 6" buried PVC pipe

C. Works used to apply water to beneficial use:

Reinke 7 tower Minigator Center Pivot

The system is in the following condition Good

The point of diversion is located 1 well in NW 1/4 SE 1/4 6-97-76
(220' E; 240' S of center)

The works are capable of diverting and conveying to the place of use 1.71

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: 28.5 Ac. SW 1/4 NE 1/4,
19.5 Ac. NW 1/4 SE 1/4, 6.3 Ac. NE 1/4 SW 1/4, 9.5 Ac. SE 1/4 NW 1/4
all in Section 6-T97N-R76W.

comprising a total of 63.8 acres of land and the license should be issued for 0.91 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date Sept. 27, 1983

Timothy L Schaal
(signature)

LICENSE FOR PERMIT NUMBER 1307-2

1. Legal location of wells: W¹/₄ NE¹/₄ Section 6-T97N-R76W.

dams & structures: _____

2. Well Information: Well Drilling Firm Triple A

No. of wells 1 Depth 160'

Casing a) diameter 16" Screen a) type slotted

b) length 140' b) length 20'

c) type PVC Static Water Level ≈ 10'

Pump a) make National Turbine Motor a) make High Thrust
2 U.S. Electric

b) model 10AX6 b) model no. 326 TP

c) size Serial # 676-998 c) horsepower rating 60 HP

d) capacity 500 GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

ID# R-6232-01-781 R 2095775

3. Distribution lines:

a) size of lines 6"

b) type Buried PVC

c) length 380'

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make Reinke Minigator
- 2) number of towers 7
- 3) distance between towers
128'
- 4) overall length 912'
- 5) End gun (Y/N) Yes
- 6) high or low pressure High
- 7) make & size of nozzles
Rainbird
- 8) PSI reading while system is
running 75
- 9) GPM 500

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

X

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X

2. Special Qualifications to permit being abided by.

X

3. All Structures, wells and lands on map.

REMARKS:



No. 1307-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

February 14, 1984

Albert Novotny, Jr.
RR#1, Box 67
Winner, South Dakota 57580

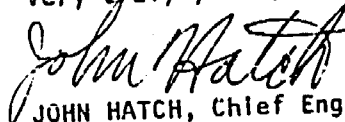
Dear Mr. Novotny:

Enclosed is receipt No. 4 9541 in the amount of \$52.50 which you paid for transfer and licensing of Water Right No. 1307-2. Our records now show you as the owner of this Water Right.

Also enclosed herewith is, Water License No. 1307-2. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms
Enclosures

Equal Opportunity Employer

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9541

Pierre, February 8, 19 84

RECEIVED OF Albert Novotny, Jr., RR#1, Box 67, Winner, SD 57580

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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. for WR#1307-2	50	00
Fee for Filing Transfer Form #1307-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	52 50

By John Hater
Chief Engineer JOHN HATER/ms

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

ALBERT NOVOTNY, JR.
RR 1 BOX 67
WINNER, SD 57580

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1307-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9.00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1307-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 5, 1988

1307-2

Albert Novotny, Jr.
RR 1, Box 67
Winner SD 57580

Dear Mr. Novotny:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1307-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Albert Novotny, Jr.
RR 1
Winner, SD 57580

Dear Mr. Novotny:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

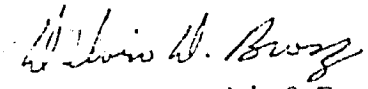


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (505-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

Map # W66-2
W/L 1307-2

NOT TO SCALE

(151-R)

39.8

27.6

19.5

1979 bkg.

63.8

220

+

22.7

16.0

13.6

97-76



- Mag. # 1307-2 Appl. # 1307-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 10, 2007

1307-2

Judy Novotny
31672 282nd St
Winner SD 57580

Dear Mrs. Novtony:

Thank you for calling concerning the ownership change needed for Water Right No. 1307-2. Enclosed is a copy of the water right for your records.

Also enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, the form will need to be signed by the new owner and returned to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
MAR 22 2007
WATER RIGHTS
PROGRAM

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

No. 1307-2

Date: 3-21-07

I/We request that Water Right No. 1307-2

formerly owned by: Albert Novotny Jr

be transferred to: (name & address)

Randall R. Novotny
31598 288th Street

Colome SD 57528 Telephone No. 605-842-0343

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

63.8 acres - SW ¼ NE ¼, NW ¼ SE ¼, NE ¼ SW ¼, SE ¼ NW ¼ Section 6, T97N, R76W

I/We understand that the validity of Water Right No. 1307-2 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 Two Dollars and Fifty Cents (\$2.50) 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 Randall R. Novotny, the new owner, certify that the above information is true and correct.

Randy Novotny

(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 3/22, 20 07

RECEIVED OF RANDALL NOVOTNY 31598 288TH ST COLOME SD 57528

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	2	50
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>1307-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03004

By

Garth Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 26, 2007

1307-2

Randall R Novotny
31598 288th St
Colome SD 57528

Dear Mr. Novotny:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 1307-2 to your name. The transfer has been completed. The water right, formerly listed in the name of Albert Novotny Jr. is now listed in your name.

Enclosed is your Receipt No. 03004 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure