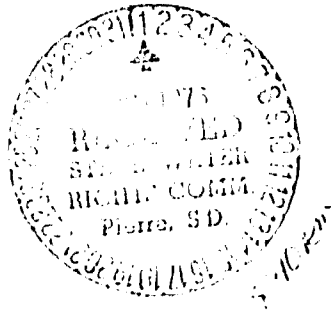


Water Right Number 3166-3

1. Considered 11-17, 19 76
2. Name of Applicant DAVID P. MAGNUS MENSEL
3. Post Office Address DOLAND
4. Amount of water claimed 2.2
5. Source of water supply 113' 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 1E, 10S Miles 1.5 of DOLAND
8. Proof of Publication
Received 1-1
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 2507-3 Water Division No. 3 JAMES RIVER District _____
 (blanks 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 terms not applicable)
1. Name of Applicant David D Mendel 57434
 Postoffice address Voland, State W.V.
 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 David D. Mendel
4. Amount of water claimed (cubic feet per second) 2.2 11000 Gallons per minute
5. Source of water supply Well
6. Location of point of diversion SE 1/4 20-115-60
7. Annual period or periods during which water is to be used May to Oct
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.
<u>SE 1/4 20-115-60</u>	<u>120</u>		
<u>SW 1/4 20-115-60</u>	<u>40</u>		

Attach sheet if more space is needed

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

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 30,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning _____.)

STATE OF SOUTH DAKOTA

County of Lincoln

I, David Mendel, 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 David D MendelSubscribed and sworn to before me this 27 day of September, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3166-3
DANIEL P. MENDEL DOLANP 2881
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57436 With the following modifications:
 (State)

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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application OCTOBER 1 19 76
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application OCTOBER 27 19 76
 Approved NOVEMBER 17 19 76, Recorded in Book 16 Page 276
 WATER RIGHT PERMIT NO. 3166-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3166-3 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 1 19 76.
2. The completion of at least one-fifth of the work above specified is to be completed on or before MAY 17 19 77.
3. The whole of said work is to be completed on or before NOVEMBER 17 19 77.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17 19 79.
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 NOVEMBER 17 19 79; said water to be used during the following described annual period: MARCH TO NOVEMBER.

Witness my hand this 7TH day of FEBRUARY 19 77

WATER RIGHTS COMMISSION

By:

John H. Hatcher
 Chief Engineer, Executive Officer

Certificate of Construction Issued January 5 19 79
 Water License Issued January 5 19 77

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 8", Depth 113'

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

(3) Perforated Screen Test well 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.

(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 40'

Depth to bottom of water bearing material 113'

Thickness of water bearing material 73'

Depth to water (ground surface to water level) 24'

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

On same owner's property 85 rds. On property owned by others 640 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.

David M. [Signature]
Signature of Applicant

Permit No. 3166-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That David D. Mendel

_____ the holder _____ of
Permit No. 3166-3, issued upon Application No. 3166-3, bearing date of priority of
October 1, 1976 authorizing the diversion of 2.2 cu. ft. per second of the waters of
ground water (one well) County of Spink, State of South Dakota at
a point 1460 feet North and 90 feet East of the S $\frac{1}{2}$ corner, Section 20, T15N, R60W

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 1.78 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. 3166-3

(1) WHEREAS, On the 1st day of October A. D. 19 76
David Hendel

made Water Right Application No. 3166-3 for a permit to use 2.2 cubic feet per second of the waters of ground water (one well)

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

(2) WHEREAS, On the 17th day of November A. D. 19 76
Permit No. 3166-3, with a date of priority of October 1, 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 17 day of November A. D. 19 77 and for the application to beneficial use of said water on or before the 17 day of November A. D. 19 79

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 1.78 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 portions of the SE $\frac{1}{4}$ and E 1/2 of SW $\frac{1}{4}$

Section 20, T115N, R60W

(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 David D. Mendel

_____ of Doland, South Dakota
the holder _____ and owner _____ of said permit No. 3166-3 a water right, dating from October 1, 1976
_____ to use of 1.78 cubic feet per second of the waters
of ground water (one well)
in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1460 feet North and 90 feet East
of the S $\frac{1}{4}$ corner, Section 20, T115N, R60W

and conduct to and upon a 136 acre circle in portions of the SE $\frac{1}{4}$ and E 1/8 of SW $\frac{1}{4}$
Section 20, T115N, R60W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3116-3 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

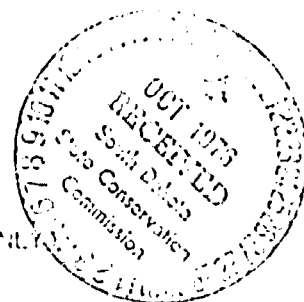
By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

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 David D. Mendel
ADDRESS Richard, S. D. 57436
COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION SE 1/4 20-115-60
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 20-115-60

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Alfalfa & Corn

WATER QUALITY

5. SAMPLE NUMBER 76-1502
6. SALINITY (EC X 10⁶) 896 (moderately high)
7. SODIUM (SAR) 1.65 (low)
8. RESIDUAL SODIUM CARBONATE (meq/1.) 2.34 (CAUTION)

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 _____ 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
27 DAY OF September 19 76.

David D. Mendel
(TITLE OR SEAL)

David D. Mendel
APPLICANT'S SIGNATURE
Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.
David D. Mendel
APPROVED/DISAPPROVED ☒

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

Submitted by: David Mendel Date Rec'd September 30, 1976
 Address: Doland, SD 57436 Sample No. 76-1502
 Identification Well-120'
SE1, Sec. 20, T 115N, R 60W

WATER ANALYSIS

Calcium (Ca)	73	ppm*	3.65	me/l**
Magnesium (Mg)	23	ppm	1.89	me/l
Sodium (Na)	63	ppm	2.74	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	91	ppm	1.89	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	481	ppm	7.88	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)	394	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	896	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.65			
Sodium	31.89	% of cations		
Residual sodium carbonate	2.34	me/l		
pH	7.41			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 8.59 me/l
 Total anions 9.85 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

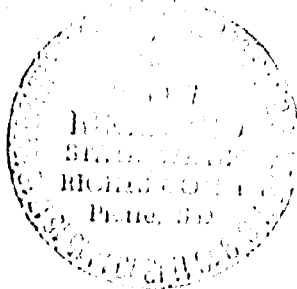
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1502

Amount Enclosed \$

Signed



October 15, 1976

Mr. David D. Mendel
Doland, SD 57436

Dear Mr. Mendel:

Your water sample (Lab. No. 76-1502) 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

P.S. There is a definite possibility that this water will, in 6-10 years, cause a sodium increase in the clay fraction of your soil, resulting in dispersion and soil physical problems. You should keep in mind that gypsum and other expensive treatments of the land may be needed in time. It is impossible to predict when or how serious it will be. See page 5 of pamphlet #13.

Form 6. - Notice Intent to Appropriate Water

No. 3160-3

Publish first publication, on or before
November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
October 20, 1976

Notice is hereby given that David D. Mendel

whose post office address is Doland, 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 Mendel #1, the point of diversion of which is to be located in the NW 1/4 SE 1/4

of Section 20, Twp. 115N, Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:
SE 1/4, E 1/4 W 1/4, Section 20, T115N, R80W

This application No. 3160-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, S.D. 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/EW
cc:

David D. Mendel, Doland, S.D. 57436

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

NOTICE

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota
October 29, 1976

Notice is hereby given that David D. Mendel whose post office address is Doland, 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 Mendel #1, the point of diversion of which is to be located in the

NW 1/4, SE 1/4 of Section 20, Twp. 115N Range 60W. Said water to be used for the purpose of providing irrigation on the following described land: SE 1/4, NE 1/2, W 1/2, Section 20, T115N, R60W. This application No. 3166-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron S. D. upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
Burton F. Jones, Water Rights Specialist,
BFS/bw
cc: David D. Mendel,
Doland, S. D. 57436

Publication first publication, on or before November 4, 1976

I, Norbert J. Miles, of said County of Spink and State of South Dakota, being duly sworn, on his oath says: The Times-Record is a weekly newspaper of general circulation printed and published in Doland County and State of South Dakota, by Norbert J. Miles and has been such newspaper during the times hereinafter mentioned; that The Times-Record is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I, the undersigned, publisher of said newspaper in charge of the advertising thereof, do have personal knowledge of all the facts stated in this affidavit; and that the advertisement

headed Notice of Intent to
Appropriate Water

a printed copy of which is hereto attached, was printed and published in the said news paper for three successive issues,

the first publication November 4, 1976

the second publication November 11, 1976

the third publication November 18, 1976

the fourth publication _____ 19____

the fifth publication _____ 19____

the sixth publication _____ 19____

the seventh publication _____ 19____

the eighth publication _____ 19____

the ninth publication _____ 19____

That \$ _____, being the full amount of the fee of publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to pay to any other person, whomsoever.

Subscribed and sworn to before me this 20th

day of January 1977

Notary Public, Spink County, South Dakota



Form 10.

No. 3166-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office RR 1, Deland S.D.

Date 4/14/77

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3166-3.

Water Right Permit No. 3166-3 states that the diversion system is to be constructed by Nov. 12, 1972 and that the water is to be put to beneficial use by Nov. 12, 1979.

The diversion system was completed on Dec., 1976.
Applying the water to beneficial use was completed on April 11, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

David D. Mendel
(Signature)

Permit No. 3166-3Water Division 3 JAMES RIVER Water DistrictREPORT 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 DAVID D. MENDEL of DORLAND holder of Permit No. 3166.3, bearing date of priority of OCTOBER 1, 1976 authorizing the diversion of 2.20 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in SPIRK 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:

112' DEEP WELL - 16" FIBREGLAS CASING - 40' FIBREGLAS SCREEN
WESTERN LAND ROLLER PUMP 8" - MODEL 710MH
POWERED BY 4.0HP GE ELECTRIC MOTOR

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

700' OF 10" BURIED PLASTIC LINE TO CIP PAD

C. Works used to apply water to beneficial use.

OLSON CENTER PILOT SYSTEM WITH END GUN

The system is in the following condition: EXCELLENT

The point of diversion is located 1460' N & 90' E OF THE S 1/4 CORNER,
SECTION 20, T115N, R60W

The works are capable of diverting and conveying to the place of use 1.78 (800 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 PORTIONS
OF THE SE 1/4 & E 1/8 OF SW 1/4, SECTION 20, T115N, R60W

comprising a total of 136 acres of land.Date OCTOBER 19, 1978

[Signature]
 (Signature)

WATER RIGHT SPECIALIST

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

N^o 4 6669

PIERRE, January 2, 19.7

RECEIVED OF David Mendel, RR #1, Doland, SD 57456
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. (3166-7)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. (3166-3)		
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

gy



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

3166-3

December 21, 1983

David Mendel
Rt 1, Box 70
Doland SD 57436

Dear Mr. Mendel:

This letter is an attempt to clear up some confusion resulting from a conversation you have with Martin Gertensen and the comment you wrote on your irrigation questionnaire. A review of your permits indicates the following:

Permit No. 3166-3 was approved November 17, 1976 for 2.2 cubic feet per second from one well in SE $\frac{1}{4}$ Section 20, T115N, R60W to irrigate 160 acres in the SE $\frac{1}{4}$ & SW $\frac{1}{4}$ Section 20, T115N, R60W.

Permit No. 4094-3 was approved January 31, 1979 for 1.1 cubic feet per second from one well in NW $\frac{1}{4}$ Section 20, T115N, R60W to irrigate 160 acres in the NW $\frac{1}{4}$ Section 20, T115N, R60W.

Martin Gertensen indicated to us that you told him you did not plan to develop the NW $\frac{1}{4}$ of Section 20. The irrigation questionnaire you returned for Permit No. 4094-3 indicated that this permit was just a helper well for Permit No. 3166-3.

Are you using more than one well to irrigate the S $\frac{1}{2}$ of Section 20, T115N, R60W? If you have any further questions, please contact this office.

Sincerely,

KEVIN C LARSON
Water Resources Engineer

KCI:ks

South Dakota

3166-3

GREAT LACES. GREAT PLACES.

NOV 3 0 1992

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

5587-3

David Mendel
HCR 1, Box 70
Doland, SD 57436

Dear Mr. Mendel:

Enclosed is Water License No. 5587-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413388 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. 5587-3, 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
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3152

enclosures

NOTE: The applicable portions of Water Right No. 3166-3, are incorporated into Water License No. 5587-3.

W.A. 2529-3 App. No. 3166-3

69

S20