

2854.3

1. Considered 9-29, 1976
2. Name of Applicant ALAN MOELLER
3. Post Office Address ROSHOLT
4. Amount of water claimed 2.0
5. Source of water supply 130' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 100
7. Water to be diverted and used in ROBERTS County
about 65.15 miles of ROSHOLT
8. Proof of Publication Received 9-27-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2354-3Map No. 2189-3 Water Division No. 3 WHETSTONE CREEK District

(Intended to be filled by the Engineer for the W. D. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Allan Maeller
 Postoffice address Rosholt, 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 & Direct Labor
 3. Name of diversion work Allan Maeller Irrigation Works
 4. Amount of water claimed (cubic feet per second) 2 cfs
 5. Source of water supply well
 6. Location of point of diversion center of NE¹ - Sec. 7 - T-127N - R48W

County Roberts
 7. Annual period or periods during which water is to be used Spring - Summer - Fall
 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 140

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.
<u>NN⁴, NE⁴ Sec. 7-127-48</u>	<u>32</u>		
<u>NE⁴, NE⁴ Sec. 7-127-48</u>	<u>30</u>		
<u>SE⁴, NE⁴ Sec. 7-127-48</u>	<u>38</u>		
<u>SW⁴, NE⁴ Sec. 7-127-48</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sisseton Courier
 12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source, wellB. Works proposed to transport water to place of use, PipelineC. Works proposed to apply water to beneficial use, sprinkler systemEstimated Total Cost \$ 35,000.00

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 RobertsI, ALLAN MACLELLER, 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 constructionSigned Allan MaellerSubscribed and sworn to before me this 9th day of July, 19 76
[Signature]
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2854-3ALAN MOELLER

(Applicant)

ROSHOLT

(Post Office Address)

SOUTH DAKOTA 57260

(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 JULY 15, 19 76Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved SEPTEMBER 30, 19 76, Recorded in Book 16 Page 13WATER RIGHT PERMIT NO. 2854-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2854-3 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 JULY 15, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 30, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 19 81
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 2.0 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 4 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 land to which water is

actually and beneficially applied for irrigation on or before SEPTEMBER 30, 19 81; said water to be used during the following described annual period: SPRING - SUMMER - FALL

Witness my hand this 23RD day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch

Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —Water License Issued —, 19 —

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

D Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 130'
- (2) Casing Type Plastic Diameter 16" Thickness 0.5"
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type Johnson, Diameter 15", Length 25'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 65'

X Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

I 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

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 100'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 20'

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

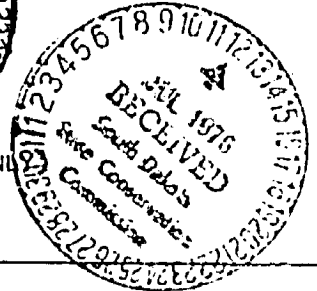
On same owner's property 60 rds. On property owned by others 163 rds.

X Water Storage Dams.

I. 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.

Alan Mueller
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Alan Moeller
ADDRESS Rosholt S.D. 57260
COUNTY Roberts

LEGAL DESCRIPTION

1. WELL LOCATION Center of NE⁴ Sec. 7 - T127N - R48W
2. LOCATION OF AREA TO BE IRRIGATED NE⁴ Sec. 7 - T127N - R48W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN X
4. CROPS TO BE IRRIGATED Corn, Small Grain, Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-689
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) 3.10
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.00

I hereby certify that a chemical analysis of the ground water representative of that to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Roberts Conservation District,
County Extension office or Soil Conservation Service.

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

Alan Moeller
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
9 DAY OF JULY 19 76.

[Signature]
(TITLE OR SEAL)

[Signature]
APPROVED/DISAPPROVED

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

Sample # 76-689

Submitted by: Alan Mueller
 Address: Rosholt, SD 57260

Date Rec'd: June 23, 1976
 Sample No.: 76-689
 Identification: Well-70'
NE 1/4, Sec. 7, T 129N, R 48W

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	46	ppm	3.77	me/l
Sodium (Na)	8	ppm	0.35	me/l
Potassium (K)	6	ppm	0.14	me/l
Sulfate (SO ₄)	179	ppm	3.72	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.29	me/l
Bicarbonate (HCO ₃)	351	ppm	5.76	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)	288	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	848	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.15			
Sodium	3.10	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.60			

Others:
 *ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 11.26 me/l
 Total anions 9.77 me/l



By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

2854-3

Pierre City, South Dakota

September 10 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, S.D. 57501

August 11 1976

Notice is hereby given that Alan Moeller
whose post office address is Rosholt, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.0 cubic feet of water per second of time from the ground water through the
Alan Moeller #1, the point of diversion of which is to be located in the

Center of the NE 1/4
of Section 7, Twp. 127N, Range 18W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:
NE 1/4, Section 7, T127N, R18W

This application No. 2854-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 19 76, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Alan Moeller, Rosholt, S.D. 57260

No. 2854-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Jack Adams hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sisseton Courier

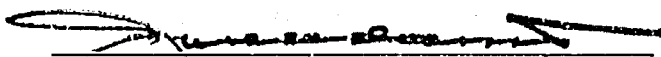
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ City _____ of Sisseton

County of Roberts and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Sept. 16, 1976

Sept. 23, 1976


(Signature)
editor
(Title)

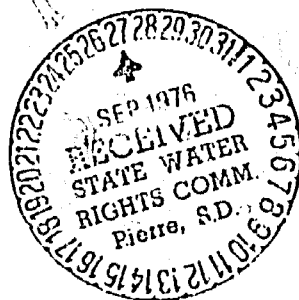
Sept. 23, 1976
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, S. D. 57501

August 11, 1976
Notice is hereby given that
Alan Moeller, whose post office
address is Rosholt, South
Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.0 cubic feet of water per
second of time from ground
water through the Alan Moeller
No. 1, the point of diversion of
which is to be located in the
Center of the NE 1/4 of Section 7,
Twp. 127N, Range 48W. Said
water to be used for the purpose
of providing irrigation on
portions of the following
described land:

NE 1/4, Section 7, T127N, R48W
This application No. 2854-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 29th
day of September, 1976, at 10:00
a.m. All interested persons may
appear and be heard.

Water rights commission
Burton F. Jones
Water Rights Specialist
(Sept. 16-23-2w)



File 2854-B

Rosholt, South Dakota
May 5, 1977



Department of Natural Resource Development
Water Rights Commission

Gentlemen:

This letter is in regard to my irrigation well that is being dug at the present time.

Enclosed is a copy of the formation of test hole No.4, which is on Layne's quarter of land. The well is being dug 20 feet north of the test hole, on the line dividing Layne's land and my land.

We want to ask permission to use some water from this well to irrigate 50 acres of alfalfa on Layne's land. We will certainly appreciate it if this can be included in the May hearing.

Sincerely,

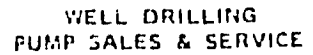
Alan Moeller

Alan Moeller

Enc.



Phone (701) 232-8928



Drilled for Alan Moeller by Fargo Office
Location of property 4 South & 1/2 East of Rosholt, S.D.
Test hole No. 4 Location of test hole Sec. 7 SE 1/4 1000' N. center Well No. _____
Size of test hole 6 1/2 Date started 2-24-77 Date completed 2-24-77 Total Hours _____

[illegible]

Signed Ben Salazar, Jr. Driller

June 27, 1977

Layne Moeller
Rosholt, NE 57260

Dear Mr. Moeller:

The Water Rights Commission, May 26, 1977, authorized irrigation of 50 acres of the 156 acres of land in the SE 1/4 Section 7-T127N-R48W requested by Deferred Application No. 3527-3 from an existing well authorized by Permit No. 2854-3, Alan Moeller, but left the remaining land and requested well in deferred status.

Alan Moeller's Permit No. 2854-3 was reduced by 50 acres in the same action by the Commission. At such time as the balance of Application No. 3537-3 is approved, the permit will be issued. Until such time, you may use this letter as your authorization to irrigate the land described above.

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH/nf

cc: Alan Moeller

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

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

January 29, 1988

ALLEN MOELLER
ROSHOLT, SD 57260

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

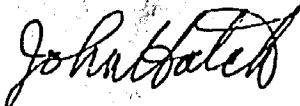
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2854-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2854-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA

Department of Water & Natural Resources

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

February 5, 1988

2854-3

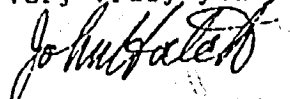
Allen Moeller
Rosholt SD 57260

Dear Mr. Moeller:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2854-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 21, 1990

2854-3

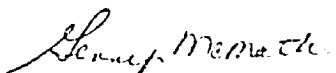
Craig Summers
Farm Credit Services
PO Box 1987
Aberdeen, SD 57401

Dear Mr. Summers:

Enclosed, as you requested, is a copy of Water Permit No. 2854-3 listed in the name of Allan Moeller, Rosholt, SD. Since we have not yet conducted an inspection of the water use system, we are not aware of the extent of development under this permit.

If you have any questions, please contact me.

Sincerely,


GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

encl



AUG 7 1992

2854-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

5502-3

Alan Moeller
RP 2, Box 73
Rosholt, SD 57260

Dear Mr. Moeller:

Enclosed is Water License No. 5502-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412896 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5502-3, 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.

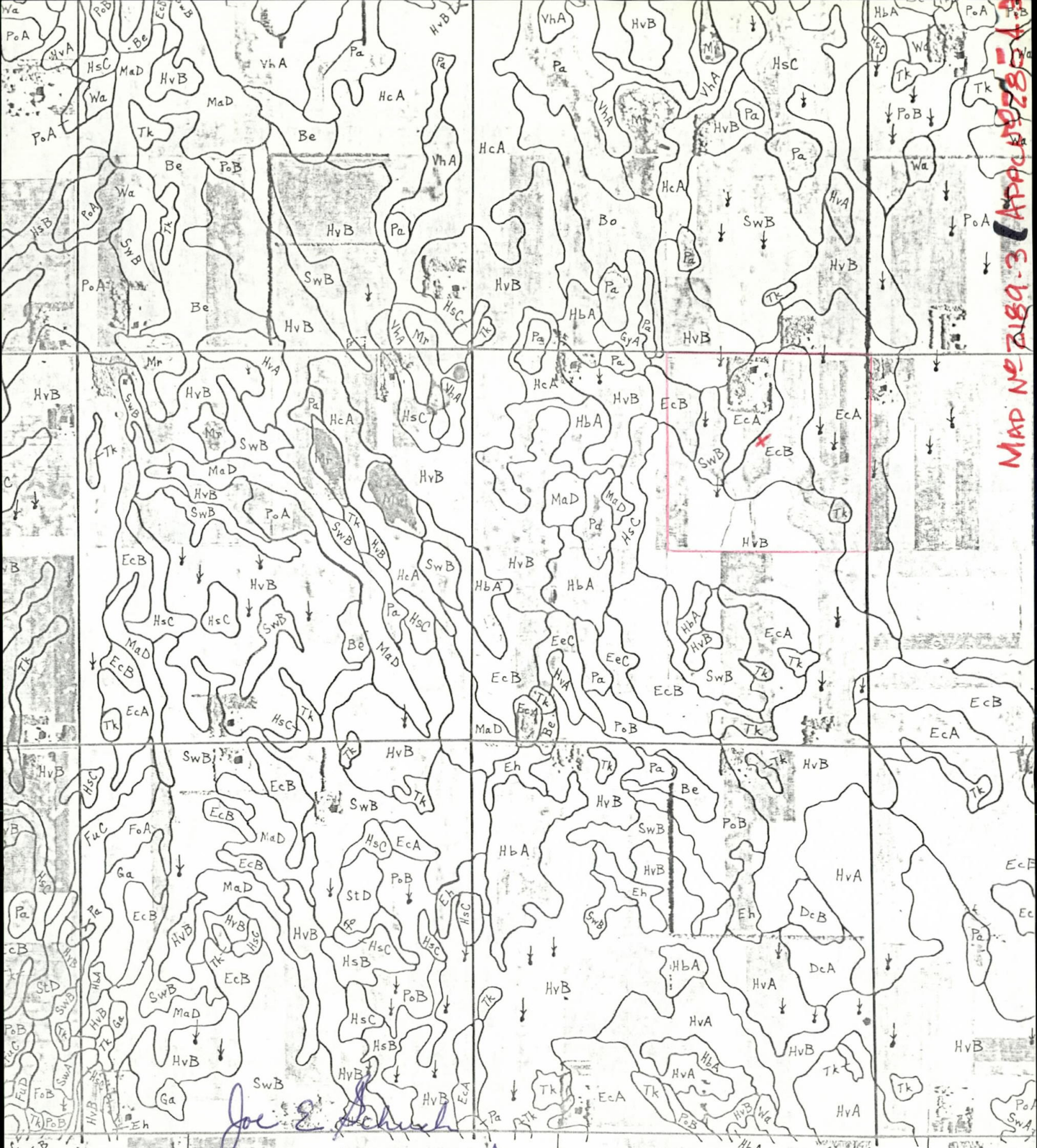
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit Nos. 2854-3 and 3537-3 are incorporated into this Water License No. 5502-3.



MAP NO. 2189-3 (APR 1928)

Joe E. Schuch
COUNTY EXTENSION AGENT
SISSETON, S.D. 57262