

Water Right Number 2308-3

1. Considered JULY 24, 1975
2. Name of Applicant MERRITT A. SEEFELDT & SONS
3. Post Office Address CLARK
4. Amount of Water claimed 5.84
5. Source of Water supply 3 - 80' DEEP WELLS
6. Water to be used for IRRIGATION

Acres to be irrigated 408.00

7. Water to be diverted and used in CLARK County
- about 4.5 miles of CLARK

8. Proof of Publication Received 7-11-75
- Not Received _____

9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 2308-3
 Map No. 1690-3 Water Division No. 3 JAMES RIVER
 (blanks to be filled by the Engineer for the W. R. C.)

 District 2 1175
8:30
STATE WATER RIGHTS 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 Merritt A. Seefeldt & Sons
 Postoffice Address Clark RR 3 State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Merritt A. Seefeldt & Sons' project No. 1
4. Amount of water claimed (cubic feet per second) 5.84 six cubic feet per second MAXIMUM ALLOWABLE
5. Source of water supply Wells LOT 7 & NW 1/4 SW 1/4
6. Location of point of diversion Lot 5, of SW 1/4 of sec. 30 116N Range 57 W.
- County Clark

7. Annual period or periods during which water is to be used April 1 through Nov. 1
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 408

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Lot 5 SW 1/4-116-57 Section 30	30.60	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXX
Lot 4 NW 1/4-116-57	30.80	NE 1/4 SW 1/4-116-57 Section 30	40.0
Lot 6 SW 1/4-116-57	33.48	SE 1/4 SW 1/4-116-57	40.0
Lot 7 SW 1/4-116-57	33.48	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXX

10. T Lot 2 NE 1/4-116-57 19.2 Ac.
 Lot 3 NE 1/4-116-57 20.9 Ac.
 P ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
 NE 1/4 NE 1/4-116-57
 11. C NW 1/4 SE 1/4-116-57 40.0 Ac.
 12. P SW 1/4 SE 1/4-116-57 40.0 Ac.
 NE 1/4 SE 1/4-116-57 40.0 Ac.
 A SE 1/4 SE 1/4-116-57 40.0 Ac.

if more space is needed

 stem five years. Additional time required to complete three years.
Water publication Clark county Courier

Well & pipeline

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

Pipeline

C. Works proposed to apply water to beneficial use.

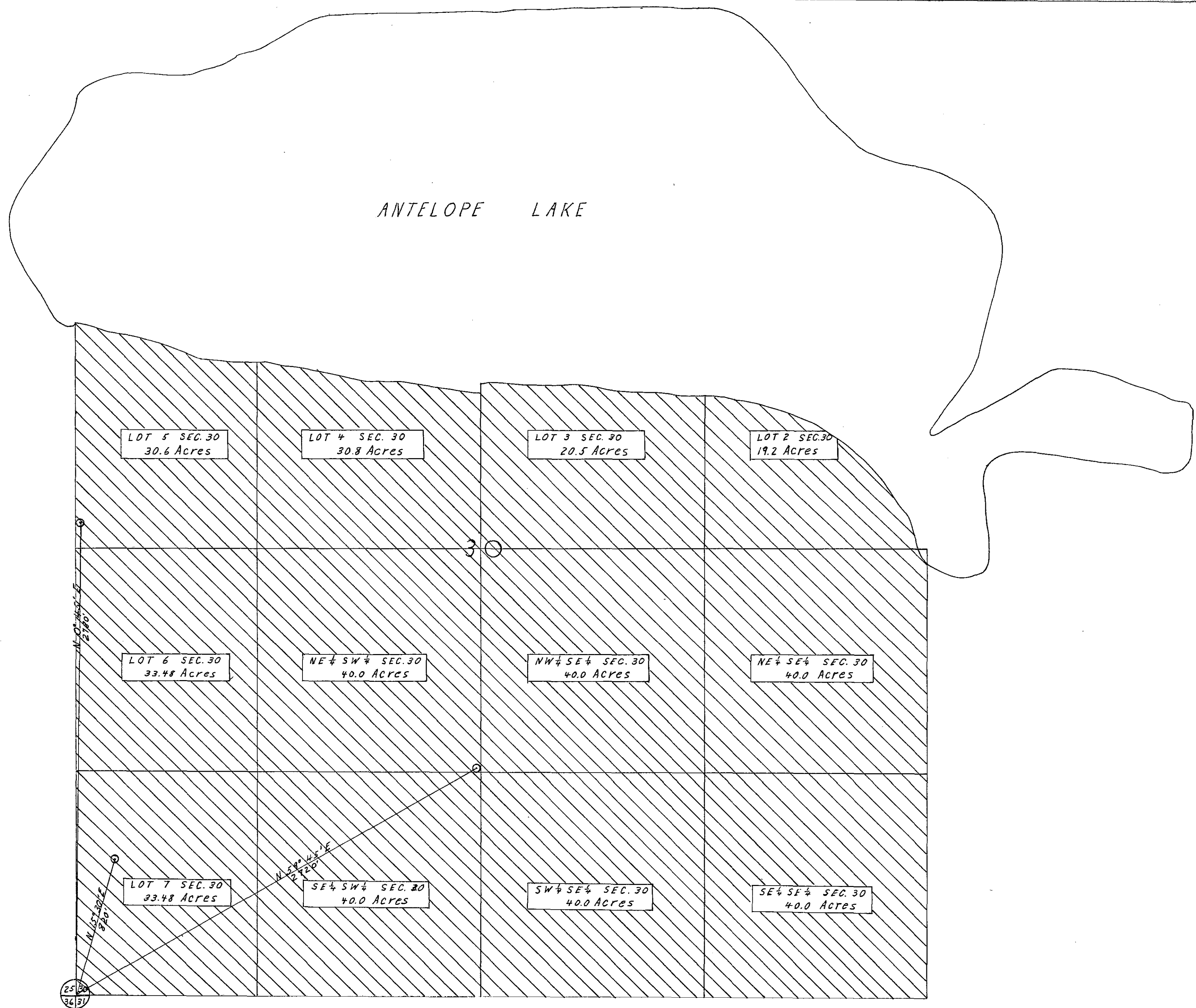
Sprinkler Irrigation system

Estimated Total Cost \$ \$65,000.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Clark
 I, Merritt A. Seefeldt & Sons, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed Merritt A. SeefeldtSubscribed and sworn to before me this 1st day of June, 1925

Notary Public (or other qualified officer)



ANTELOPE LAKE

LOT 5 SEC. 30
30.6 Acres

LOT 4 SEC. 30
30.8 Acres

LOT 3 SEC. 30
20.5 Acres

LOT 2 SEC. 30
19.2 Acres

LOT 6 SEC. 30
33.48 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 30
40.0 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 30
40.0 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 30
40.0 Acres

LOT 7 SEC. 30
33.48 Acres

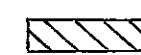
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 30
40.0 Acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 30
40.0 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 30
40.0 Acres

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
Lot 2	30	116 N	57 W	19.2
Lot 3	30	116 N	57 W	20.5
Lot 4	30	116 N	57 W	30.8
Lot 5	30	116 N	57 W	30.6
Lot 6	30	116 N	57 W	33.48
Lot 7	30	116 N	57 W	33.48
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30	116 N	57 W	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	116 N	57 W	40.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	116 N	57 W	40.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	116 N	57 W	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30	116 N	57 W	40.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	116 N	57 W	40.0



LAND TO BE IRRIGATED



WELL SITE

Scale: 1"=400'

MERRITT A. SEEFELDT & SONS
IRRIGATION PROJECT NUMBER 1
Clark County, South Dakota

ENGINEER'S SURVEYOR'S CERTIFICATE

I, EMIEL E. BELZER, P.E., DO HEREBY CERTIFY
THAT THIS MAP IDENTIFIES A REASONABLY
ACCURATE RECORD OF THE LAND OF THE
MERRITT A. SEEFELDT & SONS IRRIGATION
PROJECT NO. 1

SIGNATURE: Emiel E. Belzer
TITLE: Registered Professional Engineer

MAP N21690-3 (APP. N22308-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right application No.

2308-3

MERRITT A. SEEFELDT & SONS
(Applicant)

CLARK RRHS
(Post Office Address)

SOUTH DAKOTA 57225
(State)

With the following modifications:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application JUNE 26 19 75
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application — 19 —
Approved JULY 24 19 75 Recorded in Book 14 Page 9

WATER RIGHT PERMIT NO. 2308-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2308-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 26 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24 19 78
3. The whole of said work is to be completed on or before JULY 24 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 5.84 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of and to which water is actually and beneficially applied for irrigation on or before JULY 24 19 83; said water to be used during the following described annual period: APRIL 1 THRU NOVEMBER 1

Witness my hand this

4TH

day of

AUGUST

19 75

WATER RIGHTS COMMISSION

Wm W. Butler
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 inches Depth 80 feet
- (2) Casing, Type Steel Diameter 16 inch Thickness 1/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type Johnson Irrigation Diameter 16 inch Length 15 feet
- (4) Gravel Pack. Thickness 1 1/2 inch Length of gravel pack 53 feet

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Sand-gravel occasional small stones.

Depth to top of water bearing material 23 feet.

Depth to bottom of water bearing material 55 feet

Thickness of water bearing material 28 feet

Depth to water (ground surface to water level) 23 feet

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

On same owner's property _____ rds. On property owned by others 160 rds.

G. Water Storage Dams.

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

Mary Alice J. Smith
Signature of Applicant

June 5, 1975

Merritt A. Seafeld & Sons
Hillcrest Farms
Clark, SD 57225

Dear Mr. Seafeld:

I am returning herewith your copy of the Water Analysis Report for the samples received here May 20. This is your copy to keep. I am also enclosing a copy of Extension Circular #654 with the approximate quality of this water for irrigation purposes designated by an encircled red cross on the outside back cover. Please read this pamphlet.

The water analysis report and the WI-1 form and a copy of this letter are being sent to the State Conservation Commission.

This water is satisfactory for use on the soils which you have and should cause no difficulty with either salt accumulation or increase in exchangeable sodium. I recommend, however, that you irrigate in moderately large quantities each time and rather infrequently. In accordance with the water holding capacity of your soil, there are considerable differences from place to place with the Foreville loams, and if you have largely an area of only 20 or 24 inches to gravel, of course you can not irrigate in quantities of four or five inches and expect to hold that water. I wish you success in your irrigation venture.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab



Enclosures

cc: State Conservation Commission
George Schanck, Clark County Extension Agent
Darrel Pahl

Conservation
Commission
Form WL #1

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

FOR COMMISSION USE OF
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: Albert L. Liles
Disapproved: 4/17/75

NAME: Merritt A. Seefeldt AND SONS

ADDRESS: RR2 Hillcrest Farms

COUNTY: Clark

LEGAL DESCRIPTION

1. WELL LOCATION: Lot 5 of NW 1/4 of Sec 30, 116N 57W
2. AREA TO BE IRRIGATED: see Supplement

TYPE OF IRRIGATION

3. GRAVITY ☐ SPRINKLER (Indicate Type): ☒
4. CROPS TO BE IRRIGATED: Alfalfa, Corn, Pasture

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 2-6%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Fordville Loam - Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam underlain by sand and gravel between 20 and 30 inches (Soil Group 14 according to irrigation guide for South Dakota)
WATER QUALITY TO BE COMPLETED BY COMMISSION
7. SAMPLE NO.: 75-403
8. SALINITY: EC = 883 (medium to high)
9. SODIUM: SAR = 0.27 (low)

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

the land capability for irrigation information has been acquired from

FRANK FITE (Soil) (Clark County Soil Conservation Dist.)

and:

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

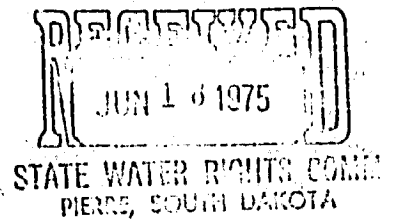
Merritt A. Seefeldt

Subscribed and sworn before me this

30th day of May 1975.

Dale W. Clausen
DALE W. CLAUSEN
NOTARY PUBLIC, SOUTH DAKOTA
My Commission expires Jan. 15, 1977

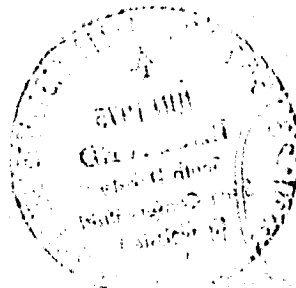
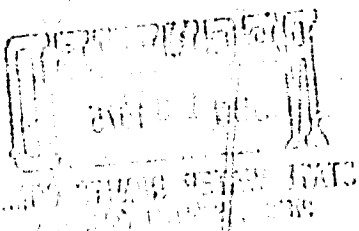
(Title)



Lots Two(2), Three(3), Four(4), Five(5), Six(6), and Seven(7), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) and the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$), All of Section Thirty (30), in Township One Hundred Sixteen (116) North, of Range Fifty-seven (57), West of the 5th P.M., Clark County, South Dakota.

(location of well)

Merritt Seefeldt and Sons
Clark, SD



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

Sent via 5/21
form letter 5/29/75

Submitted by: Marriott A. Seafeld & Sons Date Rec'd May 20, 1975
Address: Hillcrest Farms Sample No. 75-403
Clark, SD 57225 Identification _____

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	36	ppm	2.95	me/l
Sodium (Na)	12	ppm	0.54	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	116	ppm	2.41	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.13	me/l
Bicarbonate (HCO ₃)	420	ppm	6.88	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	344	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	883	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.27			
Sodium	6.11	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.00			
Others:				

*ppm=parts per million
**me/l=milliequivalents per liter

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

COMMENTS: Total cations 8.83 me/l
Total anions 9.42 me/l

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-403

Amount Enclosed \$

Signed

Form 6. - Notice of Intent to Appropriate Water

No. 2308-3

Publish first publication, on or before

July 10, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 26, 1975

Notice is hereby given that Merritt A. Seefeldt and Sons

whose post office address is Clark, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.84 cubic feet of water per second of time from the ~~xx~~ ground water through the Merritt Seefeldt & Sons Project #1, the point^s/of diversion of which ~~is~~ ^{are} to be located in the

Lot 5, Lot 7 and NW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 30, Twp. 116N, Range 57W. Said water to be used for the purpose of providing irrigation on the following described land:

Lots 2, 3, 4, 5, 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, All in Section 30,

T116N, R57W

This application No. 2308-3 will be considered by the Water Rights

Commission at the North Lounge, Surbeck Center, S.D. School of Mines at Rapid City, S.D.

upon the 24th day July, 1975 at 2:30 p..M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/dw
cc:

Merritt A. Seefeldt, Clark, S.D. 57225

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clark County Courier
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the
City Clark of Clark
County of Clark and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

July 3, 1975

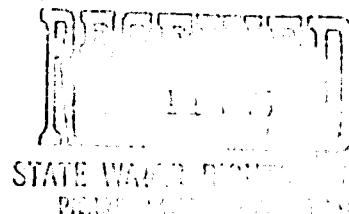
July 10, 1975

Bert Moritz
(Signature)

publisher
(Title)

7/10/75
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
At Pierre, South Dakota 57501
Notice is hereby given that
Merritt A. Seefeldt and Sons
whose post office address is
Clark, South Dakota, have made
an application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for a beneficial use
5.84 cubic feet of water per
second of a time from ground
water through the Merritt Seefeldt & Sons Project No. 1, the
points of diversion of which are to
be located in Lot 5, Lot 7 and
NW 1/4 SW 1/4 of Section 30, Twp.
116N, Range 57W. Said water to
be used for the purpose of
providing irrigation on the
following described land: Lots 2,
3, 4, 5, 6 and 7, E 1/2 SW 1/4 and
SE 1/4 All in Section 30, T116N,
R57W. This application No. 2308-3 will
be considered by the Water
Rights Commission at the North
Lounge, Surbeck Center, S.D.
School of Mines at Rapid City, S.
D. upon the 24th day of
July, 1975 at 2:30 P.M. All
interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
7-3-21



Form 10.

No. 2308-3



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

Post Office Clark

Date 11 July 1980

TO: **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2308-3.

Water Right Permit No. 2308-3 states that the diversion system is to be constructed by July 24, 1980 and that the water is to be put to beneficial use by July 24, 1983.

The diversion system was completed on June 18, 1980. Applying the water to beneficial use was completed on July 2, 1980.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Merritt A. Seefeldt
(Signature)

2308-3
4384-3

Water Rights, Water Management Division
(605) 773-3352

June 16, 1980

David Hallman
DeWild, Grant, Rickert & Associates
315 First Avenue
Rock Rapids, IA 51246

RH: Clark RWS
DGR Project #27145

Dear Dave:

Your letter indicates that an irrigation well was constructed approximately 1/4 mile east of your #1 well.

Merritt A. Seefeldt holds Permit No. 2308-3, and it calls for a well to be located N 15° 30' E, 320 feet from the SW corner, Section 30, T116N, R57W. While this is closer than allowed under your Permit No. 4384-3, we would not anticipate problems. We will discuss with the Board the possibility of allowing closer spacing. Perhaps it would be well if you could get a letter from Mr. Seefeldt similar to the one you obtained for relief from the 1/2 mile spacing on your #4 well site.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist IV

BFJ/bat

cc: William Altfillisch
Clark RWS, Inc.
Clark, SD 57225

4384-3
2308-3

September 18, 1980

William Altfillisch
Clark RWS, Inc.
Clark SD 57225

Dear Mr. Altfillisch:

This is to inform you that the Water Management Board at their July 24, 1980 meeting, approved the spacing qualification between Seefeldt and the Rural Water System production wells on Permit No. 4384-3 be changed from 1 mile spacing to 1000 feet.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:DW:kw

cc: Merritt A Seefeldt & Sons, Clark SD

Donald Wagner moved, seconded by Stanley Jensen, application 1061-1 be approved with the qualification that low flows as needed for downstream domestic use, including livestock watering, must be by-passed. Motion carried.

2308-3, Merritt A. Seefeldt & Sons, Clark, South Dakota

Application is for 5.84 cfs of water from three 80' deep wells to irrigate 409 acres. Affidavit of publication received. Mr. and Mrs. Merritt Seefeldt, Jr., were present for the hearing.

Mr. Seefeldt stated that the permit would be used to irrigate alfalfa; a 35' test well has been dug. It is not yet known how much water is there; the water level is around 24 feet.

Mr. Jensen moved, seconded by Mr. Varilek, application 2308-3 be approved with the qualification that the irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells. Motion carried.

2264-3, Kenneth Kruthoff, Crestwood, South Dakota

Application is for 5.47 cfs of water from two deep wells to irrigate 453 acres. Proof of publication received. Mr. Kruthoff was present for the hearing and stated that one well will also serve domestic use. The proposed wells are located 1/2 mile from an existing irrigation well owned by Mr. Hennage.

Mr. Kruthoff reported that he had received two W-1 forms containing two different analyses of the water in the wells. Mr. Jones explained that the water samples probably got mixed up because the water quality in this area is very good. Mr. Kruthoff stated he would have another water analysis run for his own protection.

Mr. Varilek moved, seconded by Mr. Kleinlein, application 2264-3 be approved with the following qualification: The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights. Motion carried.

2308-3

Mr. Harms MOVED, SECONDED by Mr. Rylance that all new permits carry the qualification that the Irrigation questionnaire be returned each year.
MOTION CARRIED.

EXTENSION OF TIME FOR ST. MARY'S HOSPITAL

Chairman Decker administered the oath to Mr. Jones. Mr. Jones stated that St. Mary's Hospital has requested that their permit which was approved in May of 1978 be extended to May of 1988 for the secondary uses of the water on Permit No. 4289-3 (copy on file).

Don Olinger stated the water for now will be placed back into the Missouri River. The water quality is very hard so it is not good for irrigation unless it is mixed with the Missouri River water, then used for irrigation.

Mr. Rylance MOVED, SECONDED by Mr. Harms that the secondary use time for Permit No. 4289-3 be EXTENDED to May 1988. MOTION CARRIED.

CLARK RURAL WATER SYSTEM REQUEST

Mr. Jones read a letter from the Clark Rural Water System requesting relief from the 1/2 mile spacing qualification on their Permit No. 4384-3 (copy on file). The RWS put in a well and the nearby irrigator did not have his well in. The irrigator has now put in a well that was authorized in his permit which is about 1/4 mile from the water system's well. When the application was approved for the rural water system, Steve Burch, Geological Survey did the field work for the system. There are 17 observation wells in the area. Mr. Burch indicated there was adequate recharge in the area. With proper management, the rural water system and the irrigator could work out any problems. It is a water table aquifer and there should be no problem with 1/4 mile spacing between the high capacity wells.

Chairman Decker administered the oath to William Altfillisch.

Mr. Altfillisch stated the System has the production well in. The System would like clarification on the footage between the wells.

Mr. Jones stated that Mr. Seefeldt, who placed the production well within the 1/2 mile spacing was present at the meeting when the rural water system's permit was granted. At that time Mr. Seefeldt indicated he had no opposition to the system's wells. His main concern was that the wells would not interfere with his during the irrigation season. Mr. Jones stated Mr. Seefeldt would be protected by the well interference qualification.

Chairman Decker administered the oath to John Madden, engineer for the rural water system.

Mr. Madden gave a brief run down on the system and its development. Mr. Madden stated with the spacing at 1000 feet there would be less than 1 1/2 foot drawdown in a year with no recharge.

Mr. Walter MOVED, SECONDED by Mr. Harms that the spacing qualification between the Seefeldt and Rural Water System production wells on Permit No. 4384-3 be changed from 1/2 mile to 1000 feet. MOTION CARRIED.

CANCELLATION CONSIDERATION - ACKLES DITCH

Chairman Decker administered the oath to Mr. Winterton.

James Winterton gave a brief summary of the report prepared on Ackles Ditch (copy on file).

In answer to a question from Mr. Rylance, Mr. Winterton stated when there was rainfall and run off the ditch would flood. The City of Spearfish put a drainage way through the ditch which alleviated a lot of the flooding problems. Mr. Winterton further stated the records do not indicate that the Cook Ditch ever got water from the Ackles Ditch. The Cook Ditch still has running water. The Ackles Ditch has no running water.

Chairman Decker administered the oath to Barbara Pyle.

Ms. Pyle stated if the Board closed the ditch all the petition signers understood that they could do whatever they wanted to do with the ditch. Most of the petitioners are planning to fill the ditch in on their property.

Mr. Rylance MOVED, SECONDED by Mr. Harms that the water right to Ackles Ditch be declared abandoned and the appropriation of water forfeited for nonuse. MOTION CARRIED.

FLOOD CONTROL STRUCTURE NO. FC-1, M.C. JOHNSON, PHILIP SD

Curt Wilson stated in November of 1979 the Attorney General's office received a call from the Haakon County States Attorney that Mr. Johnson was constructing a dike in the north fork of the Bad River which is adjacent to the City of Philip. This was done to prevent spring flooding of his home. Mr. Johnson is located very near one fork of the Bad River which runs two or three weeks during the spring. At the time Mr. Johnson put the dike in, there appeared to be some danger of flooding in the event of a substantial rain. There was no channel to go around the dike. The attorney general's office filed suit to have the dike removed. In the meantime, Mr. Johnson dug another channel which he had problems with because some of the digging was on a neighbors land. The channel is now entirely on Mr. Johnson's land. Mr. Wilson stated the Board must consider 1) that the structure will have no effect on prior water rights and 2) that the dike is constructed in a safe manner, when approving this structure. Technically, Mr. Johnson should have gotten approval for the structure before it was constructed.

Chairman Decker administered the oath to M.C. Johnson.

Mr. Johnson drew a brief sketch of the location of the structure (copy on file) marked as Dept. Exhibit #1. Mr. Johnson stated he was trying

No. 2308A-3

2308-3

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 14 1986

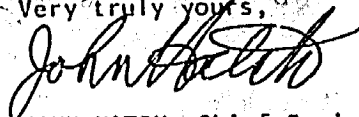
Merritt A. Seefeldt
RR 3, Box 202
Clark, South Dakota 57225

Dear Mr. Seefeldt:

Enclosed herewith is, Water License No. 2308A-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Applicable portions of Permit No. 2306-3 have been incorporated into this permit No. 2308A-3.

WNR-817 3/83
Transmittal of Water License