

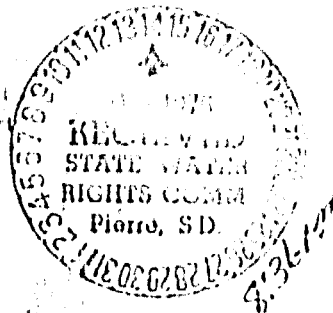
Water Right Number 3161-3

1. Considered 11-17, 1970
2. Name of Applicant C. LATON KLOSS
3. Post Office Address ~~AT~~ TULARE
4. Amount of water claimed 2.00
5. Source of water supply 120' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in SPINK County
about 2N, 5W Miles of HITCHCOCK
8. Proof of Publication
Received 1ST
Not received
9. Application
Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 3161-3Map No. 2502-3 Water Division No. 3 JAMES RIVER District

(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water Within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Clayton Kloss
 Postoffice address Tulare, State South Dakota 57467
 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 Clayton Kloss - Unit #2
4. Amount of water claimed (in cubic feet per second) 2.0
5. Source of water supply Ground Water
6. Location of point of diversion CENTER OF THE NE¹ SECTION 28,
T14N, R64W
- County Spink
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 160

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.
NE ¹ of 28-114-64	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 Appropriately Water publication Daily Plainsman, Huron, So. Dak.
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 Spink) ss.

I, Clayton Kloss 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 Clayton KlossSubscribed and sworn to before me this 15 day of October, 1976

Notary Public (or other qualified officer)

James H. Hume 11-6-76

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3161-3

CLAYTON KLOSS

(Applicant)

TULARE

(Post Office Address)

SOUTH DAKOTA 57476

(State)

With the following modifications

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.

Date of first receipt of application OCTOBER 14, 19 76

Date of return to applicant for correction, amendments or changes required —, 19 —

Date of receipt of corrected application OCTOBER 29, 19 76

Approved NOVEMBER 18, 19 76, Recorded in Book 16 Page 232

WATER RIGHT PERMIT NO. 3161-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3161-3 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 OCTOBER 14, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 18, 19 79
3. The whole of said work is to be completed on or before NOVEMBER 18, 19 81
4. The limit of time from date of beneficial use of water appropriated in accordance herewith is NOVEMBER 18, 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 2.28 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 NOVEMBER 18, 19 83; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 22ND day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued January 5, 19 79

Water License Issued January 5, 19 79

PAGE TWO

Lloyd Peterson
FOREMAN Jr

[illegible]

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 _____, Depth _____

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

(3) Perforated Screen

Type _____, Diameter _____, Length _____

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

E. Dugout Information or Estimates

*Log will be provided by driller

(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 _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

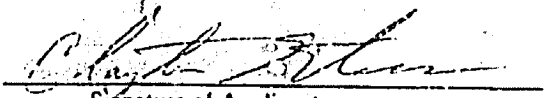
Depth to water (ground surface to water level) _____

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

On same owner's property 160 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.


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 Clayton Kloss

ADDRESS Tulare, South Dakota 57176

COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION Center of NE¹ of 20-11h-6h
2. LOCATION OF AREA TO BE IRRIGATED NE¹ of 20-11h-6h

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1601
6. SALINITY (EC X 10⁶) 864 Moderately hard
7. SODIUM (SAR) 0.72 (L)
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 Spink 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
1 DAY OF April 19 76.

(TITLE OR SEAL)

(SOILS INFORMATION ON REVERSE SIDE)

APPLICANT'S SIGNATURE

Approved/consented that this project can be carried
out successfully in all circumstances. Individual man-
agement will, to the degree, determine the relative
success of this venture.

APPROVED/DENIED

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

Submitted by: Clayton Floss
 Address: Tulare, SD 57467
 cc: Huron Drilling, Inc.
 P.O. Box 1422
 Huron, SD 57350

Date Rec'd: October 18, 1976
 Sample No. 76-1601
 Identification: 2 Coll.
 NE 1/4, Sec. 28, T 124N, R 64W

WATER ANALYSIS

Calcium (Ca)	102	ppm*	5.10	me/l**
Magnesium (Mg)	53	ppm	4.35	me/l
Sodium (Na)	36	ppm	1.57	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	205	ppm	4.26	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	12	ppm	0.24	me/l
Bicarbonate (HCO ₃)	383	ppm	6.28	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)	314	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	864	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.72			
Sodium	12.98	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.68			
Others:				

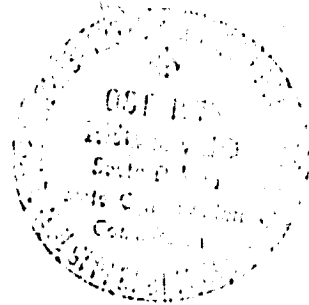
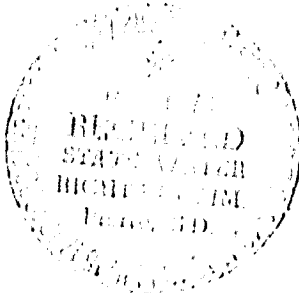
*ppm==parts per million
 **me/l==millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 11.23 me/l
 Total anions 10.88 me/l

By: Shirley Witten

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. 76-1601	Amount Enclosed \$

Signed



October 26, 1976

Mr. Clayton Kloss
Tulare, 89 57476

Dear Mr. Kloss:

Your water sample (Lab. No. 76-1601) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L O Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

Form 15.

Permit No. 3161-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Clayton Kloss

_____ the holder _____ of
Permit No. 3161-3, issued upon Application No. 3161-3, bearing date of priority of October 14,
1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Spink, State of South Dakota at _____
the center of NE 1/4, Section 26-T114N-R64W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date January 5, 1979

By: WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3161-3

(1) WHEREAS, On the 14th day of October A. D. 19 76
Clayton Kloss

made Water Right Application No. 3161-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Spink State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 18th day of November A. D. 19 76

Permit No. 3161-3 with a date of priority of October 14, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of November A. D. 19 81 and for the application to beneficial use of said water on or before the 18th day of November A. D. 19 83

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent

to irrigate a 136 acre circle in the NE $\frac{1}{4}$, Section 28-T114N-R64W

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Clayton Kloss

_____ of Tulare SD
the holder _____ and owner _____ of said permit No. 3161-3 a water right, dating from October 14, 197
_____ to use of 1.88 cubic feet per second of the waters
of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at In the center of NE 1/4, Section 28-T114N-R64W

and conduct to and upon a circle of 156 acres in the NE 1/4, Section 28-T114N-R64W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3161-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of January A. D.

Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

No. 3161-3

Publish first publication, on or before

November 9, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 1, 1976

Notice is hereby given that Clayton Kloss

whose post office address is Tulare, 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

Clayton Kloss #2, the point of diversion of which is to

be located in the center of the NE 1/4

of Section 26, Twp. 114N, Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 28, T114N, R64W

This application No. 3161-3 will be considered by the Water Rights Commission at the Marvin Hughes Hotel In Huron, South Dakota,

upon the 17th day of November, 1976 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: Clayton Kloss, Tulare, SD 57476

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

No. 3161-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Daily Plainsman

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 Huron

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

November 8, 1976

November 15, 1976

Dorothy Murphy
(Signature)

Bookkeeper
(Title)

November 15, 1976

(Date Signed)

F.P. 11-876-11-15-76 L.P. 11-15-76
NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
November 1, 1976
Notice is hereby given that
Clayton Kloss, whose post office
address is Tulare, 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 ground water through the
Clayton Kloss No. 2, the point of
diversion of which is to be located in
the center of NE 1/4 of Section 28,
Twp. 114N, Range 64W. Said water
to be used for the purpose of
providing irrigation on the following
described land: NE 1/4, Section 28,
T114N, R64W.
This application No. 3161-3 will be
considered by the Water Rights
Commission at the Marvin Hyatt
Hotel in Huron, South Dakota, upon
the 17th day of November, 1976 at
10:00 A.M. All interested persons
may appear and be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
No. 667 (adv.)



Permit No. 3161-3
 Water Division 3 JAMES RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by CLAYTON
KLOSS of TULARE holder
 of Permit No. 3161-3, bearing date of priority of OCTOBER 14, 1976
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in SPIKE County.

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

The Water Use System consists of:

A. Works used to divert the water:

120' DEEP WELL WITH 16" PLASTIC CASING
AURORA VERTILINE PUMP MODEL 17ACB, POWERED
BY 75HP GE ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

TL MODEL 1741 CENTER PIVOT SPRINKLER SYSTEM
WITH END GUN

The system is in the following condition: EXCELLENT

The point of diversion is located CENTER OF THE NE⁴, SECTION 28,
T114N, R64W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE NE⁴,
SECTION 28, T114N, R64W *

comprising a total of 136 acres of land.

* HE ALSO HAS A HALF MILE OF BURIED
 LINE TO THE CENTER OF THE NW⁴ COVERED
 UNDER PERMIT NO 3162. TOWNS PIVOT AT
 THIS TIME - MAY DRILL WELL LATER.

OCTOBER 17, 1978

Date Clayton Kloss

(Signature)

WATER RIGHT SPECIALIST

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

N^o 4 6599

PIERRE, December 11, 1978

RECEIVED OF Clayton Kloss, Tulare, SD 57476

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. (3161-3)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. (3161-3)		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer,
JOHN HATCH

File No. 3161-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Clayton Kloss

DATE: September 30, 2002

RE: status of Water Right No. 3161-3

COMMENTS:

A review of permits held by Clayton Kloss lead to an inquiry of why an irrigation questionnaire was not being sent to him for Water Right No. 3161-3.

Water Permit/Right Nos. 3161-3, 3162-3 and 3162A-3 authorized an irrigation system with diversion from the same well. The inspection of the water use system for licensing purposes lead to Water License No. 3162A-3 being issued.

Water License No. 3162A-3 incorporated the applicable portions of Nos. 3161-3 and 3162-3.



Genry McMath
Environmental Scientist

HURON DRILLING INC.
WELL LOCATION MAP

NAME Clayton Kloss

DATE October 13 19 75

WELL NO. #2

NE

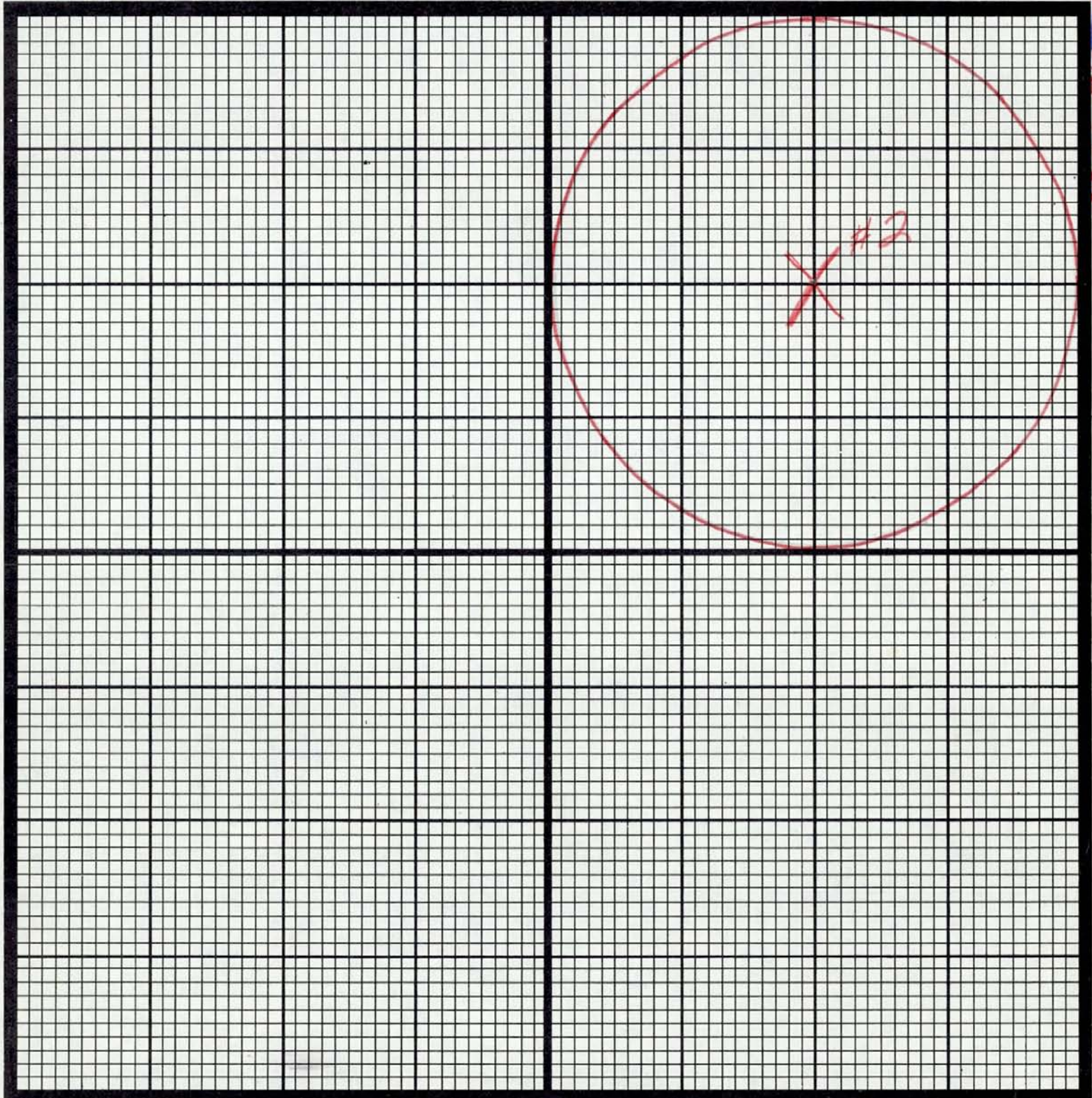
QUARTER, SECTION 28

TWP. 114 RANGE 64

IN

Spink

COUNTY



Prepared By

Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

X — PROPOSED LOCATION

WHP N-20073 APR N-3161-3