

Water Right Number 324.9-3

1. Considered 1-26, 19 77
2. Name of Applicant DOUGLAS BOSSE
3. Post Office Address ELK POINT
4. Amount of water claimed 2.2
5. Source of water supply 104' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in UNION County
about 1 W, 2 N Miles of JEFFERSON
8. Proof of Publication
Received 1-17-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 3249-3Map No. 2536-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Douglas Bosse
 Postoffice address Elk Point, State S. D. 57025
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Douglas Bosse No. 3
 4. Amount of water claimed (cubic feet per second) 2.2 cfs
 5. Source of water supply well
 6. Location of point of diversion SW 1/4 of NW 1/4 Sec 12 T 89-90N R 48E-49W

- County Union
 7. Annual period or periods during which water is to be used May, June, July, Aug., Sept. & 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.
NW 1/4 Sec 12 T 89-90N R 48E-49W	160		
SW 1/4 Sec 12			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier - Elk Point
 12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe line

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 50,000.00

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

STATE OF SOUTH DAKOTA

County of UnionI, DOUGLAS BOSSE 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 Douglas BosseSubscribed and sworn to before me this 2 day of Dec19 78Ray L. Lund
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3249-3

DOUGLAS BOSSE
(Applicant)

ELK POINT
(Post Office Address)

SOUTH DAKOTA 57025 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 DECEMBER 3, 1976
Date of return to applicant for correction, amendments or changes required DECEMBER 3, 1976
Date of receipt of corrected application DECEMBER 10, 1976
Approved JANUARY 27, 1977, Recorded in Book 17 Page 57

WATER RIGHT PERMIT NO. 3249-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3249-3 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 DECEMBER 3, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 27, 1978
3. The whole of said work is to be completed on or before JANUARY 27, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 1981
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 use 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 JANUARY 27, 1981; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 7TH day of APRIL, 1977

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 19, 1979

Water License Issued DECEMBER 19, 1979

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 30", Depth 104
- (2) Casing, Type A/C Diameter 18 Thickness 1 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type A/c, Diameter 18, Length 39
- (4) Gravel Pack, Thickness 12, Length of gravel pack 50

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 Water bearing gravel & rock

Depth to top of water bearing material 160'

Depth to bottom of water bearing material 30'

Thickness of water bearing material 70'

Depth to water (ground surface to water level) 14' drawdown

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

On same owner's property 40 rds. On property owned by others NEP 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.

Francis B. ...
Signature of Applicant

August 25, 1976

Mr. Douglas Hosna
Elk Point, SD 57025

Dear Mr. Hosna:

Enclosed please find the original copy of the report of analysis on water sample 676-1080. This is your copy to keep.

I am also enclosing a copy of AES publication #13. In the chart on the outside back cover I have plotted the approximate quality of this water for irrigation use by means of the red cross. As you will see, it is in the high salinity, low sodium category. Accordingly, it is fairly well suited for irrigation use on normal well drained soils. The water carries about .9 of a ton of salt for each acre foot of water you pump so that the salinity it carries is really considerable. A well drained soil will allow the salt to pass on down beyond the bottom of the root zone and not interfere with agriculture. But soil which is poorly drained or moderately poorly drained such as the silty clay that you have would be indeed difficult to irrigate with this water on a long-term basis. Perhaps if it were used on an alternate year basis it would stand up for 20 years or more but with a sustained use, with repeated applications, as many as 4 or 5 times a year, this soil is very likely to retain most of the salt in the top foot or foot and a half. If you are able to put in drainage or to make sure that water movement is passing beyond the bottom of the root zone so that the excess salts are carried on through, it would probably perform satisfactorily. I recommend, however, that you do not proceed with this development unless you are financially prepared to install drains perhaps 5 or 8 years in the future. I do not know how expensive these drain lines will be or how close together they will have to be in order to do a satisfactory job of draining the soil.

A copy of this letter is accompanying your application materials to the State Conservation Commission for their formal action. You will receive information from them as to their decision.

Sincerely yours,

L. O. Fine / c.b.

L. O. Fine
Water Quality Lab

LOP:ckb

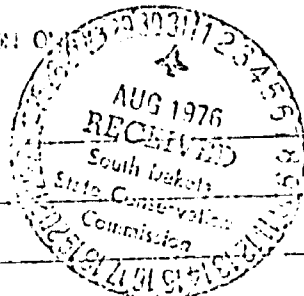
Enclosures

cc: State Conservation Commission

D. Pahl
Louie DaSmet

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)

NAME Douglas Boss
ADDRESS Elk Point S.D.
COUNTY Union



LEGAL DESCRIPTION

1. WELL LOCATION _____
2. LOCATION OF AREA TO BE IRRIGATED _____

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn - Beans

WATER QUALITY

5. SAMPLE NUMBER 76-1050
6. SALINITY (EC X 10⁶) 1094 (high)
7. SODIUM (SAR) 1.05 (low)
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 _____ 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.

Douglas Boss
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF August 1976

[Signature]
(TITLE OR SEAL)

[Signature]
APPROVED/DISAPPROVED

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

Submitted by: Douglas Fosberg
 Address: Elk Point, SD 57025

Date Rec'd: August 19, 1976
 Sample No.: 76-1030
 Identification: Well
104, Sec. 20, T. 90N, R. 49W

WATER ANALYSIS

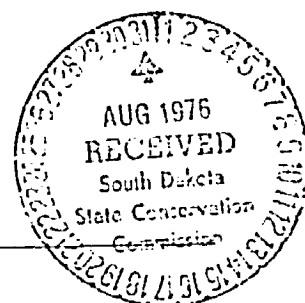
Calcium (Ca)	146	ppm*	7.30	me/l**
Magnesium (Mg)	38	ppm	3.12	me/l
Sodium (Na)	55	ppm	2.39	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	218	ppm	4.52	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.25	me/l
Bicarbonate (HCO ₃)	517	ppm	8.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	424	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1094	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.05			
Sodium	18.17	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.10			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 13.15 me/l
 Total anions 13.25 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	68.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1030

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3249-3

(1) WHEREAS, On the 3rd day of December A. D. 1976

made Water Right Application No. 3249-3 for a permit to use 2.2 cubic feet per second of the waters of groundwater (one well)

County of Union State of South Dakota, for Irrigation

purpose; and
(2) WHEREAS, On the 27th day of January A. D. 1977

Permit No. 3249-3 with a date of priority of December 2, 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 27th day of January A. D. 1979 and for the application to beneficial use of said water on or before the 27th day of January A. D. 1981

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 1.65 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 the following lands in Section 12, T90N, R49W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36 "

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 24 "

TOTAL 130 acres

(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 _____

_____ of Eik Point, SD

the holder _____ and owner _____ of said permit No. 3249-3 a water right, dating from December 3, 1976

_____ to use of 1.85 cubic feet per second of the waters of ground water (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 1310'E and 300'N of the NE corner,

Section 12, T90N, R49W

_____ and conducted to and upon _____ portions of land in Section 12, T90N, R49W, more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3249-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of December A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

Permit No. 3249-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Douglas Bosse

_____ the holder _____ of
Permit No. 3249-3, issued upon Application No. 3249-3, bearing date of priority of December 3, 1976 authorizing the diversion of 2.2 cu. ft. per second of the waters of ground water (one well) County of Union, State of South Dakota at a point 1310'E and 300'N of the W $\frac{1}{2}$ corner, Section 12, T90N, R49W

_____ 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 2.0 cu. ft. per second of water

Date December 19, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

Form 6 - Notice of Intent to Appropriate Water

No. 3249-3

Publish first publication, on or before January 12, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 15, 1976

Notice is hereby given that Douglas Bosse
whose post office address is Elk Point, 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 the ground water through the
Douglas Bosse # 2, the point of diversion of which is to be located in the _____

SW 1/4 NW 1/4
of Section 12, Twp. 90N, Range 46W. Said water to be used for the purpose
of providing irrigation on the following described land:

NW 1/4 & NE 1/4 SW 1/4, Section 12, T90N, R46W

This application No. 3249-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 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: Douglas Bosse, Elk Point, SD 57025

No. 7249-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader - Courier

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

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

January 6, 1977

January 13, 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

January 13, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
December 15, 1976

Notice is hereby given that
Douglas Bosse whose post office
address is Elk Point, 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 Douglas
Bosse #2, the point of diversion
of which is to be located in the
SW 1/4 NW 1/4 of Section 12, Twp. 90
N, Range 49W. Said water to be
used for the purpose of providing
irrigation on portions of the follow-
ing described land:

NW 1/4 & NE 1/4 SW 1/4, Section 12,
T90N, R49W.

This application No. 7249-3
will be considered by the Water
Rights Commission at their office
at Pierre, upon the 26th day of
January, 1976, at 10:00 A.M.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publish: January 6, 1977



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7171

Douglas Bosse, Elk Point SD 57025 PIERRE, December 14, 1979

RECEIVED OF _____
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. 3249-3)	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3249-3)		
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

kw

Permit No. 3249-3Water Division 3 Big Sioux 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 DOUGLAS
BOSSE of ELK POINT holder
of Permit No. 3249-3, bearing date of priority of DECEMBER 3, 1976
authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in UNION 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:

104' DEEP WELL WITH 18" ASBESTOS CONCRETE CASING
LAYNE BOWLER WELL LINE 8" PUMP #81323K, WITH 12KWH BOILER
POWERED BY 100HP G.E. ELECTRIC MOTOR

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

12' OF 10" MAINLINE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

PIERCE CENTER PLOT SYSTEM #6040800 22258, ELECTRIC
DRIVE WITH END GUN

The system is in the following condition: GOOD

The point of diversion is located 1310' E & 300' N OF THE W 1/4 CORNER,
SECTION 12, T49N, R49W.

The works are capable of diverting and conveying to the place of use 2.2
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: ALL IN SECTION 12, T49N, R49W

NW ^{1/4} NW ^{1/4}	8 ACRES	NW ^{1/4} SW ^{1/4}	24 ACRES
NE ^{1/4} NW ^{1/4}	8 "	NE ^{1/4} SW ^{1/4}	24 "
SW ^{1/4} NW ^{1/4}	30 "		
SE ^{1/4} NW ^{1/4}	30 "		

comprising a total of 120 acres of land. 1.85

Date

AUGUST 9, 1979

(Signature)

Water Rights Division - DWR
Conversation or File Documentation

87-3
518-3
File No. (3249-3)

NAME OF PERSON OR FILE: Dean Bosse

ADDRESS: RR#2 Jefferson SD 57038 COUNTY

DATE: August 29, 1984 TELEPHONE 996-5688

RE: ownership of WR's 54-3 (D. J. Bosse); 518-3 + 3249-3 (Douglas Bosse)

COMMENTS:

I spoke with Mrs. Dean Bosse - she indicated the land did now belong to Dean & Dale Bosse, but she was not certain which permit went to whom. (Dean & Dale are sons of Douglas Bosse)

The water rights should be transferred - send forms to Dean Bosse and they can complete with appropriate names. Mrs. Bosse said this was satisfactory.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Genny McMath

54-3
518-3
3249-3

August 24, 1984

Dean Bosse
RR#2
Jefferson, South Dakota 57038

Dear Mr. Bosse:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each (total of \$7.50) the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 25, 1984

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

130 Acres - NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12, T30N, R49W

formerly owned by Douglas Bosse

has been transferred to DEAN BOSSE R#1 Box 99 Elk Point SD 57025
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3249-3 as provided for in S.D.C.L. 46-5-32 and 46-5-33.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover as required under S.D.C.L. 46-2-13.

STATE OF SOUTH DAKOTA)
County of UNION) ss.

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

Dean Bosse
(Signed)

Subscribed and sworn to before me this 25th Day of September, 1984.

Eva J. Hick
(Notary Public) 7.25.84

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

September 28, 1984

Dean Bosse
RR#1, Box 99
Elk Point, South Dakota 57025

Dear Mr. Bosse:

Enclosed is receipt No. 4 9771 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3249-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

RECEIPT

Division of Water Rights

№ 4 9771

South Dakota Department of Water and Natural Resources

Pierre, September 27, 1964

RECEIVED OF Dean Bosse, RR#1, Box 99, Elk Point, SD 57825

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. _____		
Fee for Filing Transfer Form 3249-3 _____	2	50
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	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

LE Prepared by
F. E. Smith
Co. apt 11/11/11

APP# 35363 APP# 3249-3





3249-3
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 24, 2006

NOTICE

TO: DEAN BOSSE, 32840 481ST AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2117-3, 3249-3 & 3364-3 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) 5184-3 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 2, 2006 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) 5184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2117-3, 3249-3 & 3364-3 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 questionnaires are received in this office on/or before **February 24, 2006**, 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 (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.



**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 3, 2006

Dale Bosse
32840 481st Ave
Elk Point SD 57025

Dear Mr. Bosse:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 54-3, 518-3, 2117-3, 3249-3, 3364-3 and 5184-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We have also received the "Notice of Transfer of Ownership" form and filing fee from you for transferring Water Right No. 518-3. The transfer has been completed. Water Right No. 518-3 formerly listed in the name of Douglas Bosse is now listed in your name.

Enclosed is your Receipt No. 02275 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Water Right No. 3249-3

The original license authorized irrigation of 130 acres in the NW 1/4, N 1/2 SW 1/4 Section 12-T90N-R49W. Due to ownership changes, the water right is being divided and reissued to reflect separate ownership.

- No. 3249A-3 – Dean Bosse: authorizing diversion of 1.17 cfs to irrigate 82 acres located in the NW 1/4 Section 12 from a well located in the SW 1/4 NW 1/4 Section 12; all in T90N-R49W.
- No. 3249B-3 – Glenn Bosse: authorizing diversion of 0.68 cfs to irrigate 48 acres located in the N 1/2 SW 1/4 Section 12 from a well located in the SW 1/4 NW 1/4 Section 12; all in T90N-R49W.