

SOUTH DAKOTA
WATER PERMIT NO. 1504A-3 FOR IRRIGATION

Date of first receipt of application December 17, 2003.

Date of return to applicant for corrections, amendments or changes December 18, 2003.

Date of receipt of corrected application December 24, 2003.

The Water Management Board approved Water Permit No. 1504A-3 on March 3, 2004 for Harvey Wollman, 40004 184th St. Frankfort SD 57440 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1504A-3 amends Water Right No. 1504-3 by transferring a portion of the irrigated acres and diversion authority to other land. Water Right No. 1504-3 appropriates 2.22 cubic feet of water per second (cfs) from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 370 acres located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 14 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15; all in T115N-R61W. This permit authorizes severing 16 acres and diversion authority of 0.55 cubic feet of water per second (cfs) and simultaneously transfer and become appurtenant to land in the NW $\frac{1}{4}$ Section 1- T114N-R62W. Water Permit No. 2729A-3 appropriates 1.11 cfs from one well (Tulare:East James Aquifer) located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1 to irrigate 120 acres located in the NW $\frac{1}{4}$ Section 1-T114N-R62W. Water Permit Nos. 2729A-3 and 1504A-3 combined appropriate a total of 1.66 cfs to irrigate 136 acres in the NW $\frac{1}{4}$ of Section 1-T114N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer.
2. The amount of the appropriation may not exceed 3 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is February 9, 1968 (established by Water Right 1504-3).
4. One-fifth of the construction is to be completed on or before September 3, 2006.
5. All construction is to be completed on or before March 3, 2009.
6. Water is to be put to beneficial use on or before March 3, 2013.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

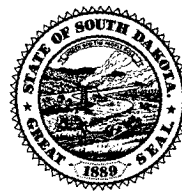
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1504A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 30 2004

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____ Basin _____ Newspaper _____
--	--

RECEIVED
DEC 17 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Add .56 CFS
or 250 GPM To permit 6398-3 owned by Harvey Wollman
from permit 1504-3 owned by Don Mendel - all parties in agreement

1. Name of Applicant Harvey Wollman Phone 605-266-2874
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 40004 18th St Frankfort, SD 57440 State _____
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed .56 *CFS or 250 **GPM ***AF Total Acreage 16
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 of Sec 2
114 N R 62 W
County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used Mar 1 Sep 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 of Sec 2 114-62	4		
SE 1/4 "	4		
NE 1/4 "	4		
SW 1/4 "	4		

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

Transfer of Portion of Permit 1504-3 held by Don Mendel
to a permit 6398-3 so that I can construct a feasible
typical 136A pivot system. The well dought and tested. All other information
is on file with your office.

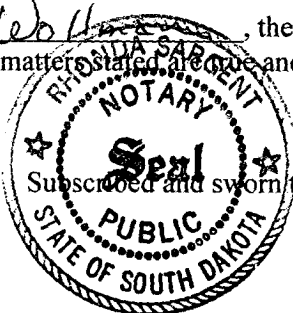
STATE OF SOUTH DAKOTA) SS

County of Beadle

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Harvey Wollman, the applicant, certify that I have read this application, have examined the attached map and that the matter stated is true and that I intend, and am able to complete the necessary construction.

Applicant's signature Harvey Wollman



Subscribed and sworn to before me this 16th day of December 2003

[Signature]
Notary Public signature

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)		RECEIVED DEC 24 2003 WATER RIGHTS PROGRAM
	No. <u>1504A-3</u>	Hydrologic Unit <u>10160006</u>	
	Basin <u>James River</u>		
	Newspaper <u>Redfield Press</u>		

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 1504-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Transfer
a portion of Dan Mendel water permit 6398-3 To Harvey Wallman
existing permit 2729A-3 located NW 1/4 of Sec 1 T114N R62W.

1. Name of Applicant Harvey Wallman Phone 605-266-2874
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 40604 184th St Frankfort State SD 57440
 (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed .55 *CFS or 250 **GPM ***AF Total Acreage 16
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well located 700-feet west of Center of NW 1/4 Sec 1-114-62
 4. Location of point of diversion (example: 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) above Section 1 T114N R62W

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used May 1 through Sep 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of Sec 1 114N-R62W	16	Split equally between the	4
		quarter-quarters in NW of sec 1	4
			4
			4

8. Give a description of the project. (Attach sheet if more space is needed)
My present permit 2729A is for 1.11 CFS (500 GPM) to
irrigate 120 A in NW 1/4 of Sec 1-114-62. In order to construct a
feasible project I need to add 250 GPM and 16 Acres. This application
will accomplish this. Then I could irrigate 136 A with 750 gpm which is
a standard system

STATE OF SOUTH DAKOTA) SS. Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water
 County of _____ is proposed. Attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Harvey Wallman

Subscribed and sworn to before me this _____ day of _____ 20 _____

4-2000 Amended application
 Original was notarized

Notary Public signature



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 18, 2003

Harvey Wollman
40004 18th Street
Frankfort SD 57440

Dear Mr. Wollman:

Thank you for submitting the *Application to transfer a portion of Mr. Don Mendel's water right to your acreage*. There are a number of issues that will need to be addressed in order to complete the application prior to the Water Rights Program processing the application. I have included a copy of your application for you to reference.

1. The total application filing fee for this type of transfer is \$100. Enclosed is the \$300 check you submitted. Please remit a check in the amount of \$100. *Corrected*
2. The application indicates it is to transfer of a portion of the water and acreage from Mendel's water right to that which is authorized by Water Permit No. 6398-3. However, No. 6398-3 is your James River water permit for irrigation in Section 33 and 34 of T115N, R62W. I assume the water permit you meant to reference is Water Permit No. 2729A-3 which is the permit that transferred the Leroy Gross water right to the NW ¼ of Section 1, T114N, R62W. Do you concur? *I concur NW*
3. The period of annual use (Item No. 6) is inconsistent between your applications, the existing Mendel water right and your Water Permit No. 2729A-3. I suggest that the application state an annual period of use of May 1 through September 30. Do you concur? *I concur NW*
4. Item No. 4 of the application specifies the point of diversion is to be located in the SE ¼ of Section 2, T114N, R62W. This does not match with the proposed location of the well from the Permit No. 2729A-3 obtained last spring or the map submitted with this application. The existing permit states the well is to be located 500 feet west of the center of the NW ¼ Section 1, T114N, R62W. Where is the well actually located? *700 feet W of center NW Sec. 114-62 NW*
5. Item No. 7 on the application is the table showing the breakdown of acreage. The application states the irrigated acres are in Section 2, T114N, R62W. It is my understanding the land is in the NW ¼ of Section 1, T114N, R62W and the 16 acres been transferred will be split equally between the quarter-quarters in the NW ¼ of Section 1. Do you concur?

I concur NW

6. The map submitted with the application must be signed by a registered professional engineer, registered land survey or government employee who prepares maps as a normal part of their duties. The map also needs to outline the area proposed for irrigation. We generally direct agricultural producers to their county NRCS or FSA office for assistance in meeting this requirement. *New map attached*

7. The statute (SDCL 46-5-34) which provides the basis for being able to amend a permit to sever and transfer acres states "... should it become impracticable to use all or any part of water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land...." This requires the applicant to present a basis that meets the criteria of the statute for the transfer. Please provide an explanation of how it is impractical beneficially or economically to irrigate the present Mendel lands.

Enclosed State meet. + Map

Your application seeks to transfer 0.56 cubic feet of water per second (cfs) and 16 acres to allow you to operate a full pivot at 136 acres. The statute that allows severing from one parcel and transferring to other acres appears to direct that the diversion rate used with the transferred acres is what can be transferred. The statutory limit for 16 acres is 0.23 cfs. This is considerable less diversion rate authority than you desire to transfer. This appears to require some legal interpretation and I plan to seek advice on how to interpret the statute in this matter.

We need to spread the cfs over more of the existing acres or increase the number of acres - some simple calculations should accomplish this.
As stated in previous email correspondence, the Water Rights Program has concerns about the status on Mr. Mendel's water right because of numerous years of nonuse. A review of the irrigation questionnaires indicates that irrigation has not been conducted on this acreage since 1990. Also, a Water Rights Program staff person conducted a visual inspection of water rights from the Tulare:East James Aquifer last spring. This review found no irrigation equipment on Mr. Mendel's land and no sign of irrigation. The Water Management Board will ultimately need to make a determination on the status of the water right in determining whether to approve the transfer you are proposing.

Mr. Wollman, the questions listed above will need to be answered in order to complete the application so that the Water Rights Program may proceed with processing. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund

Eric Gronlund

Water Rights Program, DENR

(605) 773-3352

eric.gronlund@state.sd.us

enclosures

See Attachments

The goal is 750 gpd. for 136A. There is adequate water + acres for both

Para 6
Erie letter 12/18/13

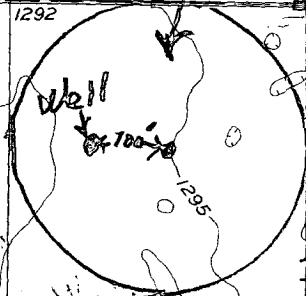
L I N C O L N

T. 115 N.
T. 114 N.

Lake Byron
NW Quad angle
S&T Interval
Prepared by
Jay Hermann
USDA-DRCS

42'30"

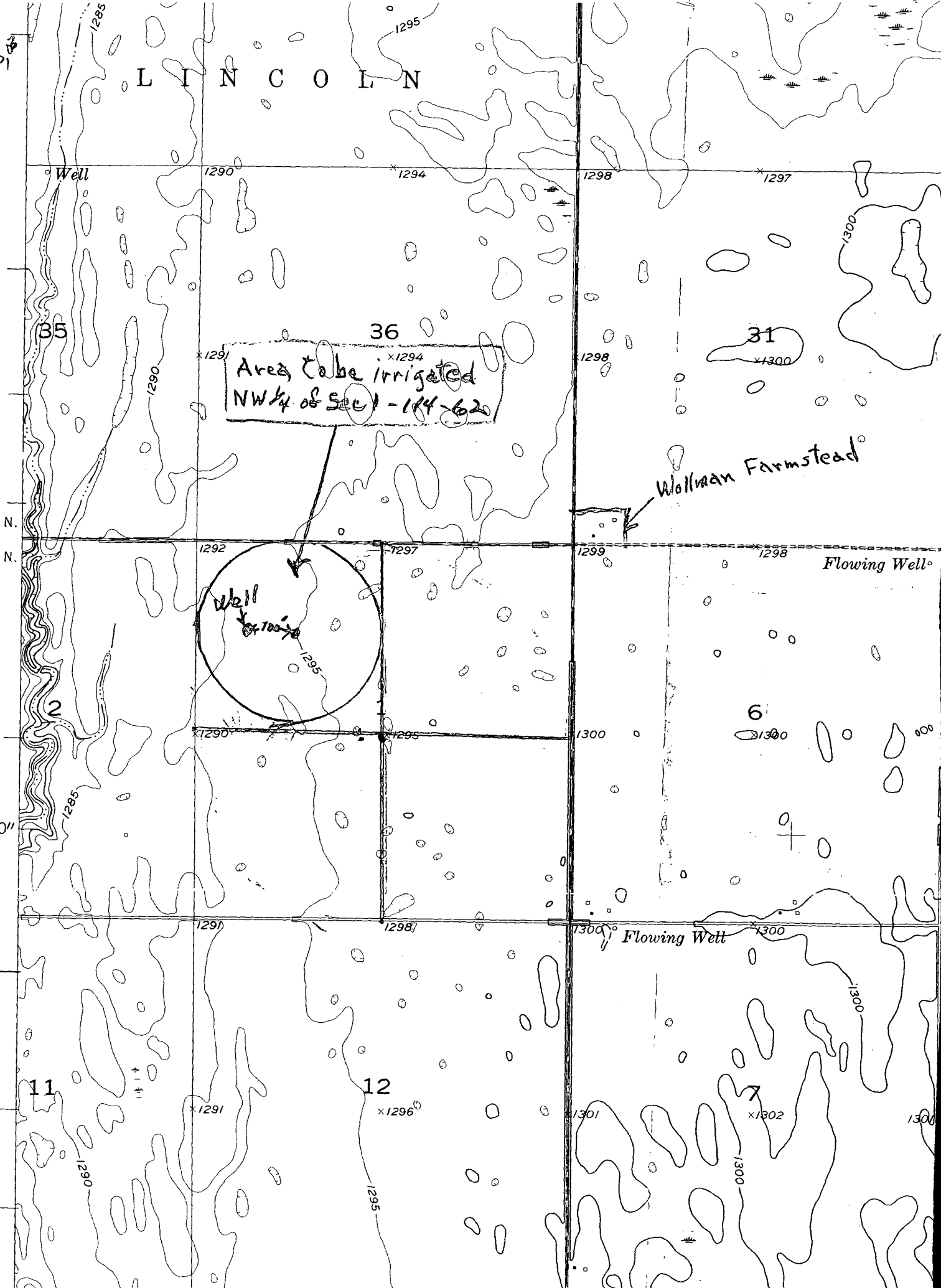
Area to be irrigated
NW 1/4 of Sec 1 - 114-620



Wallman Farmstead

Flowing Well

Flowing Well



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 24, 20 03

RECEIVED OF Harvey Wollman, 40004 184th St, Frankfort SD 57440

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

Fee for Application for Permit No. <u>1504A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.	50	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1504A-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

001.007

By Harland Ekbele
Chief Engineer

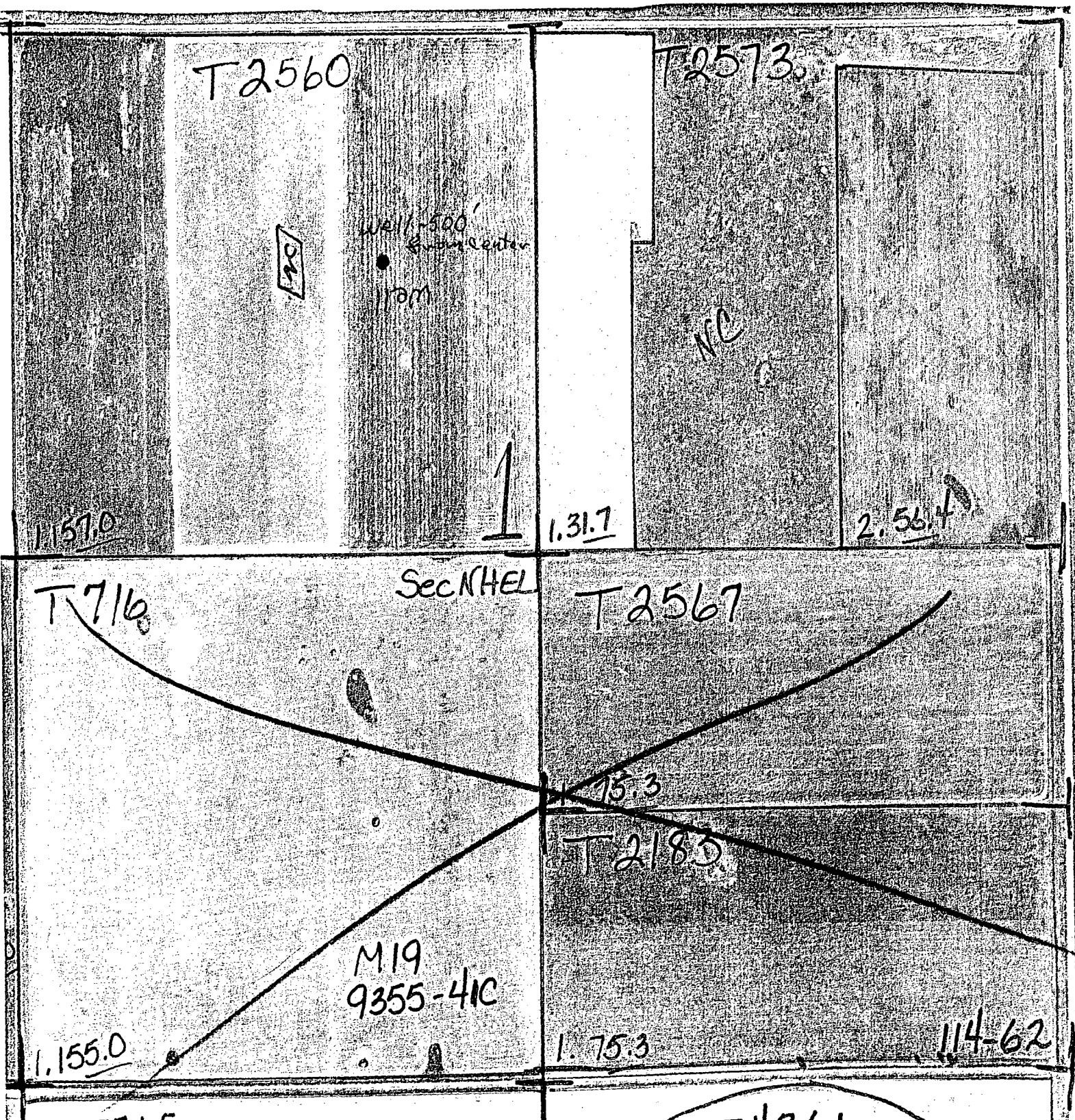
KS

2003

6570

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP



December 19, 2003

Garland Erbele, Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3182

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DEC 22 2003
WATER RIGHTS
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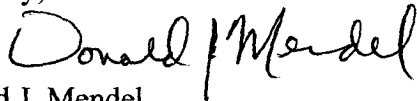
Dear Mr. Erbele:

This letter is in regard to the transfer of water right No. 1504-3, a subject which has been discussed with you in earlier communications. This is to affirm that water right No. 1504-3 was transferred to me when I purchased this farm from Irvin Wurz in 1981. I continued to irrigate annually with tow lines until the early 1990's. We were in an abnormal wet cycle until 2000, and it was not practical or in some cases even feasible to irrigate with tow lines during that period. In the last couple of years I have contemplated updating the irrigation equipment to center pivot, but several current considerations have delayed that action. I am retiring from active farming; I have a son whose National Guard Unit has been activated to military service in Iraq; and I have two neighbors and friends who are very interested in my transferring my water permit to them. I am in full agreement to transfer permit No. 1504-3 to them, and they will apply separately by the end of this year.

If there are any questions about this, please contact me. If it is necessary for me to appear before the Water Rights Board at the appropriate time please advise and I will be happy to do so.

Thank you for your help in this matter.

Sincerely,



Donald J. Mendel
17909 406 Ave.
Doland, SD 57436

Telephone 635-6587

Cc. Eric Gronlund

2003 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2003

No. 1504-3

DONALD J MENDEL
17909 406 AVE
DOLAND SD 57436 7408

Any address corrections?

Telephone No. 635-6587

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V2-IQ.pdf>

1. Is the system constructed? *yes ☐ no ☐

*Type of system used (check all that apply):

center pivots ☐ towlines ☒ big gun ☐
flood ☐ sprinklers ☐ other ☐

2. Did you irrigate in 2003? *yes ☐ **no ☒

*If yes, number of acres irrigated _____

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

Tow lines need replacing

3. Is the land enrolled in CRP? *yes ☐ no ☒

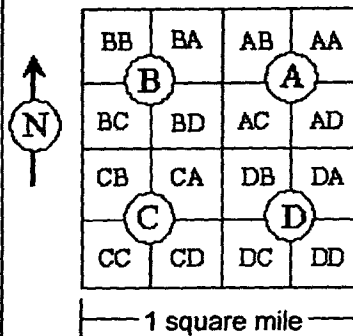
*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2003? yes ☐ no ☒

5. If permitted for more than one water source, circle each source used. A. GROUNDWATER

B.

C.



Office use only

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DEC 22 2003

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1504-3 (see above section map for help reading legal descriptions)

sec 14-T115N-R61W, B – 160.0 acres
sec 14-T115N-R61W, CA/B – 80.00 acres
sec 14-T115N-R61W, CD – 40.00 acres
sec 14-T115N-R61W, CC – 10.00 acres
sec 15-T115N-R61W, AC/D – 80.00 acres

Please provide your 2003 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

December 20, 2003

Eric Gronlund
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3182

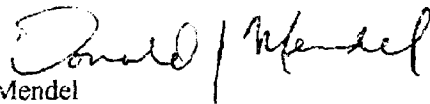
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DEC 24 2003
WATER RIGHTS
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Dear Mr. Gronlund:

This is in regard to the transfer of water right No. 1504-3 and meeting the criteria set forth in SDCL 46-5-34. In the current economic agricultural environment it is impractical to use this water right beneficially or economically for irrigation on the land to which it is appurtenant for the following reasons:

1. There is no part of the land to which the water right is appurtenant which can accommodate a standard sized center pivot. The land is transversed by an irregular creek and contains several "farmed wetlands". A standard size pivot could not make a full circle, and would be subject to getting stuck in the farmed wetlands. (See inclosed map)
2. The well is located 140 rods (2300 feet) from the center of where a proposed pivot would be. The well is also at an elevation 40 feet below the proposed pivot center.
3. At the time the permit was originally granted, irrigating with tow lines was economically practical and feasible. Tow line irrigation is no longer feasible because the economics have changed drastically in the last 25 years. Tow lines are labor intensive. The cost of farm labor has increased dramatically. High labor costs for irrigation is economically feasible only for high return specialty crops. Tow lines damage crops when moving the lines, which occurs every day during the irrigation season. High per unit returns are needed to offset the crop damage which is inevitable with tow line irrigation. In the current agricultural economic environment per unit returns are barely break even at best. There is no margin for deliberate crop damage in production practices.
4. Since tow lines are not economically practical and feasible, even though they were some years ago, and since a center pivot on this unit is not economically practical, I submit that this water right be transferred to other Spink County land which is suitable for center pivot irrigation where it will be of economic benefit to my friends and neighbors.

Sincerely,



Donald J. Mendel
17909 406 Ave.
Doland, SD 57436

*answer to Paragraph
7 Eric letter Dec 18, 03*

December 19, 2003

Garland Erbele, Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Mr. Erbele:

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If there are any questions about this, please contact me. If it is necessary for me to appear before the Water Rights Board at the appropriate time please advise and I will be happy to do so.

Thank you for your help in this matter.

Sincerely,

Donald J. Mendel
17909 406 Ave.
Doland, SD 57436

Telephone 635-6587

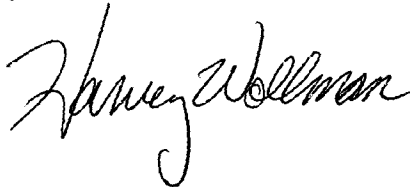
Cc:Eric Gronlund

*Received
your
fax
Don 12-20-03*

answer to Paragraph 7 Eric tells Dec 18, 03

Dec 22, 03

Eric Gronlund, As requested in your letter of December 18, 03 paragraph 7. The following is an explanation of how it is impractical beneficially or economically to irrigate the Mendel lands. The well is located in the s1/2 of NE1/4 of sec 15 115 -61 and the transfer pipe needed to cross a creek bed go under a bridge up the embankment across the road to w1/2 of sec 14 115 -61. This was always fraught with problems in the wet years of the 1990's so no irrigating was done. The well with the pump in it is there and the power unit is at the farmstead along with the transfer pipe. The towlines are in the field as of this date but Mr. Mendel has decided it isn't worth the contuing hassel of fighting the combination of obsticals to make this system operational however hard he tried in the past. Sometimes it is just better to transfer the water permit to more suitable locations and work with willing neighbors to keep the wheels of progress moving. All of us/as is the State, and our current Governor, committed to value added agricultural projects and this is certainly one of those. I hope that you and the staff will accept this explanation and continue to work will us in completing the goal that this transfer will accomplish. Respectfully submitted, Harvey Wollman

A handwritten signature in cursive script that reads "Harvey Wollman". The signature is written in dark ink and is positioned below the typed name.

*Explanation of presence of operatable
Irrigation equipment on Mendel farm*

December 20, 2003

To Whom It May Concern:

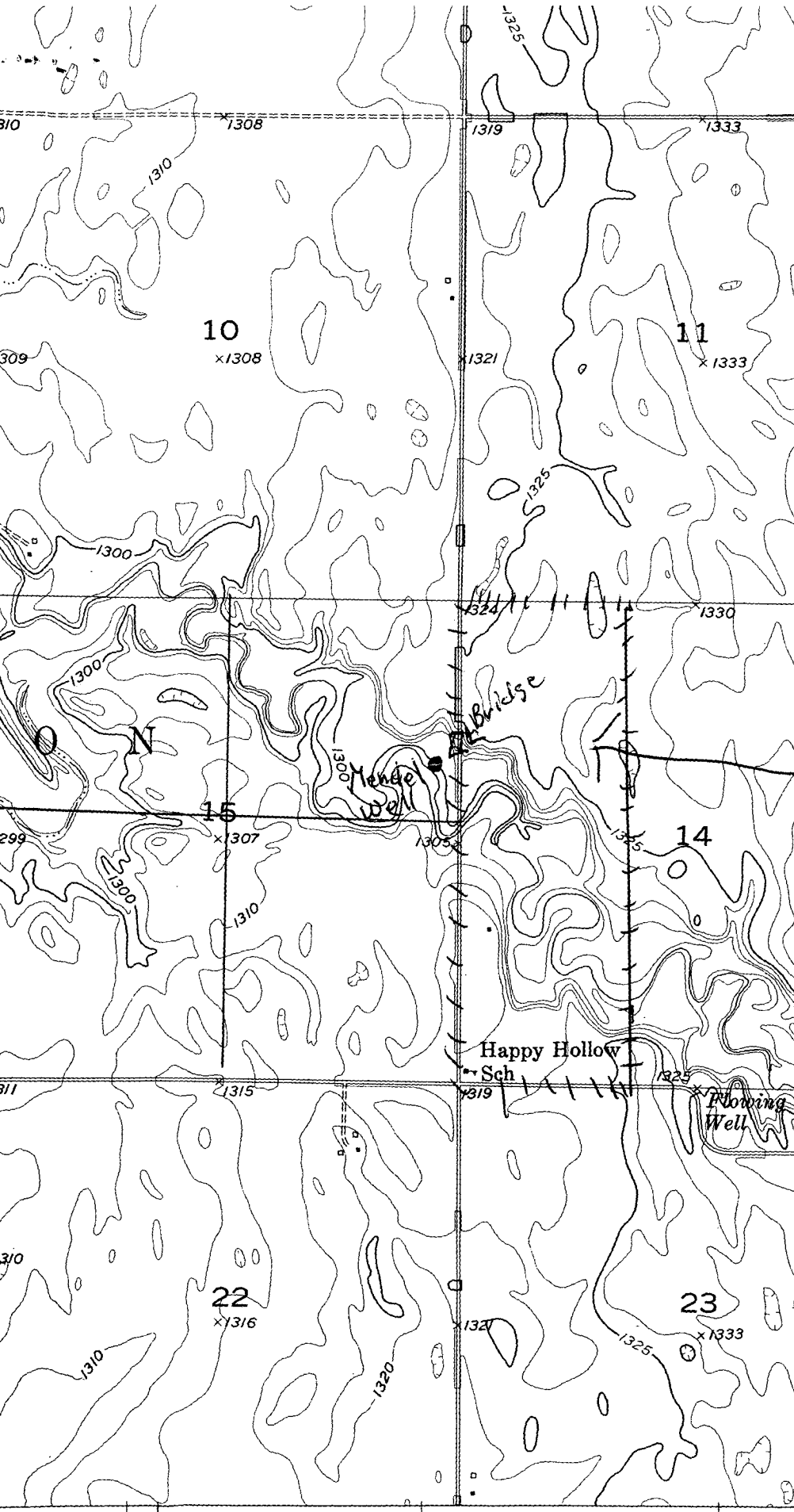
This is in reference to water right No. 1504-3 and the visual inspection report of the Water Rights Program staff person made in the spring of 2003. The report was quoted as stating that, "found no irrigation equipment on Mr. Mendel's land and no sign of irrigation". As owner and operator I am clarifying that report. The irrigation equipment is still physically present on the premises, even though it is not visible from the road. The irrigation well and pump are located in the S1/2 of the NE1/4 of 15-115-61 Harrison Twp, Spink County. The well and pump are in pastureland 60 rods to the west of and in a different quarter section than the irrigated cropland. The portable LP power unit was and still is in machine shed storage. The irrigation pipe is stored on the old farm site, NW1/4 14-115-61. The tow lines were not in use at the time of the inspection, but were present and stored along the east and west boundary fences. None of this equipment is visible from the road.

At the time of the staff person visit, we visited about the wet cycle of the 90's, and that if 2003 would be "normal" or "dry" as 2002 had been, then 2004 would be the third year of statutory grace for keeping my water permit active. In this conversation no request was made to view irrigation equipment, other than the notation that my system was a tow-line system and not a center pivot.

Sincerely,

Donald J. Mendel

Donald J. Mendel
17909 406 Ave.
Doland, SD 57436



Mendel Property

Doland SW
Quadrangle
544 Interval
Prepared by
Jay Hermann

W 1/2 of Sec 14
115-61

Area irrigated
with towlines
Topography map
obvious as to
the inherent
difficulty!

20

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C. - 1957-NS
MR 0345

569000m. E.

98°07'30"

4956000m. N.

44°45'

ROAD CLASSIFICATION

Medium-duty Light-duty

(BYRON 1:125)

December 20, 2003

To Whom It May Concern:

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Sincerely,



Donald J. Mendel
17909 406 Ave.
Doland, SD 57436

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JAN 07 2004
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PROGRAM

December 20, 2003

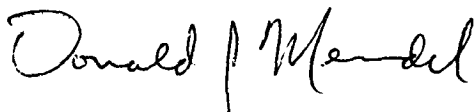
Eric Gronlund
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Mr. Gronlund:

This is in regard to the transfer of water right No. 1504-3 and meeting the criteria set forth in SDCL 46-5-34. In the current economic agricultural environment it is impractical to use this water right beneficially or economically for irrigation on the land to which it is appurtenant for the following reasons:

1. There is no part of the land to which the water right is appurtenant which can accommodate a standard sized center pivot. The land is transversed by an irregular creek and contains several "farmed wetlands". A standard size pivot could not make a full circle, and would be subject to getting stuck in the farmed wetlands. (See inclosed map)
2. The well is located 140 rods (2300 feet) from the center of where a proposed pivot would be. The well is also at an elevation 40 feet below the proposed pivot center.
3. At the time the permit was originally granted, irrigating with tow lines was economically practical and feasible. Tow line irrigation is no longer feasible because the economics have changed drastically in the last 25 years. Tow lines are labor intensive. The cost of farm labor has increased dramatically. High labor costs for irrigation is economically feasible only for high return specialty crops. Tow lines damage crops when moving the lines, which occurs every day during the irrigation season. High per unit returns are needed to offset the crop damage which is inevitable with tow line irrigation. In the current agricultural economic environment per unit returns are barely break even at best. There is no margin for deliberate crop damage in production practices.
4. Since tow lines are not economically practical and feasible, even though they were some years ago, and since a center pivot on this unit is not economically practical, I submit that this water right be transferred to other Spink County land which is suitable for center pivot irrigation where it will be of economic benefit to my friends and neighbors.

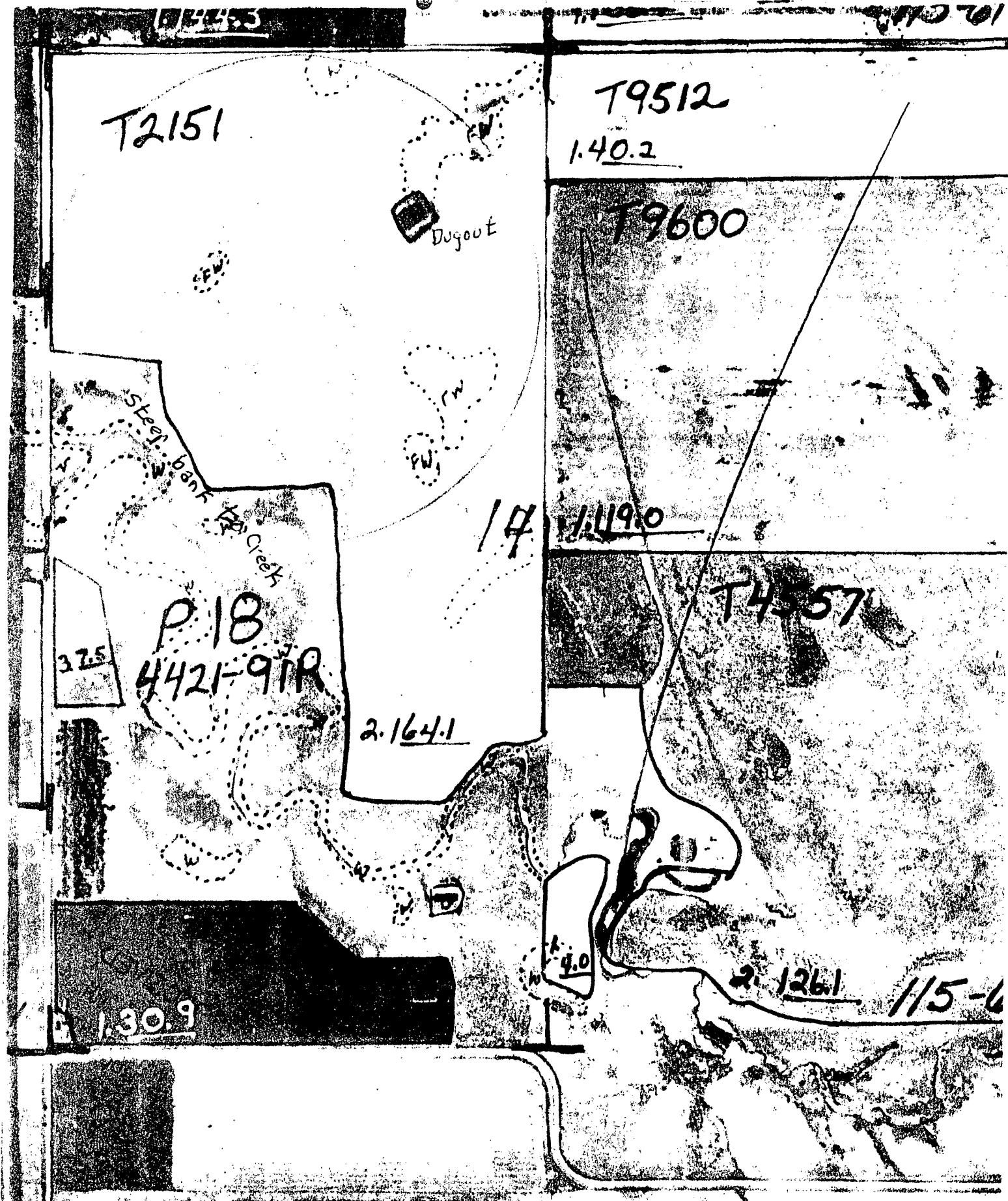
Sincerely,



Donald J. Mendel

RECEIVED
JAN 07 2004
WATER RIGHTS
PROGRAM

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



REPORT ON WATER PERMIT APPLICATION NOS. 1504A-3 AND 1504B-3
For Harvey Wollman and Larry Wipf
January 30, 2004

Application Nos. 1504A-3 for Harvey Wollman proposes to transfer 16 acres of irrigated land and 0.55 cfs diversion rate authorized by Water Right No. 1504-3 to water permit No. 2729A-3. The total appropriation under water permit No. 2729A-3 would be 1.66 cfs for irrigation of 136 acres located in the NW $\frac{1}{4}$ of section 1, T114N R62W.

Application No. 1504B-3 for Larry Wipf proposes to transfer 136 acres of irrigated land and a diversion rate of 1.66 cfs from Water Right No. 1504-3 to a well located near the center of the SW $\frac{1}{4}$ and 136 acres of land located in the SW $\frac{1}{4}$ of section 28, T115N R61W.

AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James is a predominantly buried outwash (sand and gravel) aquifer which has been declared fully appropriated based upon water use by the Water Management Board. This means that additional appropriations (new permits) can not be granted because water is not available from the Tulare East James aquifer. At this time there three sets of findings of fact and conclusions of law which have not yet been adopted which could affect appropriations from the Tulare East James aquifer. However, application Nos. 1504A-3 and 1504B-3 should not be affected by those circumstances.

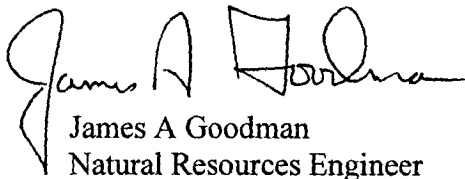
The question becomes can the original Water Right No. 1504-3 be amended and transferred to two new users. Evidence indicates that Water Right No. 1504-3 should be cancelled because it has been forfeited for nonuse. Originally, Water Right No. 1504-3 authorized irrigation of 370 acres with a diversion rate of 2.22 cfs. But according to irrigation questionnaire reporting these lands have not been irrigated since 1990.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The transfer to 1504A-3 would not increase the potential for interference. The nearest irrigation well would be about one-half mile to the south which is sufficient to minimize any potential impacts. A hydrograph for observation well SP-77U is included with this report. This observation well is located within one mile of the permit application and represents ground water levels for the area. The transfer of 1504B-3 could increase the potential for interference. The nearest existing irrigation well is about 2000 feet northeast of the well for this application. There will be drawdown created by pumping that will overlap but both the distance between wells and large saturated thickness (about 130 feet from test well log) should help to minimize potential impacts at this site. A hydrograph of observation well SP-77N is included with this report. This observation well is within one mile of this application and represents ground water levels for this area. Both water level records indicate that pumping does not significantly affect water levels in these areas. The hydrographs indicate the aquifer is capable of sustaining these proposed changes (Water Rights, 2004).

CONCLUSIONS

1. Ground water for new appropriations is not available from the Tulare East James aquifer. Both of these applications propose to use water transferred from an existing water right in the Tulare East James aquifer. The source of water for Water Right No. 1504-3 is also the Tulare East James aquifer. If Water Right No. 1504-3 is determined to be a valid right then it can be split and transferred.
2. The aquifer is under water table conditions at both sites. Water can be transferred to each site without impairing existing rights. There is an increased potential for interference at the 1504B-3 site, however, the saturated thickness and distance between production wells should minimize this potential.
3. If these applications are approved any new wells must be constructed in accordance with SD Well Construction Standards.
4. Evidence from the irrigation questionnaire filed for Water Right No. 1504-3 indicates that no irrigation has been conducted under this right since about 1990. This right appears to have been forfeited according to SDCL 46-5-37. It is up to the Water Management Board to determine if legal excuse exists for this Water Right under ARSD 74:02:01:37.01.
5. SDCL 46-5-34 allows amendment of an existing right. It appears that in order to transfer a portion of this water right (diversion rate and land) to the two applications the only criteria would be that both parties obtain sufficient land and water to meet their needs yet still remain within the original conditions of the water right. Any remaining waters not put to use would be subject to abandonment and forfeiture just like any other water permit/right.

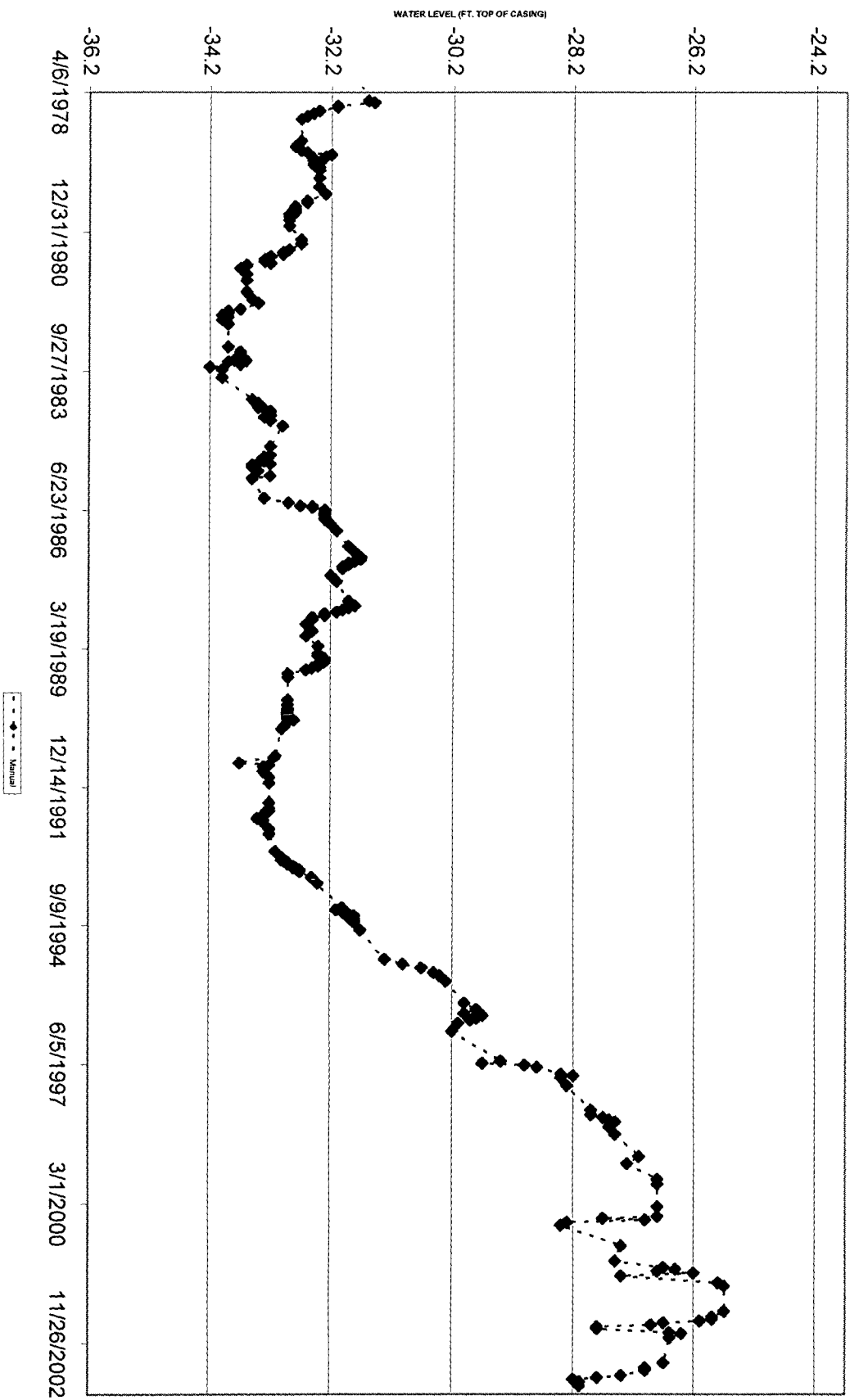


James A Goodman
Natural Resources Engineer

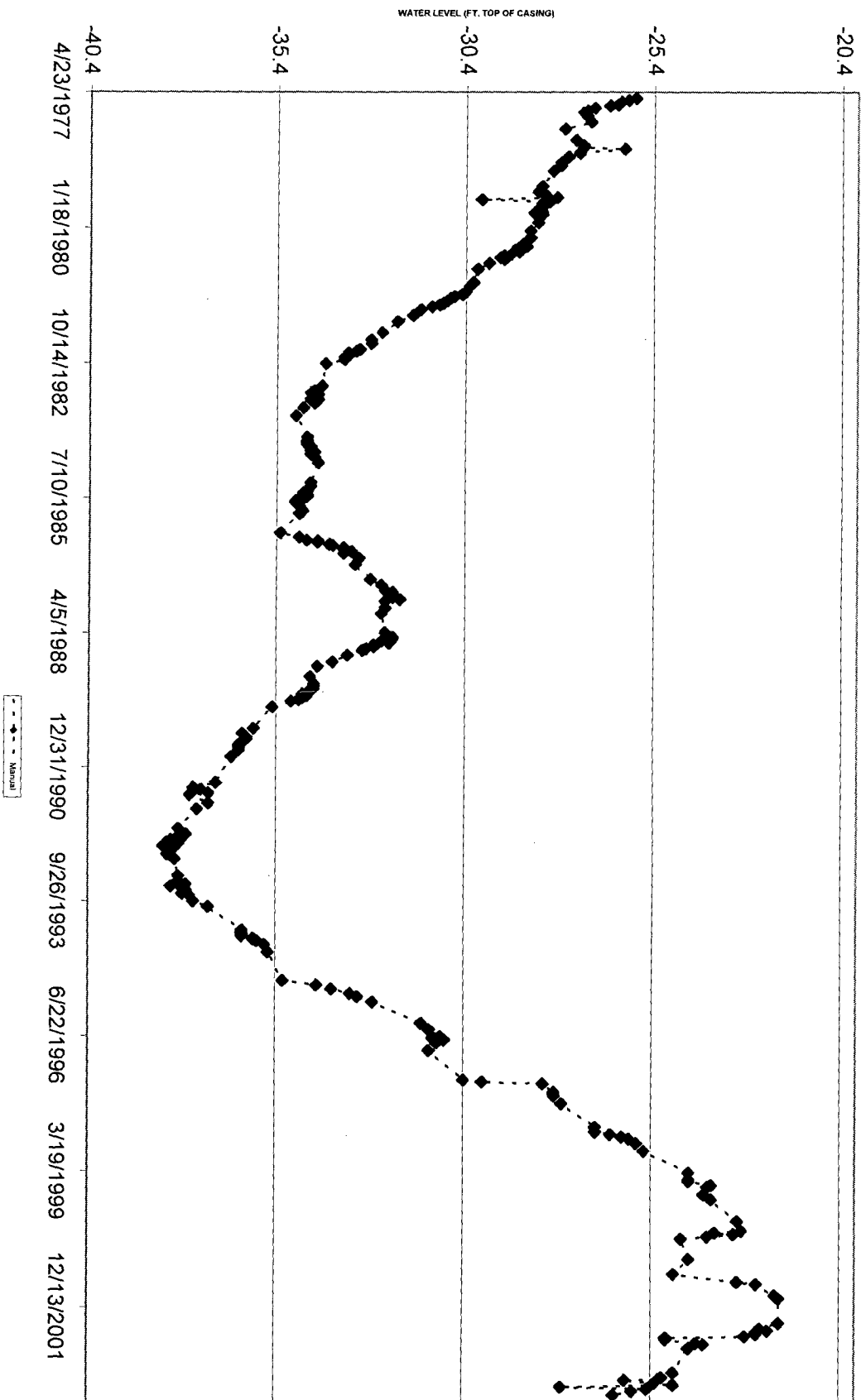
BIBLIOGRAPHY

Water Rights, 2004, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SP-77U



WATER RIGHTS' OBSERVATION WELL
SP-77N





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1504A-3, Harvey Wollman**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1504A-3, Harvey Wollman, 40004 184th Street, Frankfort SD 57440.

The Chief Engineer is recommending DEFERRAL of Application No. 1504A-3 until the Water Management Board makes a determination on validity of Water Right No. 1504-3 as set forth in the Notice of Cancellation dated January 29, 2004.

Garland Erbele, Chief Engineer
January 29, 2004



DEPARTMENT of ENVIRONMENT
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February 27, 2004

Larry Wipf
18212 SD Hwy 37
Frankfort SD 57440

Harvey Wollman
40004 184th Street
Frankfort SD 57440

Dear Mr. Wipf and Mr. Wollman:

Please find enclosed a copy of the staff report prepared on Water Permit Application Nos. 1504A-3 and 1504B-3.

These applications are scheduled for consideration before the Water Management Board at 1:30 PM on March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501.

Currently, the Chief Engineer has recommended deferral of the applications until the Water Management Board makes a determination on the validity of Water Right No. 1504-3 held by Donald Mendel. The hearing to consider cancellation of Water Right No. 1504-3 will take place just prior to the hearing on these applications. Depending on the Board's determination on the status of Water Right No. 1504-3, the Chief Engineer will revise his recommendation accordingly.

If you have any questions on the upcoming hearings, please feel free to contact me.

Sincerely,


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

cc: Don Mendel

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182

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**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

January 29, 2004

Harvey Wollman
40004 184th St
Frankfort SD 57440

Dear Mr. Wollman:

Water Permit Application No. 1504A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice and recommendation of the Chief Engineer are enclosed. The report on the application will be sent to you in the near future. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



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 29, 2004

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1504A-3 to Appropriate Water to be published twice. Please publish the first notice on February 4, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Harvey Wollman, 40004 184th St., Frankfort SD (Ph # 605-266-2874).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 1504A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 29, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 1504A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 4, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1504A-3 to Amend by Transferring a Portion of Water Right No. 1504-3

Notice is given that Harvey Wollman, 40004 184th St, Frankfort SD 57440 has filed an application to amend a portion of Water Right No. 1504-3 held by Donald Mendel. Application No. 1504A-3 proposes to amend Water Right No. 1504-3 by transferring a portion the irrigated acres and diversion authority to other land. Water Right No. 1504-3 appropriates 2.22 cubic feet of water per second (cfs) from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 370 acres located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 14 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15; all in T115N-R61W. This application proposes to sever 16 acres and a diversion authority of 0.55 cubic feet of water per second (cfs) and simultaneously transfer and become appurtenant to land in the NW $\frac{1}{4}$ Section 1, T114N, R62W. Currently, Mr. Wollman holds Water Permit No. 2729A-3 which appropriates 1.11 cfs from one well (Tulare:East James Aquifer) located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1 to irrigate 120 acres located in the NW $\frac{1}{4}$ Section 1, T114N, R62W. Mr. Wollman has filed this application to allow operation of a 136 acre center pivot. If approved, Water Permit 2729A-3 and this application would appropriate a total of 1.66 cfs to irrigate 136 acres in the NW $\frac{1}{4}$ of Section 1, T114N, R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from a parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Wollman indicates that because of a creek and bridge crossing it is impractical to beneficially or economically for Mr. Mendel to irrigate the land. Mr. Mendel is in agreement with the proposed transfer.

At the same time this application was filed, Larry Wipf also filed an application to transfer a portion of Water Right No. 1540-3 to different acres. See the public notice for Application No. 1504B-3 published in this addition.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 1504A-3 until the Water Management Board makes a determination on validity of Water Right No. 1504-3 as set forth in the Notice of Cancellation dated January 29, 2004. If the Board rules that Water Right No. 1504-3 is not subject to cancellation, a hearing on this application will commence immediately and the Chief Engineer may revise his recommendation. Any party desiring to participate in the hearing must file a petition to intervene as set forth in the following paragraphs.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 23, 2004. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 1:30 P.M., March 3, 2004 in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre SD. The Chief Engineer's recommendation is not final or

binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 3, 2004 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 23, 2004.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 23, 2004, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by February 23, 2004.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

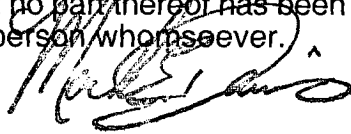
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

28 Notice of Hearing Water Right no. 1504-3

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on February 4, 2004 and the last publication being made on February 11, 2004 that the full amount of the fee charged for publishing the same to-wit: the sum Sixty and 56100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 19th day of February, 2004.


Notary Public, South Dakota

My commission expires 11/10/09

RECEIVED
FEB 24 2004
WATER RIGHTS
PROGRAM



Notice of Hearing

29

NOTICE OF HEARING ON APPLICATION NO. 1504A-3 TO AMEND BY TRANSFERRING A PORTION OF WATER RIGHT NO. 1504-3.

Notice is given that Harvey Wollman, 40004 184th St, Frankfort Sd 57440 has filed an application to amend a portion of Water Right No. 1504-3 held by Donald Mendel. Application No. 1504A-3 proposes to amend Water Right No. 1504-3 by transferring a portion the irrigated acres and diversion authority to other land. Water Right No. 1504-3 appropriates 2.22 cubic feet of water per second (cfs) from one well located in the SE 1/4 NE 1/4 Section 15 to irrigate 370 acres located in the NW 1/4, SW 1/4 section 14 and the S 1/2 NE 1/4 Section 15; all in T115N-R61W. This application proposes to sever 16 acres and a diversion authority of 0.55 cubic feet of water per second (cfs) and simultaneously transfer and become appurtenant to land in the NW 1/4 Section 1, T114N, R62W. Currently, Mr. Wollman holds Water Permit No. 2729A-3 which appropriates 1.11 cfs from one well (Tulare:East James Aquifer) located in the W1/2 NW 1/4 of Section 1 to irrigate 120 acres located in the NW 1/4 Section 1, T114N, R62W. Mr. Wollman has filed this application to allow operation of a 136 acre center pivot. If approved, Water Permit 2729A-3 and this application would appropriate a total of 1.66 cfs to irrigate 136 acres in the NW 1/4 of Section 1, T114N, R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application. State Law (SDCL 46-5-34) allows an irrigation water right to be severed from a parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Wollman indicates that because of a creek and bridge crossing it is impractical to beneficially or economically for Mr. Mendel to irrigate the land. Mr. Mendel is in agreement with the proposed transfer.

At the same time this application was filed, Larry Wipf also filed an applica-

Notices

tion to transfer a portion of Water Right No. 1540-3 to different acres. See the public notice for Application No. 1504 B-3 published in this addition.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 1504A-3 until the Water Management Board make a determination on validity of Water Right No. 1504-3 as set forth in the Notice of Cancellation dated January 29, 2004. If the Board rules that Water Right No. 1504-3 is not subject to cancellation, a hearing on this application will commence immediately and the Chief Engineer may revise his recommendation. Any party desiring to participate in the hearing must file a petition to intervene as set forth in the following paragraphs.

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The Water Management Board will consider this application at 1:30 P.M., March 3, 2004 in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre SD. The Chief Engineers recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 3, 2004 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person opposing the application. The request for an automatic delay must be filed by February 23, 2004.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witness according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Grohlund by February 23, 2004, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by February 23, 2004.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(February 4, 11)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 30 2004

Harvey Wollman
40004 184th St
Frankfort SD 57440

Dear Mr. Wollman:

Enclosed is Water Permit No. 1504A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

may. 2004

To Harland + Staff

Thanks again for
your help with this.
It meant alot to me.

Sincerely,

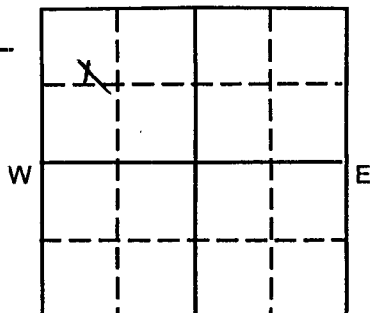
Harvey Wellman

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 1 Twp 114 Rg 62County
Spink

North

Please mark well
location with an "X"

1 Mile

Well Completion Date

10/15/2003

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from Irrigation (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	106.0	24.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	20.0 Ft
Cement	6			

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial Stainless SteelSlot Size .057 Set From 106.0 Feet to 121.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Gravel packed

Describe packer(s) and location

Pea Rock @106 To 121

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Harvey Wallman

Business Name:

Address: 40004 184th StCity, State, Zip: Frankfort SD 57440

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	8
Yellow Sand	8	40
Med to fine sand	40	89
Med to coarse sand	89	121

STATIC WATER LEVEL 41.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ OtherReduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

73.9 Ft. After 1.5 Hrs. pumped 800.0 GPM75.3 Ft. After 5.0 Hrs. pumped 800.0 GPMIf pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Rayne Pullman

RECEIVED

Signature of Well Owner or Equitable Property Holder:

DEC 31 2003

WATER RIGHTS
PROGRAMDate: 11-10-03

1-2-04

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date May 4, 2004

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAY 06 2004

WATER RIGHTS
PROGRAM

FROM: Harvey Wollman
(name)
40004 184th ST
(address)
Frankfort, SD 57440
(city, state, zip)

605-266-2874
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1504A-3 states that the water use system is to be constructed by

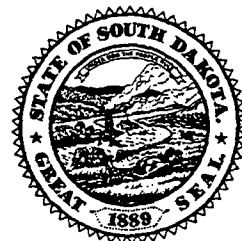
May 1, 2004 (date), and water is to be put to beneficial use by May 15, 2004 (date).

The water use system was completed on May 1 2004 (date).

Applying the water to beneficial use was completed on May 2004 (date).

You may schedule an investigation so that the water license may be issued.

Harvey Wollman
(signature)



File No. 1504A-3
2729A-3
6398-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harvey Wollman, 40004 184th St, Frankfort SD 57440

DATE: November 2, 2005

TELEPHONE:

RE: status of development

COMMENTS:

Mr. Wollman called in regard to the five 2005 irrigation questionnaires he received and wanted to clarify that he only had three systems.

I explained to him that once he was completed with construction, a staff member would be out to take a look at the systems and water licenses would be issued. The licenses most likely will incorporate older numbers and in the end he will have three questionnaires as opposed to five each year to fill out.

He indicated that construction of his irrigation systems was complete and he was ready for inspection.



Genny McMath
Environmental Scientist

Form 12

Permit Nos. 1504A-3 and 2729A-3
James River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 23, 2012, made a thorough examination of the water use system constructed by Harvey Wollman, 40004 184th Street, Frankfort SD 57440 holder of Permit Nos. 1504A-3 and 2729A-3, bearing the priority of February 9, 1968 and April 9, 1976 authorizing the diversion of 0.55 and 1.11 cu. ft. per second, respectively (total of 1.66 cfs and 136 acres) from the Tulare:East James Aquifer for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

One well in place each with a 50 HP pump/motor

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

Approximately 780 feet of underground pipeline from well to pivot center

C. Works used to apply water to beneficial use:

One 8 tower T-L center pivot

The system is in the following condition excellent. The point of diversion is located specifically Lat 44.71545 Lon -98.23863 --- approx. 1,230 feet north and 600 feet east of southwest corner Section 1, T114N, R62W (SW ¼ NW ¼) The works are capable of diverting a total of 1.78 cfs from the one well which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 1, T114N, R62W

NW ¼ NW ¼	34
NE ¼ NW ¼	34
SW ¼ NW ¼	34
SE ¼ NW ¼	34

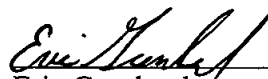
This breakdown of acres is a best estimate based on 1) information provided and 2) viewing the 2012 FSA aerial using ArcMap,

comprising a total of 136 acres of land and the license should be issued for 1.66 cfs based on the capacity of the well and center pivot.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: diversion rate and well plugging condition (see comment section)

Date Report Completed: June 16, 2014



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 1504A-3 and 2729A-3

DATE OF INVESTIGATION:	May 23, 2012
NAME & ADDRESS OF PERMIT HOLDER	<u>Harvey Wollman</u> <u>40004 184th Street</u> <u>Frankfort SD 57440</u>
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Harvey Wollman, owner
DIVERSION POINT LEGAL LOCATIONS	<u>Lat 44.71545 Lon -98.23863 --- approx. 1,230</u> <u>feet north and 600 feet east of southwest corner</u> <u>Section 1, T114N, R62W (SW ¼ NW ¼)</u>

WELL INFORMATION:

- 1) Well Drilling Firm: **Pullman**
- 2) No. of Wells 1
- 3) Depth(s) 121 feet
- 4) Well logs is available Yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 106 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level 41 feet

Pump: well

- 1) Make Western Land pump
- 2) Model
- 3) Size
- 4) Capacity 800 GPM*

Motor:

- 1) Make US Electric
- 2) Model No. BF 54A
- 3) Horsepower rating 50 hp

SYSTEM TYPE:

Center pivot: Make T-L

- 1) Overall length approx. 1,300 feet ()
- 2) Number of towers 8 tower
- 3) Distance between towers _____ feet
- 4) End gun Yes
- 5) High or low pressure 40 psi
- 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT: No

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

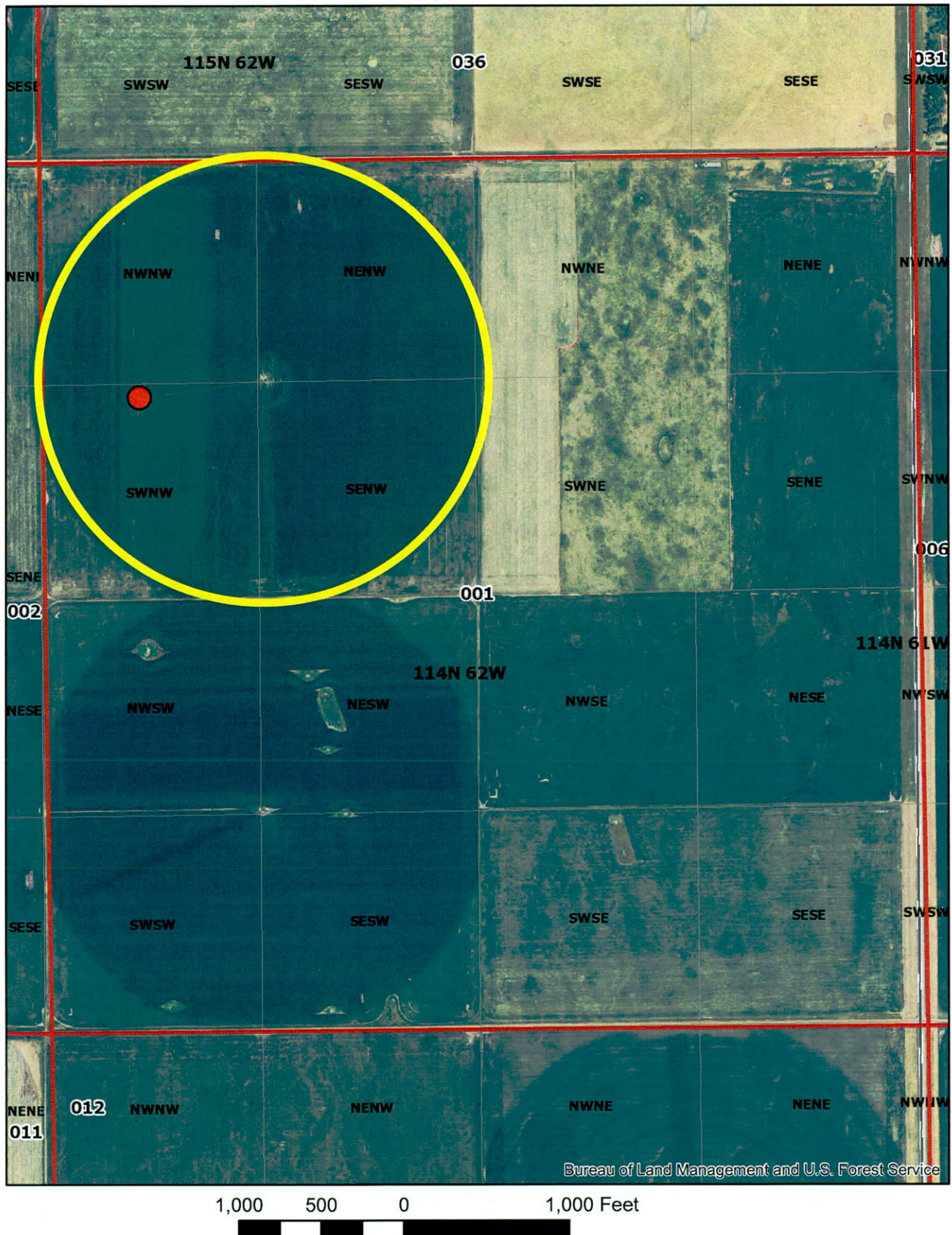
COMMENTS:

The combined diversion rate authority is 1.66 cfs (745 gpm). Mr. Wollman stated the well produces 1.78 cfs (800 gpm). Suggested action: license for the permitted amount of 1.66 cfs.

Issuance of Water Permit No. 2729A-3 included the following qualification.

4. The 120 acres located in the SE ¼ Section 2, T114N, R62W originally authorized for irrigation by Water Right No. 2729-3 shall no longer be irrigated once the irrigation system begins operating in the NW ¼ Section 1, T114N, R62W. The well located in the E ½ SE ¼ Section 2, T114N, R62W shall be plugged in accordance with well construction standards.

Since this amendment involved transferring the water right to land owned by Mr. Wollman and not LeRoy Gross it is unclear how the qualification to plug the well in the E ½ SE ¼ Section 2, T114N, R62W on Mr. Gross' property is enforceable upon Mr. Wollman. Since Water Right No. 2729-3 is basically just a "shell" since no water or acreage are associated with it, the suggested action is to notice Water Right No. 2729-3 for cancellation and in that process require Mr. Gross to plug the well if it hasn't already been plugged. No plugging report is on file.



well is approximately 1,230 feet north and 600 feet east of southwest corner of Section 1, T114N, R62W

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
Licensing Investigation May 23, 2012



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



1504A-3

JUL 07 2014

1504A-3
2729A-3

Harvey Wollman
40004 184th St
Frankfort SD 57440

Dear Mr. Huber:

Enclosed is Water License No. 1540A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1504A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

Upon licensing, the applicable portions of Water Permit No. 2729A-3 were incorporated into Water License No. 1504A-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

NOTE: Water License No. 1504A-3 authorizes a maximum diversion rate of 1.66 cfs or 745 gallons per minute. Your well is capable of diverting 1.78 cfs or 800 gpm. Please be aware that you are restricted to the licensed diversion rate of 745 gallons per minute.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1504A-3

(1) Harvey Wollman, 40004 184th St, Frankfort SD 57440 made Application No. 1504A-3, December 17, 2003 for a water permit to transfer a portion of the irrigated acres and diversion authority from Water Right No. 1504-3 to other land. The permit authorized severing 16 acres and diversion authority of 0.55 cubic feet of water per second (cfs) to become appurtenant to land in the NW $\frac{1}{4}$ Section 1, T114N, R62W. The project is located in Spink County, South Dakota. Permit No. 1504A-3, with a priority date of February 9, 1968 (established under Water Right No. 1504-3) was approved March 3, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 2009 and for the application to beneficial use of said water on or before March 3, 2013.

Water Permit No. 2729A-3 amended Water Right No. 2729-3 by transferring irrigated acreage and point of diversion to other land. The acreage originally authorized under Water Right No. 2729-3 in the SE $\frac{1}{4}$ Section 2, T114N, R62W would no longer be irrigated once the irrigation system began operating in the NW $\frac{1}{4}$ Section 1, T114N, R62W.

The applicable portions of Water Permit No. 2729A-3 are being incorporated into Water License No. 1504A-3. A priority date of February 9, 1968 (established under No. 1504-3) is retained for 0.55 cfs and a priority date of April 9, 1976 (established under No. 2729-3) is retained for 1.11 cfs.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.66 cubic feet of water per second for beneficial use. The location of the diversion point is 1,230 feet north and 600 feet east of the SW corner of Section 1, T114N, R62W (SW $\frac{1}{4}$ NW $\frac{1}{4}$).

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

Section 1, T114N, R62W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>34 acres</u>
	Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harvey Wollman, 40004 184th St., Frankfort SD 57440 the holder and/or owner of Incorporated Water Right No. 1504A-3 is issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from ground water (one well, Tulare East James Aquifer) with priority dates of February 9, 1968 (0.55 cfs) and April 9, 1976 (1.11 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 1504A-3 and subject to the following qualifications:

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

- The well authorized shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *Well drilled by Pullman Drilling in October 2013. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUL 07 2014

date





1504A-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 13, 2023

3036-3
1504A-3
6398-3

Anne Wollman
40004 184th St
Frankfort SD 57440

Dear Ms. Wollman:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed are the receipts of payment for your records.

Water Right Nos. 3036-3, 1504A-3, and 6398-3, previously owned by Harvey Wollman are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

No. 1504A-3

DEC 12 2023

Ck#

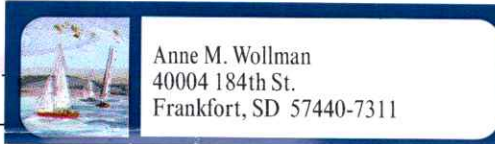
Rec't#

Date: 12-4-2023

I/We request that Water Right No. 1504A-3

formerly owned by: Harvey Wollman

be transferred to: (name & address)



Telephone No. 605 266 2874

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

136 acres – NW ¼ Section 1 – T114N – R62W

I/We understand that the validity of Water Right No. 1504A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Anne M. Wollman, the new owner, certify that the above information is true and correct.

Anne M. Wollman
(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.

RECEIVED

DEC 12 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 12, 2023

RECEIVED OF Anne Wollman 40004 184th St., Frankfort SD 57440-7311

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>1504A-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
zm