

Water Right Number 2982-3

1. Considered 9.29, 19 76
2. Name of Applicant KENNETH SIMONS
3. Post Office Address ST. LAWRENCE
4. Amount of water claimed 2.2
5. Source of water supply 40' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 480
7. Water to be diverted and used in HAND County
about 9N, 9E Miles of MILLER
8. Proof of Publication Received 9-27-76
Not received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

Map No. 2311-3 Water Division No. 3 JAMES RIVER District _____
 (Boxes to be Filled by the Engineer for the W. R. 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 DAVID Kenneth J. Simons
 Postoffice address RR #1, St. Lawrence, State South Dakota 57373
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Kenneth J. Simons - Unit #1
 4. Amount of water claimed (cubic feet per second) 2.2
 5. Source of water supply Ground Water
 6. Location of point of diversion SE 1/4 of Section 1, T112N, R67W

- County Hand
 7. Annual period or periods during which water is to be used March - November
 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 480

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.
SW 1/4 of 1-113-67	160		
SE 1/4 of 1-113-67	160		
NE 1/4 of 1-113-67	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Miller Press, Miller, South Dakota
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

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 Hand)

I, Kenneth J. Simons, 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 Kenneth J. SimonsSubscribed and sworn to before me this 23 day of August, 1976

Notary Public (or other qualified officer)

Robert J. [Signature]

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2982.3
DAVID KONTATET-SIMONS ST. LAURENCE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57373 With the following modifications:
 (State)

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 SEPTEMBER 1, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application SEPTEMBER 10, 19 76
 Approved SEPTEMBER 30, 19 76, Recorded in Book 16 Page 88

WATER RIGHT PERMIT NO. 2982.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2982.3 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 SEPTEMBER 1, 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 79
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 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 2.2 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 land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 30, 19 83; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 29TH day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By: John Welch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

Kenneth J. Simon

SW₄ of 1-113-67

8/19/76

19

Steven Kuehl

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN

[illegible]

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____ Thickness _____
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. "Log will be furnished by driller"

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

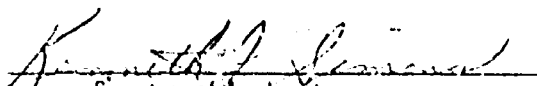
Depth to water (ground surface to water level) _____

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

On same owner's property 120 rds. On property owned by others 120 rds.

G. Water Storage Dams.

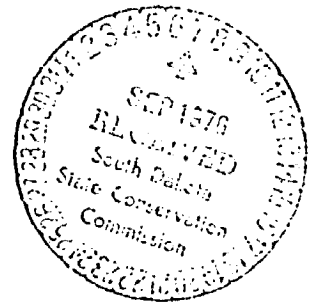
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

Memo

Water Resources Institute
South Dakota State University
Brookings, S.D. 57006
605-633-4210

O.K.



CONSERVATION
COMMISSION
FORM W1 #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 GROUND WATER IRRIGATION ONLY)

NAME Kenneth J. Simons

ADDRESS RR #1, St. Lawrence, South Dakota 57375

COUNTY Hand County

LEGAL DESCRIPTION

1. WELL LOCATION NE Corner of SW 1/4-1-113-67
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4-1-113-67, SE 1/4-1-113-67, NE 1/4-1-113-67

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1126
6. SALINITY (EC x 10⁶) 1123
7. SODIUM (SAR) 1.92
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Hand Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Kenneth J. Simons
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
23 DAY OF March 19 78.

James A. Collins
(TITLE OR SEAL)

Alvin J. Smith
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Kenneth J. Simons
 Address: Rt. 1
St. Lawrence, SD 57373
cc: Huron Drilling, Inc.
Huron, SD 57350

Date Rec'd August 25, 1976
 Sample No. 76-1126
 Identification #1 Well
Sec. 1, T 113N, R 67E

WATER ANALYSIS

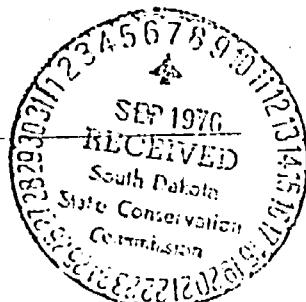
Calcium (Ca)	133	ppm*	6.65	me/l**
Magnesium (Mg)	30	ppm	1.30	me/l
Sodium (Na)	88	ppm	3.83	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	240	ppm	4.99	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	42	ppm	1.18	me/l
Bicarbonate (HCO ₃)	386	ppm	6.32	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	316	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1123	m cmhos per cm at 25° C.		
Sodium Adsorption Ratio	1.92			
Sodium	31.86	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.33			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 12.02 me/l
 Total anions 12.49 me/l



By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment.

Sample No. 76-1126

Amount Enclosed \$

Signed

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2982-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hand) ss.

I, Robert H. McFarlane hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Miller Press

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 Miller

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

September 16, 1976

September 23, 1976

Robert H. McFarlane
(Signature)

Reckless
(Title)

September 23, 1976

(Date Signed)

No. 2982-3

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
September, 10, 1976

Notice is hereby given that
Kenneth Simons whose post
office address is St. Lawrence,
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 2.2 cubic feet of
water per second of time from
ground water through the
Simons No. 1, the point of
diversion of which is to be
located in the NE¹/₄ SW¹/₄ of
Section 1, Twp. 113N, Range
67W. Said water to be used for
the purpose of providing
irrigation on portions of the
following described land:

E¹/₂ and SW¹/₄, Section 1,
T113N, R67W.

This application No. 2982-3
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

By: Burton F. Jones
Water Rights Specialist

FPNO 52 LPNO 1



Form 6 - Notice of Intent to Appropriate Water

2882-3

Publish first publication, on or before September 16, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 10, 1976

Kenneth Simons

Notice is hereby given that

whose post office address is St. Lawrence, 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

3.2

cubic feet of water per second of time from the ground water through the

Simons : 1

, the point of diversion of which is to be located in the

NE 1/4 SW 1/4

1

T113N

R67W

of Section _____, Twp. _____, Range _____. Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

E 1/2 and SW 1/4, Section 1, T113N, R67W

This application No. 2862-3 will be considered by the Water Rights Commission at their office at
29th September 76 10:00 A.
Pierre upon the _____ day of _____, 19____, at _____ M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Kenneth Simons, St. Lawrence, S.D.

67373

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

480 acres SW $\frac{1}{4}$ Sec. 1, T-113, R-67, SE $\frac{1}{4}$ Sec. 1, T-113, R-67,
NE $\frac{1}{4}$ Sec. 1, T 113, R-67

formerly owned by Kenneth Simons

has been transferred to David Simons, Route #1, Box 29, St. Lawrence, SD 57373

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2982-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of HAND) ss.

I, Kenneth Simons being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Kenneth Simons
(Signed)

Subscribed and sworn to before me this 16 Day of Feb., 1982

Dorothy Fanger
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8730

PIERRE, September 23, 1952

RECEIVED OF David Simons, Route #1, Box 29, St. Lawrence, SD 57272
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>Transfer of WTR 2222-3</u> _____	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By J. J. Hatch
Chief Engineer, Executive Officer
JOHN HATCH/m

 **Department of
Water & Natural Resources**

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

May 26, 1988

David Simons
Rt 1, Box 29
St Lawrence, SD 57373

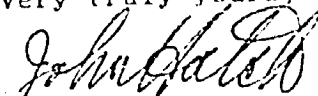
Dear Mr. Simons:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 2982-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



June 7-1988

John Hotel, Chief Engineer
Water Rights Division



Dear Mr. Hotel

I'm writing in regard to my Irrigation
Permit # 2982-3.

I do want to keep my water right.

The reason I haven't used this system
is, we have had adequate moisture
from rainfall in recent years.

I have the system in operation now
& don't want to lose this permit.

Yours Truly

David Simon

HCR Box 29

St. Lawrence S.D. 57373

605-853-2380

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

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

DEC 26 1989

2982A-3

David Simons
HCR, Box 29
St. Lawrence SD 57373

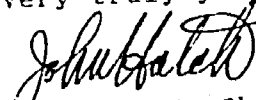
Dear Mr. Simons:

Enclosed is Water License No. 2982A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411817 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. 2982A-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 No. 2982-3 have been incorporated into this Water License No. 2982A-3.

NOT TO SCALE

T1001

T980

①
92.5

② (57.4)

49.8

2540'

T785

2600'

18.5

Wells

237.2

- .9

236.3

233.7

- .9

232.8

32.5

35

28

40

2600'

2450'

2250'

① (141.4)

69.5

④ (295.1)

298.6

62.3

11367
0-13

T951

James L. Wendt
N. R. Engineer
9-8-88

T993

APPL. NO.
2982A-3

HURON DRILLING INC.
WELL LOCATION MAP

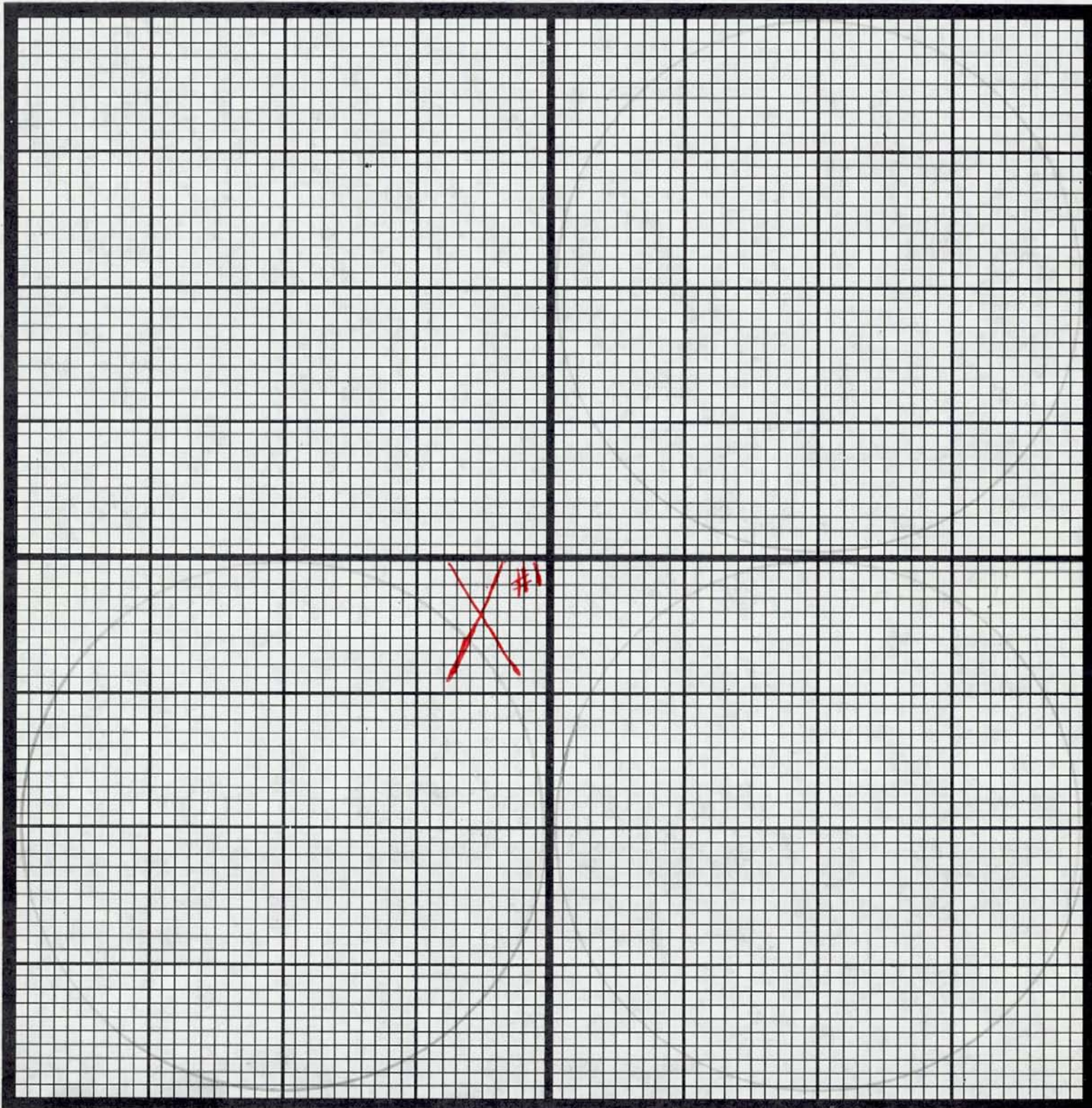
NAME Kenneth J. Simons

DATE August 23 19 76

WELL NO. #1

NE Corner of QUARTER, SECTION 1
SW

TWP. 113 RANGE 67 IN Hand COUNTY Adair



Prepared By _____

X — PROPOSED LOCATION

Dick Fadgen

Beadle County Extension Agent

E-2862-N7004
113-67-114W