

1355-7

1. Considered Mar 15, 1967
2. Name of Applicant Dale Leonard
3. Post Office Address Wagner
4. Amount of water claimed 1.71
5. Source of water supply Existing well
6. Water to be used for Irrigation
Acres to be irrigated 120
7. Water to diverted and used in Chas Riv County
about _____ miles _____ of _____.
8. Procf of Publication Received Mar 9
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred ✓
10. Remarks:

No. 1355-3
 Water Division No. 3 Missouri River District
 (Blanks to be filled by the Engineer for the W. R. C.)

FEB 8 1967
 STATE WATER RESOURCES BOARD
 Pierre, South Dakota

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Leo Soulek
Lake Andes
 Postoffice address Wagner, County Charles Mix, State S. Dakota

~~I. If a corporation~~

- ~~(a) Name of same~~
~~(b) Date and place of incorporation~~
~~(c) Amount of capital stock~~
~~(d) Amount paid in~~
~~(e) Names and addresses of directors~~

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

By contract

- (b) Cash on hand, \$ Adequate (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Lennard #1
 3. Amount of water claimed 1.71 cubic feet per second
 4. Source of water supply Soulek #1
 5. Location of point of diversion NE 1/4 of SW 1/4 35-27-64
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used Growing season
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination

(a) Number of acres to be irrigated 120 acres.

(b) Legal subdivisions to be irrigated E 1/2 of SW 1/4 and SW 1/4 of NW 1/4 35-27-64

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
 _____ Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____
 _____ rods. On property owned by others 2 rods

Map # 965-3

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work three years.

11. Time required for complete application of water to the proposed beneficial use five years.

12. Choice of newspaper for publication of notice of intention to appropriate
Lake Andes Wave, Lake Andes, South Dakota

STATE OF SOUTH DAKOTA } ss.
 County of Charles Mix

I, Blake Leonard, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Blake Leonard

Subscribed and sworn to before me this 2nd day of January 1967

[Signature]
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

D. R. JUFFER NOTARY PUBLIC.

Remarks by State Water Resources Commission:

--- 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 existing domestic
--- wells or in irrigation wells having prior water rights.

STATE OF SOUTH DAKOTA }
County of HUGHES }

Pierre, South Dakota, APRIL 26, 1971

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
a.m. upon the 8TH day of FEBRUARY, 1967.

State Water Resources Commission
By: [Signature]
Chief Engineer, Executive Officer

Number of permit 1355-3

Date of first receipt of application FEBRUARY 8 ~~APRIL 26~~, 1967

Date of return to applicant for correction, amendments or changes required as follows: ---, 19---

Date of receipt of corrected application ---, 19---

Date from which applicant may claim right FEBRUARY 8, 1967

Approved MAY 20, 1970, Recorded in Book 11 Page 324

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1972

2nd. The whole of said work is to be completed on or before MAY 20, 1975

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1979

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1.71 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 MAY 20, 1979; said water to be used during the following described annual period:

GROWING SEASON

Witness my hand this 26TH day of APRIL, 1971

State Water Resources Commission
By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 26, 1971

Water License Issued APRIL 26, 1971

WATER LICENSE NO. 1355-3

(1) WHEREAS, On the 8th day of February A. D. 19 67
Dale Leonard

made Water Right Application No. 1355-3 for a permit to use 1.71 cubic feet per second of the waters
of ground water

County of Charles Mix, State of South Dakota, for irrigation

purpose; and
(2) WHEREAS, On the 26th day of April A. D. 19 71
Permit No. 1355-3, with a date of priority of February 8, 1967

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 20th day of May A. D. 19 75 and for the
application to beneficial use of said water on or before the 20th day of May A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.42 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 35, T97N, R64W

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres

E $\frac{1}{2}$ SW $\frac{1}{4}$ 60 acres

Total 100 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to E. L. Leonard

_____ of Beresford, S.D.
the holder _____ and owner _____ of said permit No. 1355-3 a water right, dating from February 8, 1967
_____ to use of 1.42 cubic feet per second of the waters
of ground water
in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 SW 1/4, Section 35, T97N, R64W

and conduct to and upon portions of the SW 1/4 NW 1/4 and E 1/2 SW 1/4, Section 35, T97N, R64W,
described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1355-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of April A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

Form 15.

Permit No. 1355-3

Water Division No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dale Leonard

_____ the holder _____ of
Permit No. 1355-3, issued upon Application No. 1355-3, bearing date of priority of February 8,
1967 authorizing the diversion of 1.71 cu. ft. per second of the waters of _____
ground water County of Charles Mix, State of South Dakota at _____
a point in the NE 1/4 SW 1/4, Section 35, T97N, R64W

_____, for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of water.

Date April 26, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRILLES, Executive Officer

On or before **February 16** **67**
 (First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., **February 10** **67**, 19____

Notice is hereby given that **Dale Leonard** whose postoffice address is **Wagner** S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **1.71** cubic feet of water per second of time from the **existing well** through the **Leonard #1** the point of diversion of which is to be located on the **bank of the stream** in the **NE** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **35** **portions of** Twp. **97N** Range **64W** Said water to be used for the purpose of providing irrigation on the following described land:

E, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T97N, R64W

~~and/or~~ ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **15th** day of **March**, **67**, at **2 P.** M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~CHIEF ENGINEER, EXECUTIVE OFFICE~~

RICHARD E. SCHROYER
 Water Right Specialist

CC: Mr. Ervin E. Palmer, Publisher
 The Wave
 Lake Andes, S.D.

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Charles Mix

SS

Being first duly sworn,
says that the Lake Andes Wave is a legal, weekly newspaper for
publication of legal and other official notices as required by
Chapter 293 of the Session Laws of South Dakota, 1939; that it
has a bona fide paid circulation of more than two hundred copies
weekly; that it is published in English language in the City of
Lake Andes, Charles Mix County, South Dakota, and has been
admitted to the United States mail under second class mailing
privilege for more than one year prior to the first publication of
the notice herein mentioned, and that it is printed in an office
maintained at the place of publication at Lake Andes, South
Dakota, and that deponent is publisher in charge of the advertis-
ing department of said newspaper; that the advertisement
headed "No. 100,000,000" is published in said newspaper.

a printed copy of which is hereto attached, was printed and published in said newspaper for successive weeks, upon the following dates:

July 15	1967	19
July 22	1967	19
March 1	1967	19
March 8	1967	19

That the full amount of the fee charged for the publication of said notice, \$ 11.62, inures to the benefit of the publication of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Edwyn Palmer

Subscribed and sworn to before me
this 5 day of March, 1900
E. J. Kelly

Notary Public, South Dakota

M. Commission expires 19.....

APPROPRIATION OF WATER

Office of State Water Resources
Commission, Pierre, S. Dak. Febru-

ary 10, 1967.

Notice is hereby given that Dale Leonard whose postoffice address is Wagner, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.71 cubic feet of water per second of time from the existing well through the Leonard No. 1, the point of diversion of which is to be located in the NE¼ of the SW¼ of Section 35, Twp. 97N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

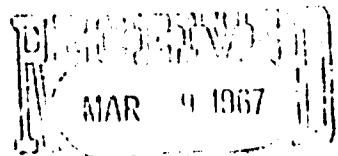
the 35, T97N, R61W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: _____

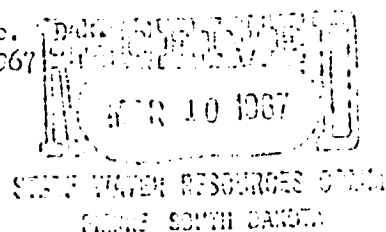
RICHARD D. SCHMOYER
Water Right Specialist
Feb. 15, 22, Mar. 1 & 8



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Wagner, So. Dak.
March 6, 1967

Water Resources Commission
State Office Bldg.
Pierre, So. Dak.



Dear Sirs;

About a year ago I wrote to the Water Resources Commission asking if there were any rules or regulations regarding the use of water for irrigation, in the Wagner area. I also mentioned that according to observing my own well that we had, since irrigation began, a drop of 18 to 20 feet in artesian head. Mr. Grimes answered my letter. He did not mention any rules or regulations but did state that according to his measurements there was no loss since irrigation commenced.

I obtained a copy of Investigation No. 90 and wish to quote from Page 15 3rd Paragraph "No records of water fluctuations before irrigation are available in the Wagner area, so a comparison of fluctuations before and after irrigation pumping cannot be made." It goes on to tell about the wells drilled by the Commission in 1957 and 1959. Mr. Grimes sent me a chart on wells C-3, C-5, C-6, C-7, C-8 and C-17. On Page 17 it says weekly measurements of C-5, C-6 and C-7 were taken and that "The three Water Resources Commission wells do not reflect the fluctuations shown by the domestic observation wells."

Also, "The "static water levels" shown for the Water Resources Commission observation wells were determined when the wells were drilled: most of them were drilled in mid-summer at the height of the irrigation season when water levels are fluctuating." In 1960 (page 25) it says that C-5, C-6 and C-7 showed no drop in artesian pressure but that the domestic observation wells clearly showed the decrease in pressure caused by irrigation pumping. On Nov. 5, 1960 the wells were checked to see if they were plugged. It showed the results Fig. 11 Page 26 C-6 was partially plugged and that C-5 and C-7 were completely plugged. Yet, it appears that these three wells, according to the chart that Mr. Grimes sent to me, are still being used for recording measurements. I would like to call your attention to Page 22 of the report "Conclusions and Recommendations" especially, recommendation No. 6.

The domestic water users of the Wagner area do not feel that they are being treated fairly in any manner shape or form. I would recommend that any member of the Commission who has not read Report of Investigation No. 90., do so at once. Is it fair that domestic water users should dig new wells and install new pumping units for the benefit of the few who are irrigating?

You must understand that most farms here are small and it would make it very hard for some to put in new wells and units. Most feel that it is the duty of the Commission to protect the general public, not a select few. I realize that the Commission, especially Mr. Grimes have a very hard row to hoe. Mr. Grimes, I believe in the spring of 1958, at a meeting I attended at Pierre did recommend to the irrigators that they supply some equipment to help out domestic water users who were being hurt by irrigation. So far, they have not come forth with anything.

Due to other commitments, I find that I will be unable to be in Pierre on the 15th of March, 1967. I recommend that the application for the appropriation of water by Donald P. Juffer, Martin Neegaard both of Wagner and any others in the area be denied. I hope that among these gentlemen, we can find some who will work toward the establishment of the proposed Wagner Irrigation Unit. Also, I believe, that if the present people irrigating do not come up with a solution of some kind that they be forced to cut down on pumping.

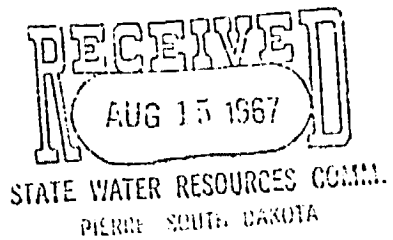
If you so wish, you can read all or any part of this letter at the meeting. Thank you.

Sincerely yours,

Vincent D. Koberna
Vincent D. Koberna

Wagner, So. Dak.
Aug. 14, 1967

Water Resources Commission
State Office Building
Pierre, South Dakota 57501



Dear Sirs;

It was reported to me day before yesterday by a neighbor of Dale Leonard that Mr. Leonard and Mr. Leo Soulek were irrigating the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ sec. 35-97-64 (Howard Twp. Chas Mix Co.). This forty acres is owned by Mr. Leonard and rented by Mr. Soulek. As I understand the situation, Mr. Leonard applied for permission from the Water Resources Commission to irrigate this tract from a well located on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35-97-64. This permission was refused by the Commission last spring as I was told by degelates to the meeting. Mr. Soulek would probably like to call the water on Mr. Leonard's land run-off water but as I understand it has been running clear across Mr. Leonard's land onto land north of it and that they have received a complaint from the land owner.

I could not believe that anyone would so flagrantly violate a ruling of the Commission so yesterday I drove past the land in question. I found that apparently Mr. Soulek had laid a huge pipe along the fence line between the two tracts. I did not get out of the car to see if water was being forced out of the pipe to the north as I did not want to trespass. I did however, drive on to the north of Mr. Leonard's forty acres and saw two men in a pick-up truck and a third man wearing rubber boots cleaning off a shovel.

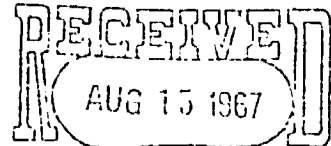
The way the situation looks to me it would be well for the Commission to investigate it immediately and if Mr. Soulek and Mr. Leonard are found guilty of a violation that Mr. Soulek's water rights on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35 be recalled. I could not understand why our water level here dropped so fast and so far especially, after all the rain we had in June, until I received this information. If they have been pumping excessively, I can readily see the reason for it.

Sincerely yours,

Vincent D. Kaberna
Vincent D. Kaberna

Wagner, So. Dak.
Aug. 14, 1967

Mr. J. W. Grimes
Water Resources Commission
State Office Building
Pierre, South Dakota 57501



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dear Sir;

It was reported to me day before yesterday by a neighbor of Dale Leonard that Mr. Leonard and Mr. Leo Soulek were irrigating the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ sec. 35-27-64 (Howard Twp. Chas Mix Co.). This forty acres is owned by Mr. Leonard and rented by Mr. Soulek. As I understand the situation, Mr. Leonard applied for permission from the Water Resources Commission to irrigate this tract from a well located on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35-27-64. This permission was refused by the Commission last spring as I was told by delegates to the meeting. Mr. Soulek would probably like to call the water on Mr. Leonard's land run-off water but as I understand it has been running clear across Mr. Leonard's land onto land north of it and that they have received a complaint from the land owner.

I could not believe that anyone would so flagrantly violate a ruling of the Commission so yesterday I drove past the land in question. I found that apparently Mr. Soulek had laid a huge pipe along the fence line between the two tracts. I did not get out of the car to see if water was being forced out of the pipe to the north as I did not want to trespass. I did however, drive on to the north of Mr. Leonard's forty acres and saw two men in a pick-up truck and a third man wearing rubber boots cleaning off a shovel.

The way the situation looks to me it would be well for the Commission to investigate it immediately and if Mr. Soulek and Mr. Leonard are found guilty of a violation that Mr. Soulek's water rights on the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 35 be recalled. I could not understand why our water level here dropped so fast and so far especially, after all the rain we had in June, until I received this information. If they have been pumping excessively, I can readily see the reason for it.

Sincerely yours,

Vincent D. Kiberna
Vincent D. Kiberna

P.S. You once told me that if I saw any violations in this vicinity you would appreciate my reporting them to you. I'm sorry that I didn't hear of this sooner. The way the pipes were out in the open right by the road they may be through irrigating or almost through irrigating the Leonard land but I'm sure that if they have been you should be able to tell very easily. If I can be of any help please feel free to call on me. Vince

V.K.

1252-3
1355-3

August 21, 1967

Mr. Leo F. Soulek
Lake Andes, S.D. 57356

Dear Mr. Soulek:

It has been reported to this office that the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T97N, R64W had been irrigated by withdrawals of water from your irrigation well in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35, T97N, R64W.

A representative of this Office checked the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T97N, R64W on August 17, 1967. At that time this 40 acre tract was not being irrigated. However it was evident that it had been irrigated, presumably from your irrigation well.

Mr. Dale Leonard, Wagner, South Dakota had made water right application 1355-3 to irrigate the 40 acres described above, from your irrigation well. This application was deferred by the Water Resources Commission on March 15, 1967, and to date no such irrigation has been authorized.

Such irrigation is a violation of your water permit 1252-3. Such violations can result in revocation of your water permit No. 1252-3.

It is expected that henceforth, irrigation as authorized in your water permit No. 1252-3 will comply with the terms of such permit.

Sincerely,

J.W. GRIMES

JWG/DD/AV

cc: Mr. Dale Leonard, Wagner, S.D.

cc: to Vincent Kerberna, Wagner, S.D.

1252-3
1355-3

May 24, 1968

Mr. Leo F. Soulek
Lake Andes
South Dakota 57356

Mr. Dale Leonard
Wagner
South Dakota 57320

Dear Sir:

This is to inform you that the Water Resources Commission on May 23, 1968, moved, seconded and passed the following motions:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in permit 1252-3 be limited for the remainder of 1968, to 16 hours per 24 hour period (from 8 P.M. to noon of the following day, C.D.T.);
3. That irrigation of acreage proposed in water right application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1968 irrigation season.

Sincerely,

J. W. Grimes

JWG/DD/sjb

WATER LICENSE 1252-3 DEFERRED WATER RIGHT APPLICATION 1355-3
BRIEF REVIEW OF WAGNER-LAKE ANDES AREA SITUATION

The attached sketch map was a part of a fairly complete report on "Irrigation and Water Right Situation, Wagner and Lake Andes Area" considered by the Commission at its meeting on May 22 and 23, 1968. This May, 1968 report stated:

1. That 1230 acre-feet of water, authorized in eleven permits, was used by irrigators in the area in 1967;
2. Prior to consideration of the report there were seven deferred water right applications plus one, No. 1557 pending in a location a little north of the area shown on the sketch;
3. Four observation wells had large water level drops due to irrigation withdrawals. (See chart later in report.)

At this May, 1968 meeting, the Commission approved water right applications 1359-3, 1483-3 and 1557-3. For each of these, the diversion rate was limited to not exceed 2.28 c.f.s. and the pumping period was limited to be within a specific 18 hour period of each 24 hour day.

Water Permit 1252-3 had been approved for a diversion rate of 1.71 c.f.s. Mr. Leo Soulek, the holder of this permit had reported that he was pumping at a rate of 4.4 c.f.s. Deferred water right application 1355-3 of Dale Leonard proposed the irrigation of 120 acres using the same well and pump supplying water to land authorized for irrigation in Water Permit 1252-3. The Commission at this May, 1968 meeting passed the following motion,

1. That Water Right Application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Permit 1252-3 be limited for the remainder of 1968, to 16 hours per 24 hour period (from 8 P.M. to noon of the following day).
3. That irrigation of acreage proposed in deferred Water Right Application 1355-3, using the limited diversion of the Permit 1252-3 irrigation well, be authorized on an experimental basis for the 1968 irrigation season.

In 1968 we estimate that the permit holders, shown on the sketch map, pumped about 1350 acre-feet of water.

In 1968 the additional irrigation wells authorized in approved Permits No's. 1359-3, 1483-3 and 1557-3 were not drilled. The irrigation well authorized in Permit 1483-3 was being drilled in April of 1969.

The following chart compares the 1967 and 1968 measurements of four observation wells and shows the highest water level in 1969 measured to date.

<u>Observation Well</u>	<u>1967 High</u>	<u>1968 High</u>	<u>4-10 1969</u>	<u>1967 Drop</u>	<u>1968 Drop</u>
C 15	15.1	17.6	17.6	11.7	13.4
C 17	13.4	15.0	15.3	11.0	12.3
CM67 T	91.8	93.9	95.3	18.4	19.0
CM67 U	95.6	97.7	99.2	17.4	13.1

Note that in each well the 1968 highest level was lower than the 1967 highest reading and that except for well CM67 U, the water level drop was larger in 1968.

Six observation wells drilled in 1968 had water level drops during 1968 of 9.1, 9.3, 14.0, 15.0, 16.6 and 17.5 feet.

The State Geological Survey and the U.S. Geological Survey are now preparing a report on Geology and Water Resources of Charles Mix County. As a part of this work, the U.S.G.S., at the request of the Water Resources Commission, has made an inventory of domestic wells tapping the same outwash, artesian formation that the irrigation wells tap. Within the area represented by the lined portion of the sketch map the inventory lists 140 such domestic wells. While we have received quite a number of domestic well complaints since ground water irrigation started in the Wagner-Lake Andes Area, only one such complaint was received in 1968.

Since May of 1968, the Commission has deferred two additional water right applications, No's. 1632-3 and 1633-3. Two water right applications, No's. 1631-3 and 1665-3 involving three wells tapping a more shallow aquifer have been approved recently by the Commission.

Because of the ground water levels and fluctuations as indicated by the observation wells, because of possible later development of irrigation now authorized and because of potential domestic well interference problems, the recommendation of the Commission Staff is that all of the deferred water right applications for ground water use in the Wagner-Lake Andes area remain in a deferred status for the present.

Reporting on the limited pumping under Water License 1252-3 and the experimental pumping under deferred Water Right Application 1355-3, as authorized by the Commission for the 1968 irrigation season, Mr. Leo Soulek states the 16 hour period was too short a period for him to complete his irrigation runs and that one hour additional time would be very beneficial in obtaining more efficient irrigation.

The recommendation of the Commission Staff is:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Water Permit 1252-3 be limited for the remainder of 1969 to 17 hours per 24 hour period (from 7:30 P.M. to 12:30 P.M. of the following day, D.S.T.);
3. That irrigation of acreage proposed in Water Right Application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1969 irrigation season.

1252-3 & 1355-3

May 21, 1969

Mr. Leo F. Soulek
Lake Andes, South Dakota 57356

Mr. Dale Leonard
Wagner, South Dakota 57380

Dear Sirs:

This is to inform you that the Water Resources Commission on May 7, 1969 moved, seconded and passed the following:

1. That water right application 1355-3 remain in a deferred status;
2. That diversion of water from the irrigation well authorized in Water Permit 1252-3 be limited for the remainder of 1969 to 17 hours per 24 hour period (from 7:30 P.M. to 12:30 P.M. of the following day, D.S.T.);
3. That irrigation of acreage proposed in Water Right Application 1355-3, using the limited diversion of the 1252-3 irrigation well, be authorized on an experimental basis for the 1969 irrigation season.

Sincerely,

J.W. GRIMES

JWG/DD/hw

1252-3 & 1355-3

June 12, 1970

Mr. Leo F. Soulek
Lake Andes, S.D. 57356

Mr. Dale Leonard
Wagner, S.D. 57380

Dear Sirs:

This is to inform you that the Water Resources Commission on May 20, 1970 passed the following motion,

1. While the prime requirement in the operation of the irrigation well authorized in Water License No. 1252-3 and also used on an experimental basis to irrigate land proposed for irrigation in Water Right Application No. 1355-3, is that water supplies are not reduced to an extent lower than needed in neighboring domestic wells, it is recommended, until further notice that the irrigation withdrawals generally do not exceed 19 hours of pumping per 24 hour day.
2. That a record be kept and made available to the Commission upon request of the time, number of hours per day and rate that the irrigation well is pumped.
3. That copies of the 1970 special weekly measurements of observation wells in the Wagner-Lake Andes Area be sent to those irrigators in that area using irrigation wells.

Enclosed for your information is a map showing the location of the observation wells and also enclosed are recent measurements of these observation wells.

Sincerely,

J.H. GRINES

JWG/DD/LW
Incl: As stated

1355-3

Permit No. _____

Water Division 3 MISSOURI RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Dale Leonard
_____ of Beresford, South Dakota _____ holder _____
of Permit No. 1355-3, bearing date of priority of February 8, 19 67
authorizing the diversion of 1.71 cu. ft. per second of the waters of ground water
for irrigation purposes, in Charles Mix County.

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

The Water Use System consists of,

A. Works used to divert the water:

272' well	) This is the existing well and pumping
Western Land Roller Pump, 10", 3 stage-12" bowls	) plant of Leo Soulek, as authorized
Chrysler Industrial Motor, Model HT413-201.	) in Water Right 1252-3

B. Works used to transport water to place of use,
(In addition to that used for the Leo Soulek Water Right No. 1252-3)
1300 feet of 8 inch main line

C. Works used to apply water to beneficial use.
(In addition to that used for the Leo Soulek Water Right No. 1252-3)
660 feet of 10 inch gated pipe.

A return water system has been added to both systems (1252-3 & 1355-3) consisting of two
dugouts, "Vultz" 8 inch low head pump (800 g.p.m.) and Ford Diesel Engine, Mod. 861,
42 HP. The system is in the following condition: Very good

The point of diversion is located 1300' E and 1750' N of the SW Corner of Section 35,
T97N, R64W

The works are capable of diverting and conveying to the place of use 4
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 35, T97N, R64W

<u>SW 1/4 NW 1/4</u>	<u>40 acres</u>
<u>E 1/4 SW 1/4 (Except for SE 20 acres)</u>	<u>60 acres</u>

comprising a total of 100 acres of land.

Date April 2, 1971

Donald Driecoll
(Signature)

DONALD DRIECOLL,
Deputy Chief Engineer, Water Resources Commission

1355-3

August 19, 1975

Mr. Leo Soulek
Lake Andes, SD 57356

Dear Mr. Soulek:

This letter is to confirm the verbal order given by my representative, Burton Jones, regarding your irrigation pumping under water rights Nos. 1252-3, 1355-3, and 1379-3. You were to cease pumping from noon Friday, August 15, to 6:00 p.m., August 16, 1975. Also you are to restrict your pumping to 18 hours or less per day with no pumping from 12:00 noon to 6:00 p.m. each day.

This action is taken to protect to the extent possible water supplies for existing domestic and livestock wells.

Your continued cooperation in this difficult regulatory action is greatly appreciated.

Very truly yours,

Vern W. Butler, Acting
Chief Engineer

VWB:yjl

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N2 4 7301

PIERRE, February 7, 1980

RECEIVED OF Leo Soulek, Lake Arden SD 57356

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

Fee for Application for Permit to appropriate Water No. _____ examination processing, recording and filing)	150	00
Fee for Inspecting Construction and existing structures on location for		
Fee for Inspecting Beneficial Use and Issuing Certificate of Use No. _____		
Fee for Issuing Location Certificate to Draw		
Fee for Filing and Transfer on Permit No. <u>1365-3</u>	2	50
Fee for Certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	152	50

WATER RIGHTS COMMISSION

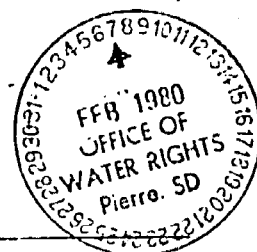
By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

12/9/80
original Receipt is located
in Leo Soulek's Permit
1379-3
BW

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



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

E½ of SW¼ and SW¼ NW¼ Sec. 35, T97N, R64W

formerly owned by Dale Leonard

has been transferred to Leo Soulek, Lake Andes, SD

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

Water Right Permit No. 1355-3 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 Office of the Board of Water Management 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 Hughes) ss.

I, Leo Soulek 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.

Leo Soulek
(Signed)

Subscribed and sworn to before me this 7th Day of February, 1980.

Klaus Wimmermann
(Notary Public)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
1355-3
4594-3

November 21, 1986

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each transfer the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

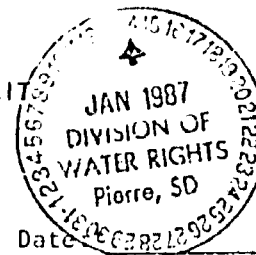
ms/
Enc. 3

Equal Opportunity Employer

NO. 1355-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501



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

100 acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T97N-R64W

formerly owned by Leo F. Soulek

has been transferred to Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356

(please include complete mailing address)

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

Water Right Permit No. 1355-3 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)
) ss.
County of Charles Mix)

I, Barbara J. Soulek 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.

Barbara D. Smith
(Signed)

Subscribed and sworn to before me this 19th Day of December, 1996

Daniel A. K.
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410713

Pierre, January 14, 1937

RECEIVED OF Barbara J. Soulek, Route 1, Box 75, Lake Andes, SD 57356

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. _____

Fee for Filing Transfer Form 1355-3

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

2 50

2 50

By

Chief Engineer

JOHN HATCH

115



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1252-3
~~1355-3~~
4594-3

January 16, 1987

Barbara J. Soulek
Route 1, Box 75
Lake Andes, South Dakota 57356

Dear Mrs. Soulek:

Enclosed are receipt Nos. 410714, 410713 and 410712 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms
Enc.

1355-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 3, 1993

Barb J Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed, as we discussed, are three partially completed "Notice of Transfer of Ownership" forms. These forms are for use in changing Water Right Nos. 1252-3, 1355-3 and 4594-3 to your name.

Please complete the forms and sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

Also enclosed is a blank 1992 irrigation questionnaire for Water Right No. 1252-3. This was the water right the Board suspended at their March Water Management Board Meeting. Please complete the form and return it along with the transfer forms.

As we discussed, I will speak with the Board at their May 5th meeting concerning the suspension. I will contact you following the hearing concerning the action they take.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

1355-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1355-3

Date: May 5, 1993

I/We request that Water Right No. 1355-3

formerly owned by: Barbara J Soulek

be transferred to: (name & address) Barbara J. Specht Box 763 Wagner, S.D. 57380

(Telephone No) 605-384-5957

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

SW 1/4 NW 1/4, E 1/2 SW 1/4 Section 35, T97N, R64W

I/We understand that the validity of Water Right No. 1355-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

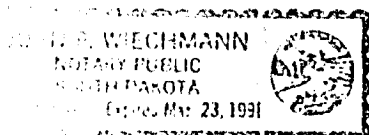
STATE OF SOUTH DAKOTA)

County of Wagner)

I/We Barbara J. Specht 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 that I know of my own personal knowledge that the information herein stated is true.

Barbara J. Specht
(Signed)

Subscribed and sworn to before me this 17 day of May, 1993.



John P. Weichmann
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1355-3
413772

Pierre, May 13, 19 93

RECEIVED OF William J. Specht, PO Box 8, Wagner, SD 57380

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 _____		
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>Water Right No. 1355-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John H. H. H.



1355-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 18, 1993

No. 1252-3
1355-3
4594-3

Barbara J. Specht
Box 763
Wagner, SD 57380

Dear Ms. Specht:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Our records now show you as the owner of Water Right Nos. 1252-3, 1355-3 and 4594-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

1355-3

Change of address (on
water permit:

From

Barbara T. Specht
P.O. Box 763 - 107 West Ave SW.
Wagner, SD 57380

To

Barbara T. Specht
2505 Capital St. # 204
Roxton, S D 57078-4874

Thanks!

1355-3