

Considered: _____

WATER PERMIT NO. 3162A-3

MAP No. same

Name of Applicant

Clayton Klorer

Post Office Address

RT. 1 Box 9

Tulare S.D.

Amount of Water Claimed

no add'l

Total Acres see #3162A-3

Source of Water Supply

Groundwater (Tulare-Hitchcock)

Water to be used for

IRR

County

Spink

About _____

miles

of _____

PROOF OF PUBLICATION:

Received

1X 4-11-85

Not Received _____

APPLICATION:

Approved _____

Subject to _____

F.F. & C.L. Adopted _____

Not Approved _____

Deferred _____

PRIORITY

Date Received

2-14-85

Fee

\$50.00

Remarks

application

is for a change in diversion point.

Corrected Application Received _____

Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED

N.A.

APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____

REMARKS _____

Diversion Point

Center of NE⁴ sec 28 T114N-

R 64W. Originally approved for the

NE⁴ NW⁴ sec 28

Land to be Irrigated _____

	⊗				
	28				

Well Log: Driller

Huron Drly.

Licensed

YES X

NO _____

Depth of Well

120 feet

REMARKS

Well drilled in 1976

Type of Map

Aerial

PREPARED BY

Ron Duvall

Reviewed and the Number

assigned on

3-20-85

By

Kevin A. Janson

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. <u>3162H-3</u>	Hydrologic Unit <u>10160006</u>
Map No. <u>Sioux</u>	Basin <u>James River</u>
Newspaper <u>Redfield Press</u>	<u>Box 140 (Wed)</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐

☒ Application to amend Permit No. 3162-3 with old priority date retained

☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Clayton Kloss Phone No. _____

Post Office Address Box 9, RR 1 Tulare SD State 57476
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) no add'l Total acres irrigated 160

3. Source of Water supply groundwater Tulare-Hitchcock

4. Location of point of diversion well: center of NE $\frac{1}{4}$ of Section 28, T114N, R64W

County Spink

5. Counties where water will be used Spink

6. Annual period during which water is to be used March 1 - November 1

7. 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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	all in Section 28, T114N,	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	R64W	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	lands covered by 3162-3	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0		

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Permit No. 3162-3 was inspected before the 5 year construction period ended.
This permit application amends Permit No. 3162-3 by relocating the diversion point.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA,
County of Spink)^{ss}

I, Clayton Kloss the applicant, certify that I have read the foregoing application, 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 Kloss

Subscribed and sworn to before me this 13th day of February 1985

Richard O. Clever
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 3162A-3
Clayton Kloss RT. 1 Box 9 Tulare
(Applicant) (Post Office Address)
South Dakota 57476 With the following qualifications.
(State) (Zip Code)

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 supplier, in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 14, 1985
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application , 19 . Approved May 15, 1985

The Water Management Board hereby approves this Water Permit No. 3162A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 14, 1976
2. One-fifth of the work is to be completed on or before , 19
3. The whole of said work is to be completed on or before , 19
4. The time limit for proof of beneficial use of water is , 19
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed No add'l 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. For irrigation purposes said appropriation must be limited to not more than 2 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 , 19 ; said water to be used during the following described annual period: March 1 To November 1

WATER MANAGEMENT BOARD
 By: John H. Hatcher
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
SEP 11 1985, 19

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 3162A-3, Clayton Kloss

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 3162A-3, Clayton Kloss, Box 9, Rt 1, Buffalo SD.

The Chief Engineer is recommending APPROVAL of Application No. 3162A-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) in the public interest with the following qualifications:

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.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 28, 1985

REPORT ON APPLICATION NO. 3162A-2

CLAYTON KLOSS

March 25, 1985

This application is for a change in diversion point location of a well approved by Water Right No. 3162-2. The well location is in the center of the NE 1/4 Section 28, T114N, R64W. This permit application authorizes a change in well location only.

Aquifer - Tulare Western Spink (T:WS)

Geology and Aquifer Characteristics

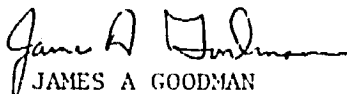
The Tulare Western Spink is a Pliestocene glacial (sand and gravel) aquifer under artesian conditions in this area. The aquifer underlies 72,300 acres of southern Spink County and contains 270,930 acre feet of recoverable water (Hedges, Etal, 1982). Observation wells in the area fluctuate 10-15 feet per year due to pumping.

Review of Existing Water Permits

There are 4 existing water permits issued within one mile of this application.

Conclusions

1. This is an active permit. During the licensing process Ron Duvall found the well location to be in error. Because of an earlier incomplete inspection which was made on this system, this change in location is being recognized with the original priority date (see letter in 3162A-3 application file).
2. Interference will not be a problem. Water levels do fluctuate in the area, but do not appreciably affect pumping rates.
3. There have been no complaints in the area.


JAMES A GOODMAN
Hydrologist III

Bibliography

Hedges, L.S., S.L. Burch, D.L. Illes, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, DWR. SDGS, Vermillion SD, 57069.

No 3162A-

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
Court of Spink) ss

I, Kim Jungwirth hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Redfield 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 Redfield

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

April 3, 1985

April 10, 1985

Kim Jungwirth
(Signature)

Secretary
(Title)

4-10-85
(Date Signed)

Cost of Printing: \$40.17

WNR-808-7/79
Proof of Publication

Notice is hereby given that Clayton Kloss whose mailing address is Route 1, Box 9, Tulare, South Dakota has made an application for a permit to change the location of the well approved by water permit No. 3162-3. The new location of the well is the center of the NE 1/4 Section 28 T114N-R64W. This permit application authorized a change in well location only with no new appropriation of water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 3162A-3 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD, May 15, 1985 at 10:00 a.m.

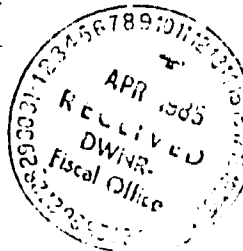
The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-28, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-3.2, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-18, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-19, 46-1A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, SD (605-223-3552) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.

(April 3, 10)



Instruction to Newspaper - Publish first publication of the following Notice on or before April 3, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 3162A-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. 3162-3

Notice is hereby given that Clayton Kloss whose mailing address is
Route #1, Box 9, Tulare, South Dakota has made an application for a permit

to change the location of the well approved by water permit No. 3162-3. The new location of the well is the center of the NE $\frac{1}{4}$ Section 28 T14N-R64W. This permit application authorizes a change in well location only with no new appropriation of water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 3162A-3 because 1) ~~unappropriated water is available,~~ 2) ~~will be no unlawful impairment of existing rights,~~ 2 $\frac{1}{2}$) is beneficial use of water and 3 $\frac{1}{2}$) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD, May 15 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future-use)~~ 46-5-38 thru 46-5-40; ~~(transfer-lands)~~ 46-5-30.4; 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future-use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.

Water Rights Division
605 773-3352

January 25, 1985

Clayton Kloss
RR 1, Box 9
Tulare SD 57476

Dear Mr. Kloss:

On October 3, 1984, I visited your farm for the final inspection of your water permit Nos. 2592-3, 3162-3 and 3163-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that the well locations specified on permits No. 2592-3 and 3162-3 do not match the actual well locations. Additional wells have also been drilled for Permit No. 2592-3. The enclosed permit applications correct the well locations and provide for the additional wells. The permit applications are amendments to Permit Nos. 2592-3 and 3162-3 and will maintain the old priority dates. You also indicated that permit No. 3163-3 for irrigating the SW $\frac{1}{4}$ Section 28, T14N, R64W has not been developed. The time for developing permit No. 3163-3 ended on November 18, 1981; therefore, the permit will be scheduled for cancellation.

Please answer any questions which have not been completed and correct any errors. The forms must then be notarized and returned with a total application fee of \$100.00. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer
enclosures

RECEIPT

Division of Water Rights

No 4 9948

South Dakota Department of Water and Natural Resources

Pierre, February 14, 1915

RECEIVED OF Clayton Kloss, Box 9 RR#1, Tulare, SD 57476

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

Fee for Application for Permit No. 2162-A to Appropriate Water, to construct works 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.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH (ms)



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

3162A-3

SEP 11 1985

Clayton Kloss
Rt 1, Box 9
Tulare, South Dakota 57476

Dear Sir:

Enclosed herewith is your Water Permit No. 3162A-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 3162A-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

State of South Dakota
Water License No. 3162A-3

(1) Clayton Kloss
of RR #1, Box 9, Tulare, South Dakota
made Application No. 3162A-3, February 14, 1935 for a water permit to appropriate
no add'l cubic feet per second of water from groundwater (one well)
Spink County, South Dakota for irrigation purposes.
Permit No. 3162A-3, with a priority date of October 14, 1976
was approved May 15, 1985 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on or before completed.

Water Permit No. 3162A-3 was approved to amend Water Permit No. 3162-3 by
relocating the diversion point. The same source of water is used for Water
Right No. 3161-3, Permit No. 3162-3 and 3162A-3. The applicable portions
of Water Right No. 3161-3 and 3162-3 have been incorporated into this Water
License No. 3162A03. An October 14, 1976 priority date will be retained.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.00 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is the center of the NE 1/4 of Section 28,
T114N, R64W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T114N, R64W

Section 23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.7	acres	(B3)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.9	"	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.1	"	(BC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.9	"	(BD)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33.4	"	(A3)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33.4	"	(AA)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33.4	"	(AC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.4	"	(AD)
TOTAL		267.2	acres	

(4) Pursuant to §46-5-30.1 Clayton Kloss
of RR #1, Box 9, Tulare, South Dakota
the holder(s) and/or owner(s) of Water Permit No. 3162A-3 is issued a license to appropriate water, the right to use
2.00 cubic feet per second of water from groundwater (one well) with a priority date
of October 14, 1976 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 3162A-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 5 1986

3161-3
LICENSE FOR PERMIT NUMBER 3162-3
3162A-3

1. Legal location of wells: center of NE 1/4 of sec. 28-T114N-R64W

dams & structures: _____

2. Well Information: Well Drilling Firm Huron Drilling

No. of wells _____ Depth 120 ft

Casing a) diameter 16 in Screen a) type: _____
b) length _____ b) length _____
c) type Plastic Static Water Level _____

Pump a) make Aurora Vertiline Motor a) make General Electric
b) model 12RX42B b) model no. SK6255XMS01A
c) ~~size~~ S.N. 35672523 c) horsepower rating 75
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump 1765 rpm
no. of stages _____

3. Distribution lines:

a) size of lines 8 in
b) type PVC
c) length 2640 ft

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot hydraulic d) Gate Pipe

motor (hydraulics): 1) make T-6-L
Lincoln (electric) 2) number of towers 10
S.N. 1480112 3) distance between towers _____
15 hp., 1750 rpm

4) overall length 1234 ft
5) End gun (Y/N) _____
6) high or low pressure high
7) make & size of nozzles
rainbird
8) PSI reading while system is
running 75
9) GPM 900

g) Gun

1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

1) length _____
2) diameter _____
3) spacing of gates _____

e) Siphons

1) number _____
2) size _____

f) Portable boom

1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

h) Hydromatic

1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capacity (GPM) _____

YES

NO

Check Items

✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

✓

2. Special Qualifications to permit being abided by.

✓

3. All Structures, wells and lands on map.

REMARKS:

3161-3
3162-3
Permit No. 3162A-3

James River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Clayton Kloss

of Box 9, RR1, Tulare SD 57476 holder of

Permit No. * 3162A-3 bearing the priority of October 14 1976 authorizing

the diversion of no 2.00 cu. ft. per second of the waters of groundwater (Tulare - Hitchcock)

for irrigation purposes, in Spink County.

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

motor: General Electric pump: Aurora Vertiline
M.N. 5K6255XM501A S.N. 12RXL2B
75hp, 1765rpm S.N. 35672523

A. Works used to divert the water:

center pivot: T&L hydraulic motor: (operate hydraulics)
of towers - 10 Lincoln (electric)

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

Pipeline: size - 8in.

length - 1294 ft.

S.N. 1480112

type - PVC

high pressure - 75psi

15hp, 1750rpm

length - 2640 ft.

nozzles - Rainbird

C. Works used to apply water to beneficial use:

capacity - 900 gpm

The system is in the following condition good

The point of diversion is located well: center of NE 1/4 of sec 28 - T114N - R64W

The works are capable of diverting and conveying to the place of use 2.00

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:

		Acres			Acres
<u>NW 1/4 NW 1/4</u>	<u>sec 28 - T114N - R64W</u>	<u>32.7</u>	<u>NW 1/4 NE 1/4</u>	<u>sec 28 - T114N - R64W</u>	<u>33.4</u>
<u>NE 1/4 NW 1/4</u>		<u>33.9</u>	<u>NE 1/4 NE 1/4</u>		<u>33.4</u>
<u>SW 1/4 NW 1/4</u>		<u>33.1</u>	<u>SW 1/4 NE 1/4</u>		<u>33.4</u>
<u>SE 1/4 NW 1/4</u>		<u>33.9</u>	<u>SE 1/4 NE 1/4</u>		<u>33.4</u>

comprising a total of 267.2 acres of land and the license should be issued for 2.00 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are _____ Date Oct. 3, 1984

* The same water source is used for the permits.
Nos. 3161-3 and 3162-3 are incorporated into
permit No. 3162A-3.

Ron Darnell
signature

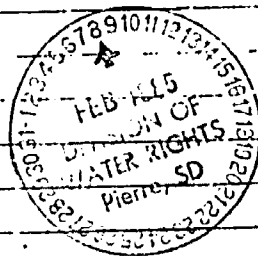
FOREMAN

LOCATION

REMARKS

DESCRIPTION

JOB NAME		REMARKS	DESCRIPTION	
DEPTH	TIME			
20		0-3 Topsoil		
40		3-10 Sand-yellow		
60		10-18 Yellow clay		
80		18-20 Blue clay		
100		20-40 Blue clay, Rocks 4 10-15		.. #2
120	TD 120	40-50 Medium sand		
		50-60 Coarse sand and gravel		
		60-80 " " " " lotta coal		
		80-100 Medium coarse sand with coal		
		100-110 Medium sand good		
		110-120 Real fine whitish sand		



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 410258

Pierre, December 17, 1985, 19

RECEIVED OF Clayton Kloss, Rt#1, Box 9, Tulare, SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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. 3162A-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH/CS

SOUTH DAKOTA Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 5 1986

Clayton H Kloss
RR 1, Box 9
Tulare SD 57476

Dear Mr. Kloss:

Enclosed are Water License Nos. 3162A-3 and 2592A-3. These are the final water rights documents completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures



3162A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-2181

CLAYTON H KLOSS
RR #1 BOX 9
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 2592A-3 & 3162A-3

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2592A-3 & 3162A-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2592A-3 & 3162A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



3162A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 23, 1994

2592A-3

3162A-3

Clayton H Kloss
RR #1 Box 9
Tulare, SD 57476

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 2592A-3 and 3162A-3.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE



3162A-3

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

January 9, 1998

NOTICE**TO:** CLAYTON H KLOSS, RR 1 BOX 2, TULARE, SD 57476**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2592A-3 & 3162A-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2592A-3 & 3162A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- This Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

3162A-3

4a. Article Number

119-141-241

CLAYTON H KLOSS
RR 1 BOX 9
TULARE SD 57476

4b. Service type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

9. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Clayton H Kloss

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-L-1179

Domestic Return Receipt

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 13, 1998

2592A-3

3162A-3

Clayton Kloss
38857 183rd St
Tulare, SD 57476

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 2592A-3 and 3162A-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



3162A-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 26, 2007

NOTICE

TO: CLAYTON H KLOSS, 38857 183RD ST, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2487-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2592A-3 & 3162A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2487-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2007

Clayton H Kloss
38857 183rd St
Tulare SD 57476

RE: Water Right Nos. 2487-3, 2592A-3 and 3162A-3

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2487-3, 2592A-3 and 3162A-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

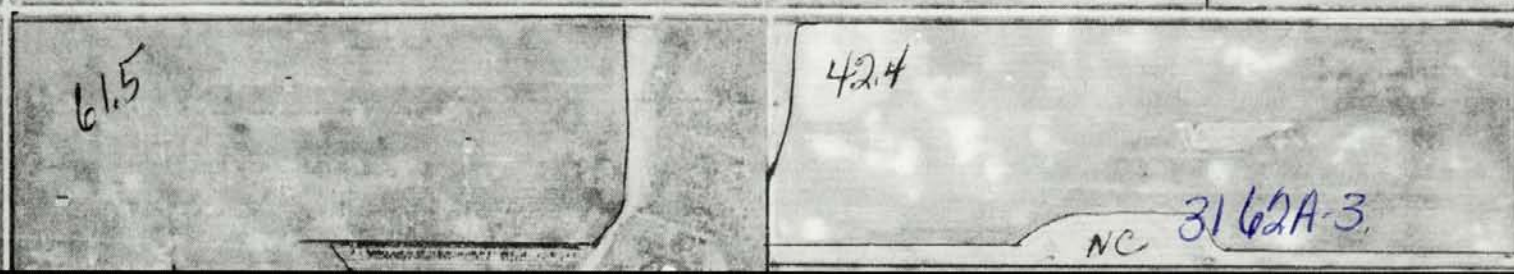
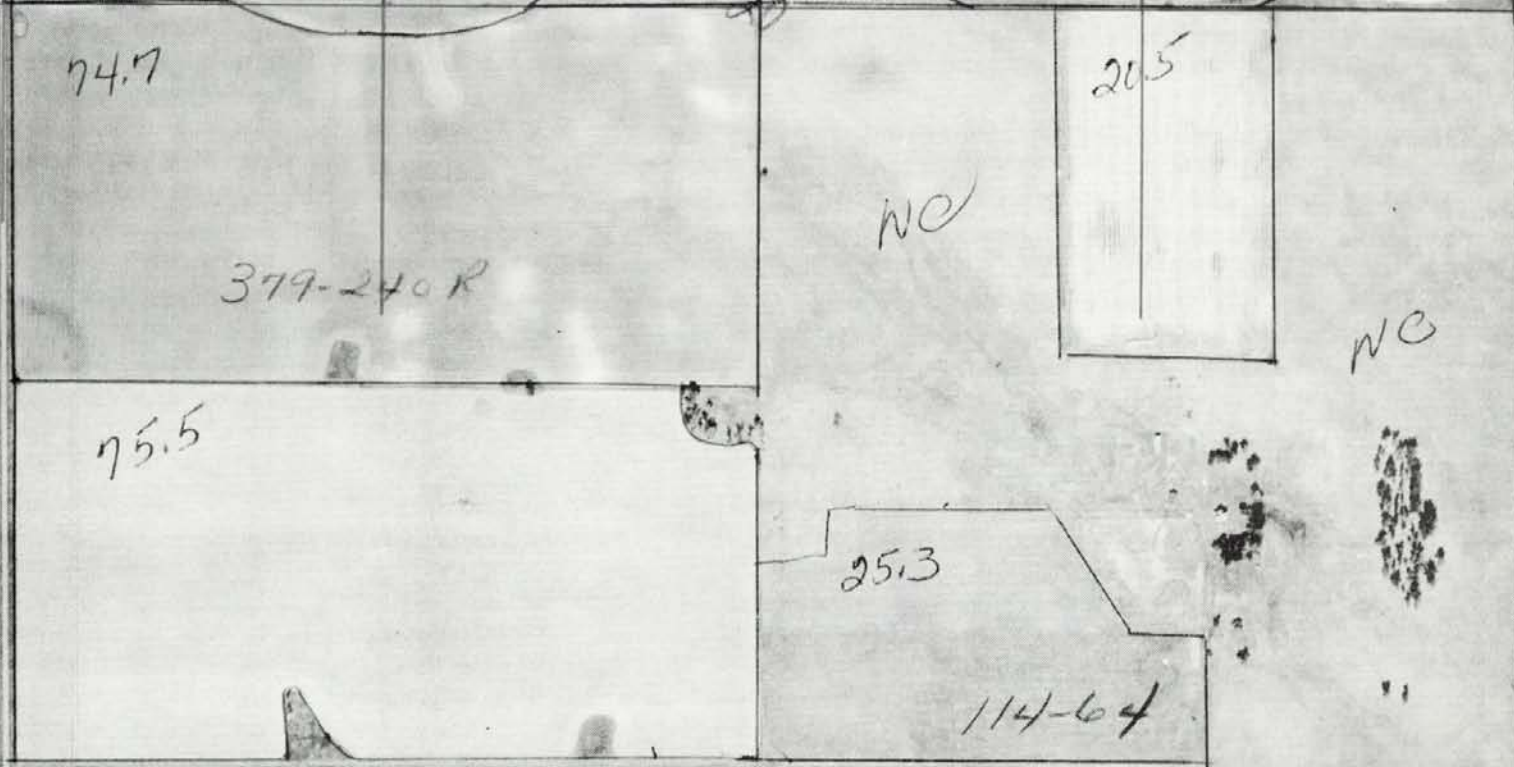
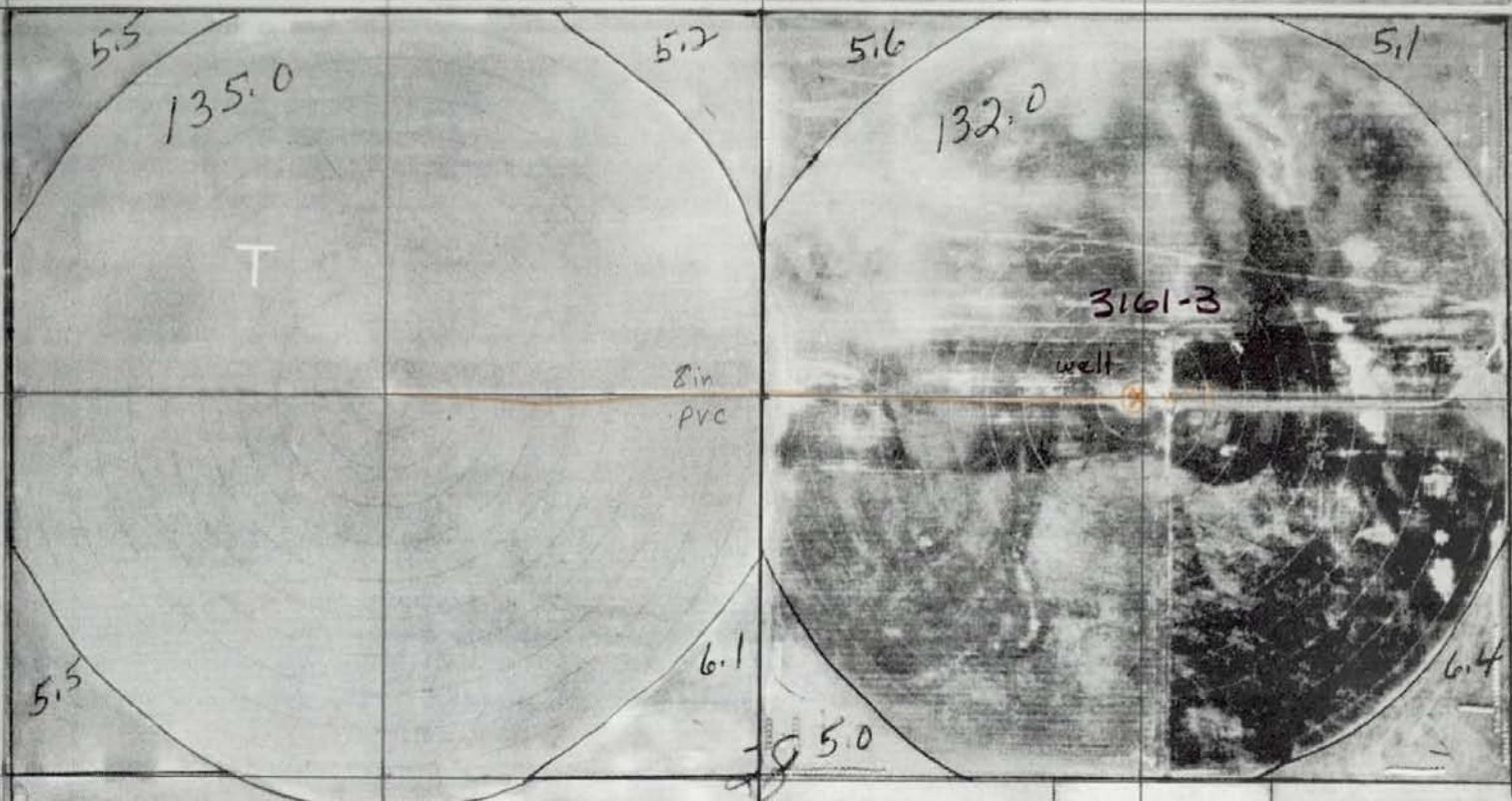
If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

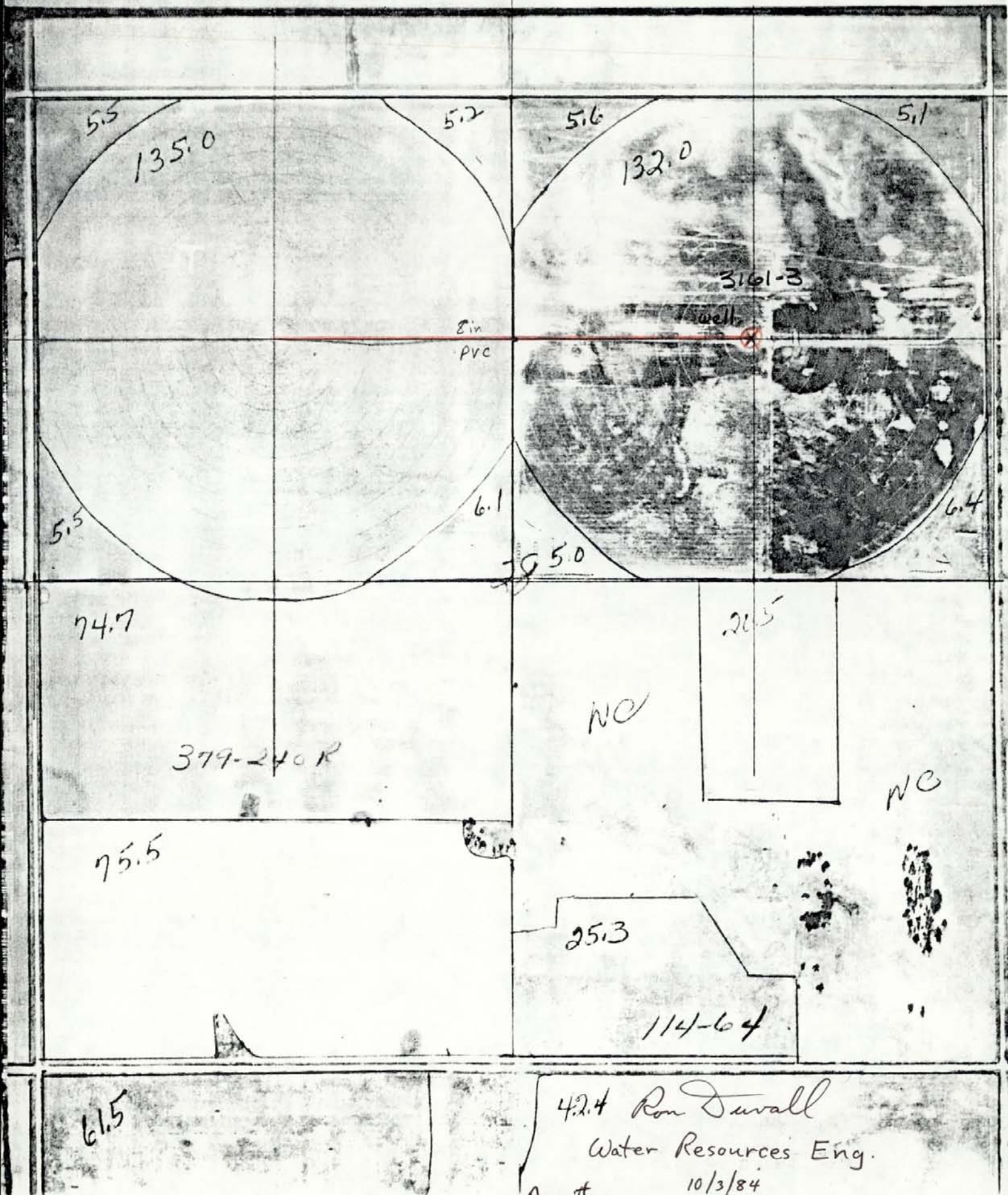
NOT TO SCALE

3162-3
3163-3



NOT TO SCALE

3162-3
3163-3





3162A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: CLAYTON H KLOSS, PO BOX 185, TULARE, SD 57476 0185

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2487-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2592A-3 & 3162A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2487-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 21, 2015

2487-3
2592A-3
3162A-3

Clayton Kloss
PO Box 185
Tulare SD 57476 0185

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2487-3, 2592A-3 and 3162A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

3162A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date June 25, 2020RECEIVED OF Timothy/Vianne Masat 18113 391st Ave Redfield SD 57469

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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. _____	\$
Fee for Filing Transfer Form <u>3162A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Eric Gronlund
Chief Engineerone

PAID

For assistance call (605) 773-3352

RECEIVED

Ck# 2394

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

JUN 25 2020

WATER RIGHTS
PROGRAM

Water Right/Permit No. 3162 A-3

Date: _____

I/We request that Water Right/Permit No. 3162 A-3 formerly owned by:
Clayton Kloss be transferred to:

New Owner Name: Tim Maset
Address: 18113 391st Ave
City, State, Zip Redfield SD 57469 Telephone No. 605-960-0160

Title to the following described land(s)/property has been transferred as described above:

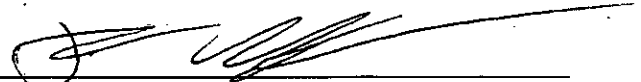
N 1/2 28 114-64

☒ I understand that the validity of Water Right/Permit No. 3162 A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Tim Maset, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 2020

3162A-3

Tim Masat
18113 391st Ave
Redfield SD 57469

Dear Mr. Masat:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership of Water Right No. 3162A-3.

The ownership change has been completed. Water Right No. 3162A-3, formerly held by Clayton Kloss, is now listed in your name.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October.

Also included is a copy of the water right for your records along with the receipt for the filing fee you paid. If I can answer any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 4, 2024

3162A-3

Tim Masat
18113 391st Ave
Redfield SD 57469

Dear Mr. Masat:

In July 2024 a well completion report (copy enclosed) was submitted for an irrigation well drilled near the center of the NE ¼ Section 28, T114N, R64W, drilled by Stretch's Well Service Inc., for yourself.

Water Right No. 3168A-3, held by yourself authorizes the appropriation of 2.0 cfs (approximately 900 GPM) from one well (Tulare: Western Spink Hitchcock Aquifer), located in the approximate center of the NE ¼ Section 28, for the irrigation of 267.2 acres located within the N ½ Section 28; all in T114N, R64W.

With this letter I hope to confirm whether the well was drilled with the intention of being used as an additional diversion point, a backup well, a replacement well, or an entirely new permit. I would also like to confirm that the addition of this well does not increase the diversion rate or number of irrigated acres beyond what is permitted by Water Right No. 3162A-3.

Please review the provided information and respond at your earliest convenience as a review will need to be conducted to rule out the potential for interference with existing permits/rights in the area, as well as any adequate domestic wells.

Sincerely,

Amanda Dewell
Water Rights Program
Permitting Administrator
605 773-3352
Amanda.Dewell@state.sd.us

enclosure