

WATER PERMIT NO. 2729A-3

Name of Applicant: Harvey Wollman

Address: 40004 184th St, Frankfort SD Phone: 605 266-2874

Amount of Water Claimed: 1.110 Total Acres: 120

Source of Water Supply: groundwater

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: approximately 15 miles southeast of Frankfort

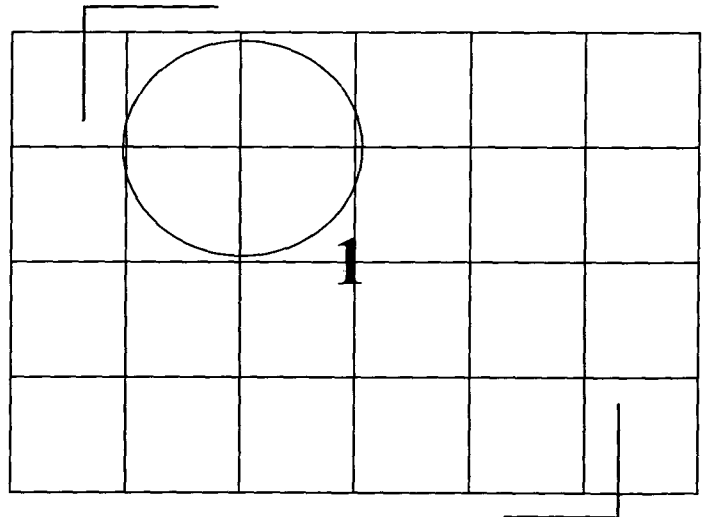
PRIORITY Date Received: 2-24-03 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks: transferring irrigated acreage and point of diversion to other land

Diversion Point: 500' W of center NW ¼ Sec 1-T114N-R62W

Land to be Irrigated: NW ¼ Sec 1-T114N-R62W



Depth of Well: 120 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-28-2003

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2729A-3 FOR IRRIGATION

Date of first receipt of application February 24, 2003.

The Water Management Board approved Water Permit No. 2729A-3 on May 7, 2003 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. 2729A-3 amends Water Right No. 2729-3 by transferring the irrigated acres and point of diversion to other land. Water Right No. 2729-3 held by LeRoy Gross appropriates 1.11 cubic feet of water per second from one well located in the approximate center of SE ¼ Section 2 to irrigate 120 acres located in the SE ¼ Section 2; all in T114N-R62W. This permit will move the location of the 120 acres to land owned by Harvey Wollman approximately ½ mile northeast with the well to be located 500 feet west of the center of the NW ¼ Section 1 to irrigate 120 acres located in the NW ¼ Section 1; all in 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 permit.
2. The amount of the appropriation may not exceed 2 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 April 9, 1976.
4. One-fifth of the construction is to be completed on or before November 7, 2005.
5. All construction is to be completed on or before May 7, 2008.
6. Water is to be put to beneficial use on or before May 7, 2012.
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. 2729A-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.
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.

WATER MANAGEMENT BOARD

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

JUN 13 2003

date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 2729A-3 (office use only) Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press Redfield

RECEIVED

FEB 24 2003

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2729-3

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Transfer irrigation water right to the NW 1/4 Section 1, T114N, R62W

- Name of Applicant Harvey Wollman Phone 266-2874
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40004 184th St, Frankfort State SD 57440
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.110 *CFS or **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Tulare:East James Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
approximately 500 feet west of the center of the NW 1/4 Section 1, T114N, R62W
- County or counties where water will be used Spink
- Annual period during which water is to be used same as WR No. 2729-3 May 1 - Sept 30
- 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 NW 1/4 all in Sec. 1, T114N, R62W	30		
NE1/4 NW 1/4	30		
SE 1/4 NW 1/4	30		
SW 1/4 NW 1/4	30		

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

Transfer acreage from the SE 1/4 Section 2, T114N, R62W currently held by LeRoy Gross to the NW 1/4 Section 1, T114N, R62W. Mr. Gross retiring from irrigation on his property. Two lines no longer feasible and tree belts on the land make pivot irrigate not possible. It is not environmentally friendly to take out the tree belts.

STATE OF SOUTH DAKOTA) SS

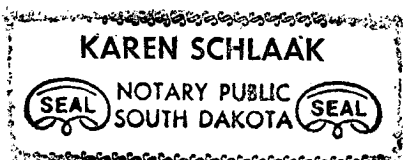
County of Hughes

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 matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Harvey WollmanSubscribed and sworn to before me this 24th day of February, 20 03Karen Schlaak

Notary Public signature

My commission expires 4/01/07

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

see WP Appl. No. 2729-3

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 120
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

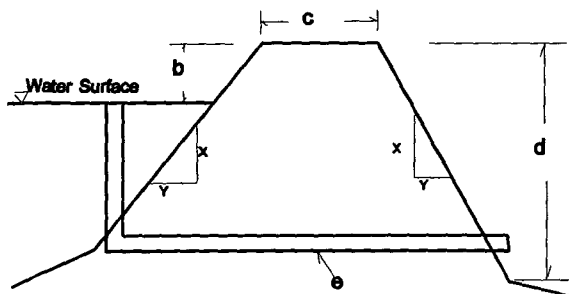
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

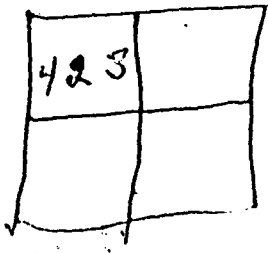
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

21			lost Hole #4 1000' west
22			
23	20		0-8 yellow clay & 20 yellow fine sand
24	40		20-40 yellow sand
25	60		40-60 med to fine sand
26	80		60-80 med sand
27	100		80-100 med to fine 80-100 med to coarse
28	120		100-120 med sand
29			120-124 shale
30			
31			
32			Cased up to 94'
33			20' 16" 3"
34			74' 3" Blank
35			pumps 40 gpm
36			Reached bottom of casing
37			Water Head 50'
38			
39			
40			

REMARKS:



Set 1
 Hole #2 is in center
 Hole #3 is 1000' East of center
 Hole #4 is 1000' West of center

Harvey
 Wallman

Pullman
 Pullman Well Drilling
 Valley, S.D.



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 26, 2003

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

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

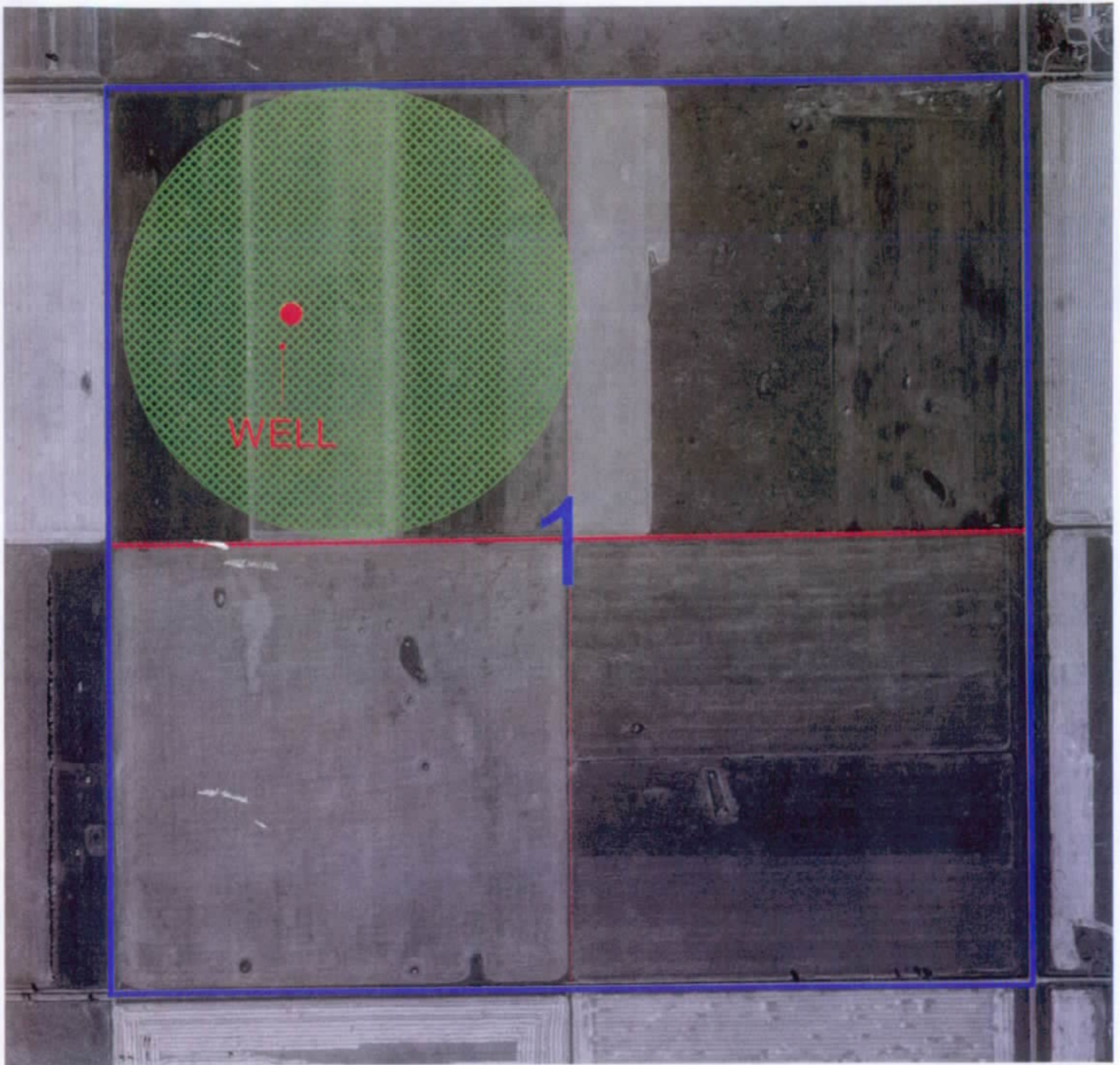
Fee for Application for Permit No. <u>27271A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>27271A-3</u>	50	00
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.

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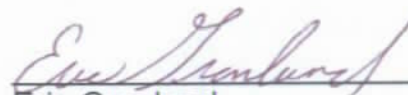
By

Darlene Ebele
Chief Engineer *gm*



Well located approximately 500 feet west of the center of the NW 1/4 of Section 1, T114N, R62W
Irrigation of 120 acres located in the NW 1/4 Section 1, T114N, R62W




Eric Gronlund
Water Rights Program, DENR

2729A-3

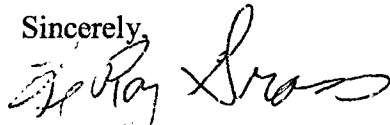
February 24, 2003

Garland Erbele, Chief Engineer
Water Rights Program, DENR
523 E. Capitol Avenue
Pierre SD 57501

Dear Mr. Erbele:

I understand that Harvey Wollman has made application to transfer Water Right No. 2729-3. I am retiring from irrigation and agree to transfer Water Right No. 2729-3 to Mr. Wollman. I support his application.

Sincerely,

A handwritten signature in black ink, appearing to read "LeRoy Gross", written in a cursive style.

LeRoy Gross

REPORT ON WATER PERMIT APPLICATION NO. 2729A-3
For Harvey Wollman
April 1, 2003

Application No. 2729A-3 proposes to amend Water Right No. 2729-3 by transferring the irrigated acres and point of diversion to other land. Water Right No. 2729-3 which is held by LeRoy Gross appropriates 1.11 cfs (500 gpm) from one well located in the approximate center of the SE $\frac{1}{4}$ of section 2 to irrigate 120 acres located in the SE $\frac{1}{4}$ of section 2, all in T114N R62W in Spink County. This application proposes to move the location of the 120 acres to land owned by Harvey Wollman approximately $\frac{1}{2}$ mile northeast with the well to be located 500 feet west of the center of the NW $\frac{1}{4}$ of section 1 to irrigate 120 acres located in the NW $\frac{1}{4}$ of section 1; all in 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 and Mr. Gross indicate the existing tow lines are no longer economically feasible. In addition, there are tree belts which would prohibit the use of a center pivot on the acreage.

AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James aquifer has been determined to be fully appropriated based upon water use by the Water Management Board. This determination is described in the Findings of Fact and Conclusions of Law for Water Permit Application No. 6287-3 for Oscar, Inc. and are included with Water Permit Application File No. 6287-3 (Water Rights Permit Files, 2003). For a discussion of the hydrologic budget concerning the Tulare East James aquifer see the Report on Water Permit Application No. 6287-3 (Goodman, 2002). In this area, the aquifer is under water table conditions and pumping by area irrigation wells does not significantly affect water levels. This is shown by observation well hydrograph for SP-77U which is located about one-half mile south of this application. This hydrograph is included with this report (Water Rights, 2003).

The applicant has drilled test wells at this site. A test well report indicates sand from about 8 feet below land surface grading into coarse sand with depth to a total depth of 120 feet below land surface. At that time the driller reported a water level of about 40 feet below land surface. This information fits well with known information for the Tulare East James aquifer.

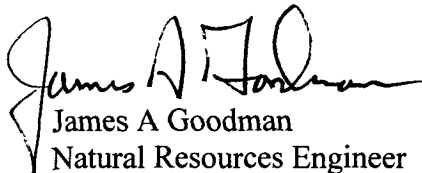
This application proposes to move or transfer irrigated lands and to drill a new well to water those lands. Both the existing water right No. 2729-3 and the proposed well obtain water from the Tulare East James aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 4612A-3. This permit appropriates 1.78 cfs from a well located near the center of the SW $\frac{1}{4}$ of section for irrigation of 132 acres also in the SW $\frac{1}{4}$ of section; all in T114N R61W. This permit was also a transfer. A well recently completed for this permit indicates sand and coarse sand from about 19 feet to 93 feet below land surface, at static water level of about 29 feet below land surface and a pumping rate of 950 gpm with about 19 feet of drawdown. This equates to a specific capacity of about 50 gpm/ft of drawdown. Drawdown is not expected to be significant. Interference is not a concern.

CONCLUSIONS

1. This application and Water Right No. 2729-3 both obtain water from the Tulare East James aquifer.
2. Moving the irrigated lands and the diversion point as requested by this application will not adversely affect any other water permit/right in this area. This new well will be approximately one-half mile north of the well for water permit No. 4612A-3 and will retain priority over No. 4612A-3. Interference is not expected to be a problem. This is shown by the observation well hydrograph.
3. If this application is approved then Water Right No. 2729-3 would be considered abandoned and the well would be considered abandoned and must be plugged according to SD Well Construction Standards.
4. Water Right No. 2729-3 is held by LeRoy Gross. There is a letter in the file from Mr. Gross agreeing to transfer this right to Mr. Wollman and in support of application No. 2729A-3.
5. Water Right No. 2729-3 is licensed for 120 acres and a diversion rate of 1.11 cfs with a priority date of April 9, 1976. This is the full amount that can be transferred under SDCL 46-5-34.
6. Water Right No. 2729-3 maybe subject to cancellation because of nonuse. According to Water Right irrigation records this right reported no water use from 1993 to present. The Water Management Board will have to decide if legal excuse exists to maintain this water right before a transfer can occur.
7. The applicant indicates that Water Right No. 2729-3 consisted of towlines which are no longer feasible to use and that tree belts exist on the land which make upgrading to a pivot system difficult. The applicant does not wish to remove the trees to put up a pivot system. If water right No. 2729-3 is determined to be valid, this preceding statement would serve to justify the transfer based upon criteria established in SDCL 46-5-34.


James A Goodman
Natural Resources Engineer

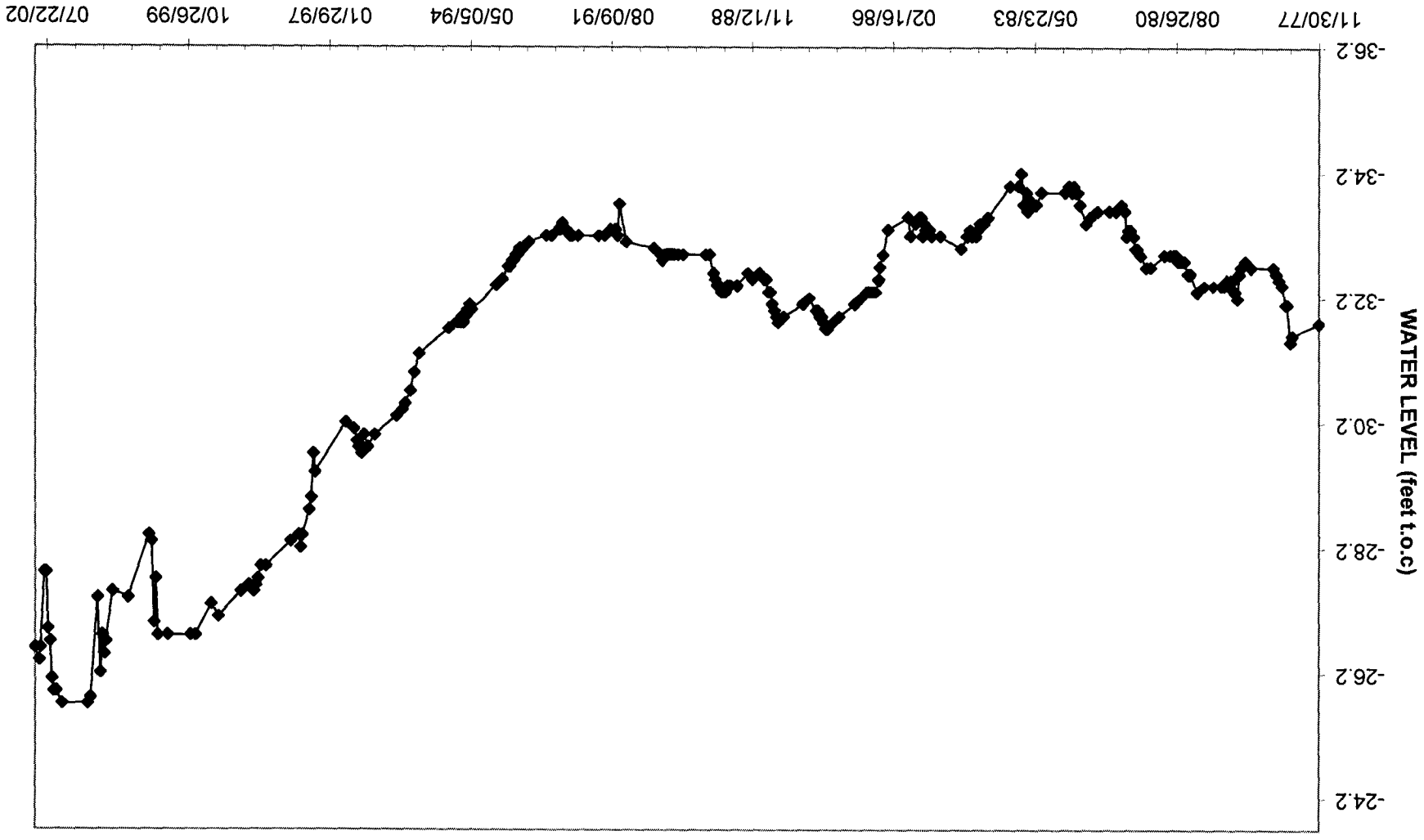
BIBLIOGRAPHY

Water Rights Permit Files, 2003, Findings of Fact and Conclusions of Law for Water Permit No. 6287-3, for Oscar, Inc., in Water Permit File No. 6287-3, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Goodman, J.A., 2002, Report on Water Permit Application No. 6287-3 for Oscar, Inc., SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2003, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
SP-77U**





**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. 2729A-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. 2729A-3, Harvey Wollman, 40004 184th Street, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 2729A-3 pending a favorable finding by the Board as to the validity of Water Right No. 2729-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following 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. 2729A-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.
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.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 2, 2003

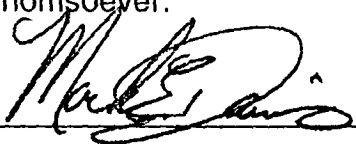
Affidavit of Publication

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:

#165 Notice of Hearing

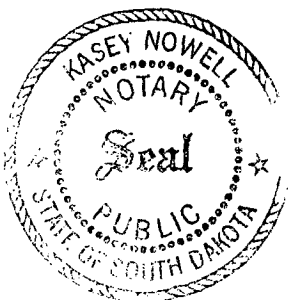
A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on April 9, 2003 and the last publication being made on April 16, 2003 that the full amount of the fee charged for publishing the same to-wit: the sum of Sixty-nine and 90/100 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 16th day
of April, 2003.


Notary Public, South Dakota

My term expires 08/16/08



RECEIVED

APR 17 2003

WATER RIGHTS
PROGRAM

Notice of Hearing

No. 165
NOTICE OF HEARING ON WATER PERMIT APPLICATION NOS. 2729A-3 to Amend Water Right No. 2729-3 and 6398-3 to Appropriate Water

Notice is given that Harvey Wollman, 40004 184th St, Frankfort SD 57440 has filed the following applications for a water permit.

Application No. 2729A-3 proposes to amend Water Right No. 2729-3 by transferring the irrigated acres and point of diversion to other land. Water Right No. 2729-3 held by LeRoy Gross appropriates 1.11 cubic feet of water per second (cfs) from one well located in the approximate center of SE 1/4 Section 2 to irrigate 120 acres located in the SE 1/4 Section 2; all in T114N-62W. This application proposes to move the location of the 120 acres to land owned by Harvey Wollman approximately 1/2 mile northeast with the well to be located 500 feet west of the center of the NW 1/4 Section 1 to irrigate 120 acres located in the NW 1/4 Section 1; all in T114N-R62W. The water source for this irrigation system in 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 and Mr. Gross indicate the existing tow lines are no longer economically feasible. In addition, tree belts prohibit use of a center pivot and removal would not be environmentally friendly.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2729A-3 pending a favorable finding by the Board as to the validity of Water Right No. 2729-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Application No. 6398-3 proposes to appropriate an additional 0.61 cfs and to irrigate 43 additional acres to what is currently authorized by Water Right No. 2386-3. Water Right No. 2386-3 appropriates 1.28 cfs from the James River to irrigate 89 acres located in portion of the W 1/2 SE 1/4, E 1/2 SW 1/4, NW 1/4 Section 34-T115N-R62W. This application proposes to move the location of the 89 acres approximately 1/2 mile west and irrigate 43 additional acres to accommodate operation of a center pivot located in portions of the E 1/2 SE 1/4 Section 33 and the SW 1/4 Section 34; all in T115-R62W. The James River diversion point will be located approximately 1320 feet south of the center of Section 34-T115N-R62W. This application, if approved, will authorize a total diversion rate of 1.89 cfs from the James River for irrigation of 132 acres. This notice also serves to expand the irrigation season for Water Right No. 2386-3 from June 1 through August 10 to March 1 through September 30.

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 the soils are more suitable for irrigation and less prone to flooding.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6398-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting these applications 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 recommendations. 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 April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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. Priner, Secretary
 Department of Environment and
 Natural Resources
 (April 9, 16)

Instruction to Newspaper - Publish first Notice on April 8, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING ON WATER PERMIT APPLICATION
NOS. 2729A-3 to Amend Water Right No. 2729-3 and 6398-3 to Appropriate Water

Notice is given that Harvey Wollman, 40004 184th St, Frankfort SD 57440 has filed the following applications for a water permit.

Application No. 2729A-3 proposes to amend Water Right No. 2729-3 by transferring the irrigated acres and point of diversion to other land. Water Right No. 2729-3 held by LeRoy Gross appropriates 1.11 cubic feet of water per second (cfs) from one well located in the approximate center of SE $\frac{1}{4}$ Section 2 to irrigate 120 acres located in the SE $\frac{1}{4}$ Section 2; all in T114N-R62W. This application proposes to move the location of the 120 acres to land owned by Harvey Wollman approximately $\frac{1}{2}$ mile northeast with the well to be located 500 feet west of the center of the NW $\frac{1}{4}$ Section 1 to irrigate 120 acres located in the NW $\frac{1}{4}$ Section 1; all in 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 and Mr. Gross indicate the existing tow lines are no longer economically feasible. In addition, tree belts prohibit use of a center pivot and removal would not be environmentally friendly.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2729A-3 pending a favorable finding by the Board as to the validity of Water Right No. 2729-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Application No. 6398-3 proposes to appropriate an additional 0.61 cfs and to irrigate 43 additional acres to what is currently authorized by Water Right No. 2386-3. Water Right No. 2386-3 appropriates 1.28 cfs from the James River to irrigate 89 acres located in portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 34-T115N-R62W. This application proposes to move the location of the 89 acres approximately $\frac{1}{2}$ mile west and irrigate 43 additional acres to accommodate operation of a center pivot located in portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33 and the SW $\frac{1}{4}$ Section 34; all in T115N-R62W. The James River diversion point will be located approximately 1320 feet south of the center of Section 34-T115N-R62W. This application, if approved, will authorize a total diversion rate of 1.89 cfs from the James River for irrigation of 132 acres. This notice also serves to expand the irrigation season for Water Right No. 2386-3 from June 1 through August 10 to March 1 through September 30.

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 the soils are more suitable for irrigation and less prone to flooding.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6398-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

(continued)

Any person interested in opposing or supporting these applications 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 recommendations. 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 April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 3, 2003

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 2729A-3 and 6398-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 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 57440 (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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2729A-3 & 6398-3

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

Date _____

We are in receipt of your letter of April 3, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2729A-3 & 6398-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 3, 2003

Harvey Wollman
40004 184th St
Frankfort SD 57440

Dear Mr. Wollman:

Water Permit Application Nos. 2729A-3 & 6398-3 for irrigation use have 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, the recommendations of the Chief Engineer and a report on the applications are enclosed. 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 recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 3, 2003

LeRoy Gross
39848 185th Street
Hitchcock SD 57348

Dear Mr. Gross:

Please find enclosed a copy of the report, recommendation and notice of hearing on Water Permit Application No. 2729A-3 filed by Harvey Wollman. This notice is scheduled to be published in the Redfield Press on April 8 and 15, 2003.

This information is being sent to you since this transfer involves the lands once irrigated by you in the SE ¼ of Section 2, T114N, R62W.

Please feel free to contact me if you have any questions.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 13 2003

Harvey Wollman
40004 184th St.
Frankfort SD 57440

Dear Mr. Wollman:

Enclosed are Water Permit Nos. 6398-3 and 2729A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

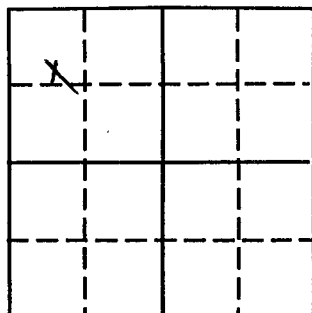
11-02

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

County

Spink

North



Please mark well location with an "X"

Well Completion Date

10/15/2003

1 Mile

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



2729A-3

**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 5, 2005

2729A-3
3063-3

Harvey Wollman
40004 184th St
Frankfort SD 57440-7311

Dear Mr. Wollman:

I am writing in regard to the irrigation questionnaires you sent in back in October. I have a couple questions for you concerning the notations you made on the questionnaires for Water Permit No. 2729A-3 and Water Right No. 3063-3.

On the questionnaire for No. 2729A-3, you crossed on the legal descriptions in the NW $\frac{1}{4}$ Section 1 and made a note that it should be Section 6. My question is, do you feel the permit is in error and should be Section 6 or were you just reporting the land in Section 6 on that specific form? Also, was the land in Section 1 irrigated? I have included a copy of the permit and your questionnaire so you can see what I mean.

On the questionnaire for No. 3063-3, you crossed off the land in Section 6 and a portion in Section 31. Are these lands no longer being irrigated under this water right? I have also included a copy of the questionnaire and water right for your review.

When you get a few minutes, please give me a call or write concerning the questionnaires. Thank you in advance for your help.

Sincerely,

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

enclosures

File No. 2729A-3
3063-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harvey Wollman, 40004 184th St, Frankfort SD 57440-7311

DATE: January 7, 2005

TELEPHONE:

RE: 2004 irrigation questionnaires for 2729A-3 and 3063-3

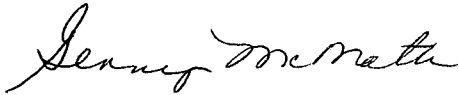
COMMENTS:

Mr. Wollman had crossed off or edited legal descriptions on his irrigation questionnaires for 2004. I wrote and asked him to clarify the information in order for our records to be updated.

He called and indicated that all four of his pivots were utilized this past year. He went on to say that he didn't quite understand the descriptions on the forms but that everything he irrigates was reported.

He initially lined out the legal description on the form for No. 2729A-3 and changed it to read Section 6. After talking to him on the phone, he indicated that the 120 acres of corn he wrote down on the form was actually for Section 1. So in other words, the data was on the correct form and nothing needs to be changed.

The information reported on the questionnaire for No. 3063-3 is also correct. He now realizes that the water right covers two pivots.



Genny McMath
Environmental Scientist

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:

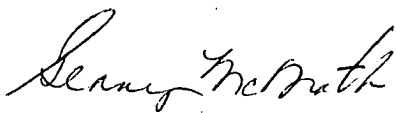
RE: status of development

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



2729A-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.