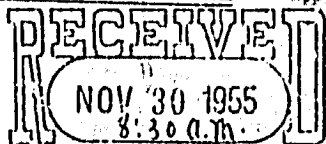


No. 136-3

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



STATE WATER RESOURCES COMMISSION  
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 Hans Jessen  
Postoffice address Redfield County Spink State South 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)

Irrigation features, including irrigation well are completed and in operation

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

2. Name of diversion work Jessen Well  
3. Amount of water claimed 2.22 cubic feet per second  
4. Source of water supply Well  
5. Location of point of diversion 100 feet South 19°38' East from the West Quarter Corner of Sec. 102, T. 115 N., R. 65 W. on \_\_\_\_\_ bank Spink County.  
6. Annual period or periods during which water is to be used April 15 - November 1  
7. To be used for:

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

(a) Number of acres to be irrigated 127.5 acres  
SE 1/4 Sec. 28, T. 115 N., R. 65 W. - 50.8 acres

(b) Legal subdivisions to be irrigated SW 1/4 Sec. 27, T. 115 N., R. 65 W. - 138.8 acres

(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.) None

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

- (a) Nature of use None  
Number of the above uses claimed \_\_\_\_\_  
(b) Amount of power to be generated \_\_\_\_\_ horse power.  
Amount claimed for engine cooling \_\_\_\_\_  
(c) Type of plant \_\_\_\_\_  
(d) Method of developing power \_\_\_\_\_  
(e) Point where water will be returned to stream \_\_\_\_\_

Map No. 109-3

8. Estimated cost of work:

(a) Head Gates, \$350.00

(c) Fluming, \$

(e) Other structures and leveling \$1,200.00

(b) Pumping plant, \$6,600.00  
and well

Rock, \$

Total, \$8,550.00

9. Description of diversion works:

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

Well

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 filled acre feet. Surface area at highwater mark acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

(c)\* Head gate: Width Gate valve with totalizing flow meter feet; height feet;

Material Steel

(d) Canal: Total length 0.87 miles.

| LOCATION BELOW<br>HEADGATE | DEPTH    | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|----------|-----------------|------------------------|-------------------|
| At 0.00 Mile               | 1.2 feet | 1.0 feet        | 3-1 feet               | 5.2 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 0 years

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate Redfield Press  
Redfield, South Dakota

STATE OF SOUTH DAKOTA

County of Spink ss.

I, Harold J. Jessen, 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.

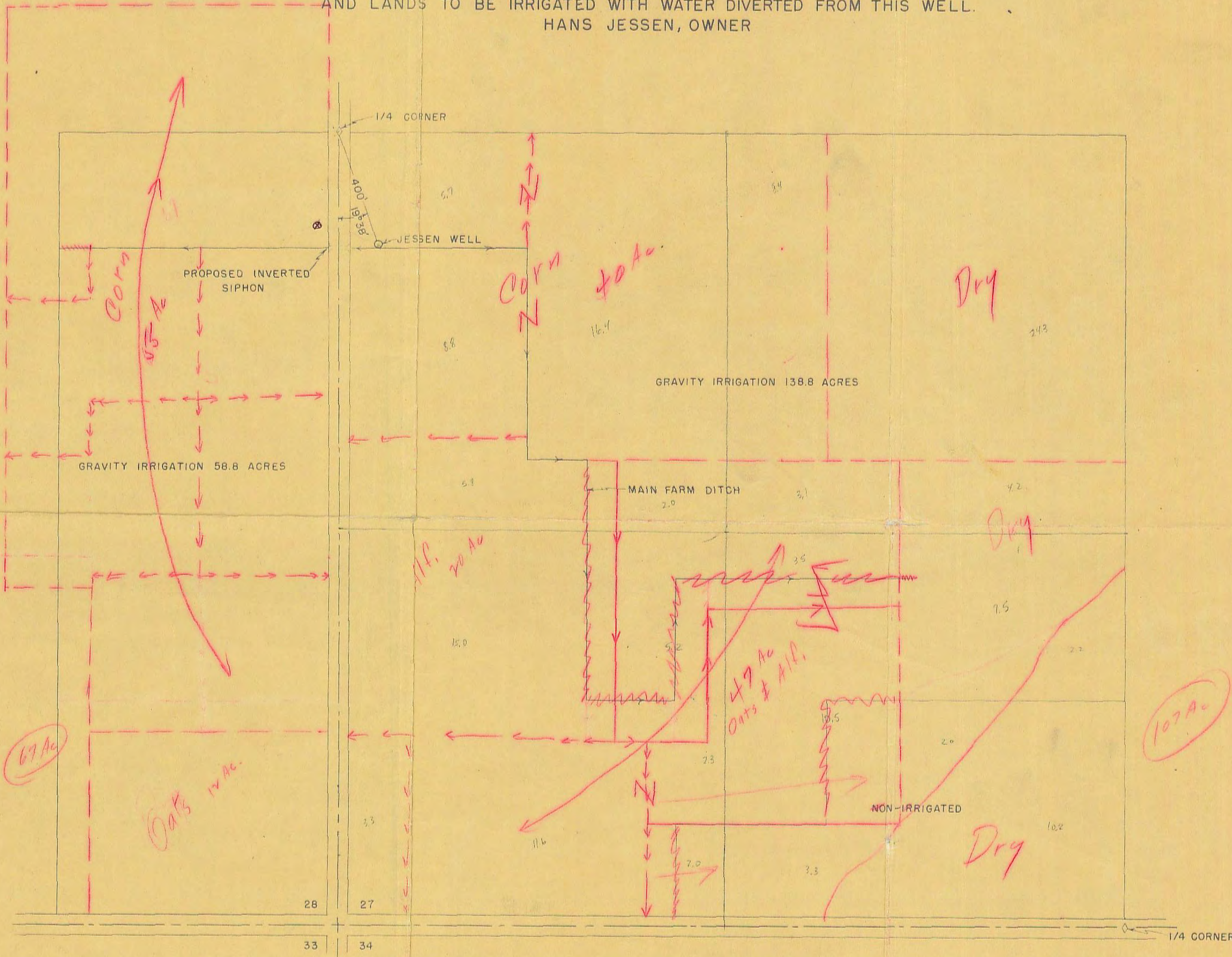
Signed

Subscribed and sworn to before me this 29<sup>th</sup> day of November 1955

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

MAP SHOWING LOCATION OF JESSEN WELL (POINT OF DIVERSION)  
AND LANDS TO BE IRRIGATED WITH WATER DIVERTED FROM THIS WELL.  
HANS JESSEN, OWNER



LEGAL SUBDIVISION AREA TO BE IRRIGATED:

S.E. 1/4 SECTION 28 T115N R 65 W 58.8 ACRES  
S.W. 1/4 SECTION 27 T115N R 65 W 138.8 ACRES  
TOTAL 197.6 ACRES

LENGTH OF MAIN FARM DITCH 4570 FEET

SCALE: 1 INCH = 200 FEET

Certified Correct E. C. Von Seggern  
Chief, Projects Development Division  
Bureau of Reclamation, Department of Interior  
Huron, South Dakota.

Subscribed and sworn to before me  
this 2nd day of November 1955

Anthony H. Cuthbert  
Notary Public for the State of South Dakota  
Residing at Huron, South Dakota  
My Commission expires February 9, 1956

Remarks by State Water Resources Commission:

Permit right secured with priority date established as  
of the date of completion of work.

STATE OF SOUTH DAKOTA

County of

DeWitt

ss.

Pierre, South Dakota,

Nov. 30

1955

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

A.m. upon the 30 day of Nov., 1955

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 1363

Date of first receipt of application Nov. 30, 1955

Date of return to applicant for correction, amendments or changes required as follows: 1955

Date of receipt of corrected application 1955

Date from which applicant may claim right Dec. 12, 1955

Approved Dec. 19, 1955, Recorded in Book 3 Page 20

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

1955, 10-30-55

2nd. The whole of said work <sup>work</sup> is to be completed on or before Dec. 12, 1955

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

Dec. 19, 1955

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 2.22 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 Dec. 19, 1955; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 20 day of Dec., 1955

State Water Resources Commission

By:

J. W. Riney

Chief Engineer, Executive Officer

Certificate of Construction Issued Jan. 3, 1956

Water License Issued 1955

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 136-3 . . . . .

WHEREAS, On the 30th day of November A. D. 1955

Hans Jenson

of Redfield County of Spink and State of  
South Dakota duly made application (No 136-3) to us for a permit to use 2.22  
cubic feet per second of the waters of ground water  
County of Spink, State of South Dakota, for irrigation  
purposes; and

WHEREAS, On the 20th day of December A. D. 1955  
Permit No. 136-3 was issued to said applicant recognizing for the diversion of said water, and ~~and for the~~  
completion of the works of diversion therein described on or before the 12th day of  
December A. D. 53 and for the application to beneficial use of said  
water on or before the 19th day of December A. D. 1958  
and,

WHEREAS, On the 30th day of November A. D. 1955  
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.22  
cubic feet per second of said waters, as evidenced by our Certificate No. 136-3  
dated January 3, 1956 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of intended use 2.22 cubic feet per second of water, with date of  
priority of December 12, 1953 and, and,

WHEREAS, On the 24th day of October A. D. 1957  
proof was duly made of the application to beneficial use of 2.22 cubic feet per second of said water;  
on 174 acres located in the SE $\frac{1}{4}$ , Sec. 28, T 115 N, R 65 W and the  
SW $\frac{1}{4}$ , Sec. 27, T 115 N, R 65 W

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 Hans Jessen  
of Redfield, South Dakota the holder and owner of said permit No. 136-3  
a water right, dating from December 12, 1953 to the use of 2.22  
cubic feet per second of the waters of ground water  
in the County of Spink and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinafter mentioned, to be diverted at 400 feet, S 19° 38'E,  
from the W. Cor., Sec. 27, T 115 N, R 65 W  
and conducted to and upon SE 1/4, Sec. 27, T 115 N, R 65 W and the SW 1/4, Sec.  
27, T 115 N, R 65 W  
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the  
State, and subject also to the local or community customs, rules and regulations which have been or may be  
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from  
which such water may be taken, when such rules and regulations have for their object the economical use of such  
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 22nd day of January A. D. Nineteen  
Hundred and Fifty-eight

State Water Resources Commission

By:

**J. W. GRIMES,**

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 136-3Water Division No. 3 - James R. Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hans Jessen

of Redfield, County of Spink, and State of South Dakota, the holder of Permit No. 136-3, issued upon Application No. 136-3, bearing date of priority of December 12, 1953, authorizing the diversion of 2.22 cu. ft. per second of the waters of ground water, County of Spink, State of South Dakota, at a point S 19038', 400 feet from the West Quarter-Section Corner of Sec. 27, T 115N, R 65W, for irrigation

purposes, has fully 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 2.22 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: SE 1/4, Sec. 28, T 115N, R 65W 58.6 acres

SW 1/4, Sec. 27, T 115N, R 65W 138.8 acres

Total 197.6

Witness my hand this 3rd day of January A. D. 19 56

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36

Depth 103

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 12 inch, Thickness of casing 1/2 inch  
Length of casing 60 feet. If collection gallery,  
length, size, and depth of gallery \_\_\_\_\_.

(b) Screens

Type of perforated screen Slot wire wound No. 100

Size of perforated screen 12 inch, 40 feet  
(diameter) (length)

Thickness of gravel pack 12 inch, length of gravel  
pack 86 feet.

(c) Water Bearing Materials

Distance to water 18 feet.

Character of water bearing materials \_\_\_\_\_  
Sand and gravel

Thickness of water bearing material 65 feet

(d) Pump and Motor

Type of pump Turbine  
(centrifugal, propellor, mixed flow, etc.)

Name of pump Jacuzzi, size 10 inch

Kind of motor Gasoline  
(gasoline, electric, diesel, etc.)

Horsepower 27.3

Name of motor Allis Chalmers

(e) Complete well

Capacity 2.22 c.f.s. at drawdown of 8 feet

Estimated cost \$4,000.00

(f) Owner of land upon which well is located \_\_\_\_\_ Name

Hans Jessen, Redfield, South Dakota  
Address

(g) Distance to nearest existing wells

On same Owner's property 155 rods

On property owned by others 250 rods

Permit N 136-3

Water Division No. 3

James  
River Water District

## Certificate of Examination of Works

## Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~order~~ of authorization ~~made~~  
on October 24, 1957XXXX, I have ~~made~~ made a thorough examination of the diversion works constructed by

Hans Jessen

of

Redfield

Spink

County, South Dakota, holder of Permit No. 136-3, issued

upon Application No. 136-3, bearing date of priority of December 12, 1951, authorizing the  
diversion of 2.22 cu. ft. per second of the waters of ground water for irrigation

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

The diversion works comprise: Jacuzzi Pump, Spec. # T130A, and Fig # HC-127;  
Allis Power Unit; Sparling Water Meter; 4700 feet of main lateral  
ditch; 6800 feet of secondary or annual ditching; Syphon; and a  
metal surge and division tank.

and the system is in the following condition: very good

The point of diversion is located 400 feet, S 19° 38' E from the Wk Cr.,  
Sec. 27, T 115 N, R 65 W

The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water,  
which is to be used for irrigation

The legal sub-divisions to be irrigated are: SE 1/4, Sec. 28 and SW 1/4, Sec. 27, all  
in T 115 N, R 65 W

comprising a total of 174 acres of land.

The domestic use intended comprises

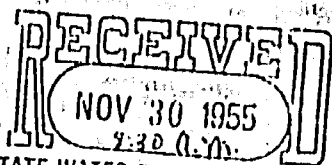
The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 22nd day of January, A. D. 1958

—SEAL—

Les Wyborny,

Examining Engineer.

Location No. 136-3Water Division No. 3 James River Water DistrictSTATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## Proof of Application of Water to Beneficial Use

## PETITION OF HOLDER

Ques. 1. State your name, residence, occupation, and postoffice address.

Ans. Hans Jessen, Redfield, South Dakota - farmer

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Does not apply

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. \_\_\_\_\_

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water supply is well located 100 feet south and 19°30' east of the west quarter corner of Sec. 27, T. 115 N., R. 65 W., in Spink County

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. The pump delivers 2.22 cubic feet per second and the water is conveyed by ditch to the point of use on the farm. The well was completed onDecember 12, 1953

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigation purposes. Approximately 80 acres in the SW 1/4 of Sec. 27, T. 115 N., R. 65 W., have received irrigation water from this well.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Does Not apply

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One acre-foot of water per year for each acre irrigated.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. 54.9 acre-feet of water were applied to 35 acres in 1954 by gravity

irrigation methods. 127.1 acre-feet were applied to 80 acres in 1955 with gravity irrigation methods.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Redfield, County of Spink, State of South Dakota, on this 29<sup>th</sup> day of November, A. D. 1955.

Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----

PROOF OF APPLICATION OF  
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

Water Rights Division - DVNR  
Conversation or File Documentation

7 (136-3)  
File No. 972-3  
\* 952-3  
(1613-3)  
Richard Jessen

NAME OF PERSON OR FILE: Hans Jessen

ADDRESS: Tulule

DATE: 5/28/84

COUNTY SP

TELEPHONE 596-4318

RE: IQ

COMMENTS:

Hans is blind turned over to Richard Jessen 472-2408  
add to call 8AM 29th -

5/29/84 Contacted Richard Jessen all land in  
his name is Hans Jessen's haven't been transferred  
told him we would send forms - Hans not  
irrigated last couple years - have been on  
the PIC program.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/32

NAME: Emily Peterson

No. 136-3

952-3

972-3

June 13, 1984

Richard Jessen  
RR#1  
Tulare, South Dakota 57476

Dear Mr. Jessen:

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

Upon receipt of the enclosed forms and the \$2.50 filing fee, 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  
Staff Assistant

136-3  
952-3  
972-3

September 12, 1984

SECOND NOTICE

Richard Jessen  
RR#1  
Tulare, South Dakota 57476

Dear Mr. Jessen:

On June 13, 1984 notice was sent to you concerning the transfer of Water Right Nos 136-3, 952-3 and 972-3 listed in the name of Hans Jessen. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find an additional set. The forms should be signed before a notary and returned to this office with the required filing fee of \$7.50 (\$2.50 each). The water right can then be transferred to your name. Please advise this office if you no longer wish to have the water rights transferred to your name. It is very important that ownership records be kept current.

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.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division

JH:GM:ms  
Enc.

*Equal Opportunity Employer*

136-3

PS Form 3811, Oct. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).  
☒ Show to whom and date delivered ..... —¢  
☐ Show to whom, date, and address of delivery.. —¢

2. ☐ **RESTRICTED DELIVERY** ..... —¢  
 (The restricted delivery fee is charged in addition to the return receipt fee.)

**TOTAL \$** .....

3. **ARTICLE ADDRESSED TO:**  
 Richard Jossan, RR#1, Tulare, SD

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**  
☐ REGISTERED ☐ INSURED  
☒ CERTIFIED ☐ COD P 404 786 689  
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)  
 I have received the article described above.  
**SIGNATURE** ☐ Addressee ☒ Authorized agent  
*Richard Jossan*

5. **DATE OF DELIVERY**  
 9-15-74

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER) BLCAUSE:** 7b. **EMPLOYEE'S INITIALS**  
 SOA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

TULARE, SD  
 SEP 19 1984  
 USPO

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 9/15/84

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

197.6 Acres - SE 1/4 Section 28; SW 1/4 Section 27, T115N, R65W

Formerly owned by Hans Jessen, Tulare, SD

has been transferred to Richard Jessen, RR#1, Tulare, SD 57476  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 136-3 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.

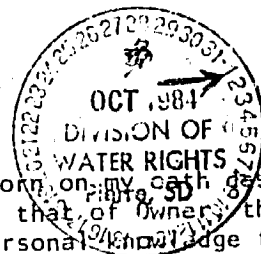
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )

County of Butte )

ss.

I, Richard Jessen 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.



Richard Jessen  
(Signed)

Subscribed and sworn to before me this 27<sup>th</sup> Day of September, 1984.

Vicki Anderson  
(Notary Public)

Exp 5-4-91

# RECEIPT

Division of Water Rights

No 4 9778

South Dakota Department of Water and Natural Resources

Pierre, October 1, 1934

RECEIVED OF Richard Jensen, RUEL, Box 61, Tulare, SD 57476  
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 _____ | 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>136-3</u>                                                                                  |       |    |
| Fee for Filing Extension Request _____                                                                                     |       |    |
| Fee for Certified Copy of _____                                                                                            |       |    |
| Fee for Print Copy of Map _____                                                                                            | 2     | 50 |
| Fee for Certifying _____                                                                                                   |       |    |
| Fee for _____                                                                                                              |       |    |
| (Any Other Work Provided by Law)                                                                                           | Total |    |
|                                                                                                                            | 2     | 50 |

By John Hatch  
Chief Engineer JOHN HATCH/ms

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

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

October 2, 1984

Richard Jessen  
RR#1 Box 81  
Tulare, South Dakota 57476

Dear Mr. Jessen:

Enclosed is receipt No. 4 9778 in the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 136-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

Observations during the Field Inspection on October 24, 1957  
of the Hans Jessen Project relative to Application #136-3.

Mr. Jessen accompanied me on this inspection and was very cooperative in assisting and furnishing information so that I could complete my work.

This project consisted of 174 acres plus located in the SE  $\frac{1}{4}$ , Sec. 28 and SW  $\frac{1}{4}$  Sec. 27 all in T 115 N, R 65 W and was divided into 12-55 acre fields of oats, corn, alfalfa and alfalfa with an oats nurse crop. The well was located approximately 25 rods south and 5-6 rods east of the W  $\frac{1}{2}$  Cor. of Sec. 28. Location of the lands & WELL reasonably compared with that shown on Map #109-3. 22 MINUS

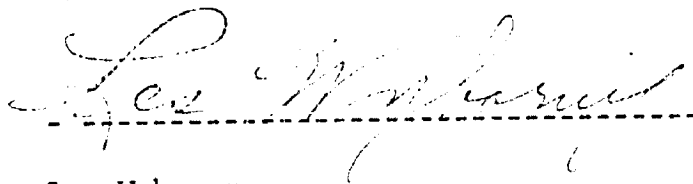
Equipment consisted of a Jacuzzi Pump, Serial #WDG1649, with a 10 inch bowl, Spec # T130A, Fig. No. HC-127. This is an 8 inch pump. The power unit is an Allis Stationary Unit rated @ about 45 Hp. In this case the pump should produce 1000-1100 gpm. A Sparling Water Meter was installed in the line. He had about 4700 feet of main lateral and about 6800 feet of secondary or annual ditching. A metal surge tank was installed at the pump to cut down the turbulence and erosion. There was also a syphon of adequate capacity under the road to convey water from the pump to the west field.

The well is about 101 feet deep with the static water level @ 17 feet. I was told that this well was checked @ 4000 gpm. I was also told that there was about a 7 foot drawdown when pumping at about 1000 gpm.

All of the equipment was in very good condition.

The capacity of the works or equipment to convey water to the place of use and the lands met the conditions as set forth in the permit.

The system was not in operation at the time of the inspection but there was evidence that the lands had been irrigated this year.

  
-----  
November 8, 1957

Les Wyborny

Water Rights Engineer

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

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

September 21, 1988

**NOTICE**

Richard Jessen  
RR 1, Box 81  
Tulare SD 57476

Dear Mr. Jessen:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 136-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

*for* *Delwin W. Broz*  
JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



## Conversation or File Documentation

NAME OF PERSON OR FILE: Richard JessenADDRESS: R.R. 1, Box 81, Tulare, S.D. COUNTY SpinkDATE: 10-6-86 TELEPHONE 472-2408RE: Inspection of permit violation, too much irrigated for permit

## COMMENTS:

Ivan Knox and I spoke with Mr. Jessen about his Permit No. 136-3 allowing only 107 <sup>irrigated</sup> acres on his licence for the SW  $\frac{1}{4}$  of Sec. 27, T115N, R65W. The air photo from SLS indicated 131.6 acres irrigated from his center pivot, but Mr. Jessen stated his pivot covers only 122 acres, that it was one tower and one pipe length short of a full  $\frac{1}{4}$  section pivot. From our observation it appeared that he was correct, that the pivot would not cover a whole section.

He stated that verbally or by permit they transferred  $\approx$  24 acres from Sec 28 to Sec. 27 when the pivot was put on line. Pivot was put there between 1974 and 1976, they couldn't remember exactly when. He didn't have any papers saying that the permit acreage was transferred, but thought that his dad might. He wanted to know if he could maybe switch off his end gun to bring his acreage down. (Right now the end gun can't be switched off because of a broken part according to his son.) I said we would get back to him the following week to see if he had found any verifying papers.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tom Brandner

## Conversation or File Documentation

NAME OF PERSON OR FILE: Richard JessenADDRESS: RR1, Box 81, Tulare, SD 57476 COUNTY SpinkDATE: 7-25-89 TELEPHONE (605) 472-2408RE: Status of UR Claim 136-3

## COMMENTS:

On July 25, 1989 I spoke with Richard Jessen and inspected his Vested Right Claim No. 136-3 on the SE $\frac{1}{4}$  of Sec. 28 + SW $\frac{1}{4}$  of Section 27, T115N, R65W. In 1986, portions of the permit that were located in ~~the~~ Section 28 were transferred to new ownership and the permit split. A total of 0.50 cfs of the 2.22 cfs on the original Vested Right license were transferred to 136-3B leaving 1.72 cfs remaining on the No. 136-3 Permit.

An inspection of UR 136-3 revealed that a center pivot was being operated on the SW $\frac{1}{4}$  of Section 27 and that it covered 122 acres as below:

NW $\frac{1}{4}$  SW $\frac{1}{4}$  - 30 AcresSE $\frac{1}{4}$  SW $\frac{1}{4}$  - 31 AcresNE $\frac{1}{4}$  SW $\frac{1}{4}$  - 30 AcresSW $\frac{1}{4}$  SW $\frac{1}{4}$  - 31 Acres

The well location is the same as on the original licence and the pump + motor are the same. The Vested right can be validated for 122 acres in the SW $\frac{1}{4}$  of Section 27, T115N, R65W for the 1.72 cfs remaining on Vested Right No. 136-3.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Thomas M. Brundson

136-3

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

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

September 11, 1989

Richard Jessen  
RR 1, Box 81  
Tulare SD 57476

RE: Vested Water Right Claim No. 136-3

Dear Mr. Jessen:

Vested Water Right Claim No. 136-3 was filed on November 30, 1955. The claim was recognized for the irrigation of 67 acres in the SE 1/4 of Section 28 and 107 acres in the SW 1/4 of Section 27, all in T115N, R65W.

An inspection by Tom Brandner, Engineer, Division of Water Rights, found that you are irrigating 122 acres in the SW 1/4 of Section 27, T115N, R65W. Since the claim was recognized for irrigation of 107 acres in this quarter section, you will need to file a water permit application for the 15 acres in excess of the 107 acres.

Enclosed are partially completed application forms to add the 15 acres. Please complete the blank spaces, sign the forms in the presence of a notary and return the forms with a fee of \$150.00. You will also need to send a water sample to the Water Quality Lab as outlined in the instruction sheet.

At the present time, you have the legal right to irrigate 107 acres. Vested Water Right Claim No. 136-3 can be validated for just the 107 acres. If I can answer any questions, please contact me.

Sincerely,

*Delvin D. Brosz*

DELVIN D. BROSZ, P.E.  
Hydrologist  
605 773-3362

enclosures





136-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

January 27, 1993

Richard Jessen  
RR 1, Box 77  
Tulare SD 57476

Dear Mr. Jessen:

The original Notice of Intent to Validate your Vested Water Right Claim No. 136-3 was published with an error. The amount of water used was incorrect. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Redfield Press printed at Redfield SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Spink ) ss



Margaret Mundstock

certify that the attached printed Notice was

taken from the Redfield Press

printed and published in Redfield

County of Spink and State of

South Dakota. The notice was published in  
the newspaper on the following two dates:

February 3, 1993

February 10, 1993

Cost of Printing: \$13.40

Margaret Mundstock  
(Signature)

Robert E. Roberts  
(Title)

February 10, 1993  
(Date Signed)

# Notice of Intent to Validate Water Rights

No. 11

## RE-ADVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Spink County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Re-advertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Redfield Press, is necessary to correct errors in the previously published notice.

Vested Water Right No. 108-3, Larry Nelson, R#1 Box 28, Tulare, SD 57476, appropriates 2.22 cubic feet of water per second (cfs) from one well 142 feet deep located in the NW 1/4 SW 1/4 Section 4 to irrigate 160 acres located in the SW 1/4 Section 4; all in T114N R64W. The priority date is 10/1/1953.

Vested Water Right No. 136-3, Richard Jenson, R#1 Box 77 Tulare, SD 57476, appropriates 1.72 cfs from one well located in the NW 1/4 SW 1/4 Section 27 to irrigate 107 acres located in the SW 1/4 Section 27; all in T114N R65W. The priority date is 12/12/1953.

Any person who wishes to oppose validation of any of the re-advertised vested right claims shall file a petition of intent to oppose the validation by February 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605-773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m., March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The March 3, 1993 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-18, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-18 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-43, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by February 22, 1993 at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Robert E. Roberts  
Secretary

Department of Environment and Natural  
Resources

(February 3, 1993)

136-3



136-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

SEP 20 1993

Richard Jessen  
RR 1, Box 26  
Tulare SD 57476

Dear Mr. Jessen:

The Water Management Board has validated the enclosed Vested Water Right No. 136-3. This validation gives legal status to the claim and is the final document for your vested right. Also, enclosed is Water License No. 5568-3. The applicable portions of Vested Right No. 136-3 were incorporated into Water License No. 5568-3.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

136-3

**SOUTH DAKOTA**

**VESTED WATER RIGHT NO. 136-3 FOR IRRIGATION**

**Date of Receipt of Claim November 30, 1955.**

**Date of Validation March 3, 1993.**

**The Water Management Board validated Vested Water Right Claim No. 136-3 for irrigation purposes for Richard Jessen, RR 1, Box 26, Tulare SD 57476 with the following limitations, conditions and qualifications:**

- 1. Vested Water Right No. 136-3 appropriate 1.72 cubic feet of water from one well located in the NW 1/4 SW 1/4 Section 27 to irrigate 107 acres located in the SW 1/4 Section 27; all in T115N-R65W.**
- 2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 15 - November 1.**
- 3. The priority date of the Vested Water Right is December 12, 1953.**
- 4. The water use system has been constructed and water has been applied to beneficial use.**
- 5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.**

**WATER MANAGEMENT BOARD**

By:   
Chief Engineer

**SEP 20 1993**

date

**Division of Water Rights  
Dept. of Environment and Natural Resources**