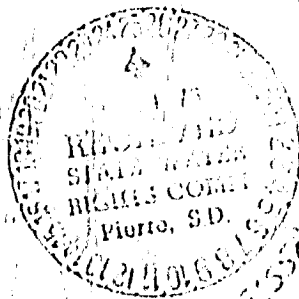


Water Right Number 3201-3

1. Considered 3-23, 19 77
2. Name of Applicant RICHARD MOSS
3. Post Office Address ANDOVER
4. Amount of Water claimed 1.78
5. Source of Water supply 55' WELL (EXISTING)
6. Water to be used for IRRIGATION
Acres to be irrigated 245
7. Water to be diverted and used in DAY County
about 0.5, 1W miles 1 of ANDOVER
8. Proof of Publication Received AS 3-18-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 3281-3

Map No. 2568-3 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 items not applicable)

1. Name of Applicant Richard Voss
Postoffice address Ardmore State S. D.

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 1055 FARM S. Project #2

4. Amount of water claimed (cubic feet per second) 9.00 CFS

5. Source of water supply well

6. Location of point of diversion 57' south of road in NE corner of Sect 2-2, T122N-59E

7. Annual period or periods during which water is to be used April - October County Day

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 545

List below each lot, section, subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.		Land Description		No. Acres Irr.
A.	Land Description	Acres	No. Acres Irr.	
	NW 1/4, Sec. 22, T122N-59E	60		
	SW 1/4, Sec. 16, T122N-59E	20		
	NE 1/4, Sec. 16, T122N-59E	65		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required for complete application of water to the proposed beneficial use _____ years.

11. Office of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News

12. Principal Features of the Proposed Water Supply System.

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

turbine pump

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

Buried Pipe Line

C. Works proposed to apply water to beneficial use.

2 center pivot machines

Estimated Total Cost \$65000

Attachment: 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 Day

I, Richard Voss 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 Richard Voss

Subscribed and sworn to before me this 22 day of Oct 1926

Gordon H. Hemmer
Notary Public (or other qualified officer)

GORDON H. HEMMER
Notary Public, S. D.
My Comm. Expires Jan 1, 1927

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3281-3

RICHARD VOSS
(Applicant)

ANDOVER
(Post Office Address)

SOUTH DAKOTA 57422
(State)

With the following modifications

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

THE APPLICABLE PORTIONS OF PERMIT NO 2862-3 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 2862-3 HAS BEEN CANCELLED.

THE WELL APPROVED UNDER THIS PERMIT MUST BE VALUED, AND THE FLOW CONTROLLED WHEN NOT BEING USED FOR IRRIGATION.

Date of first receipt of application OCTOBER 25, 19 76

Date of return to applicant for correction, amendments or changes required OCTOBER 25, 19 76

Date of receipt of corrected application NOVEMBER 9, 19 76

Approved MARCH 23, 19 77, Recorded in Book 18 Page 116

WATER RIGHT PERMIT NO. 3281-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3213-3 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 .85 FROM JULY 26, 1976
.93 FROM OCTOBER 25, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23, 1979
3. The whole of said work is to be completed on or before MARCH 23, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23, 1982
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 1.78 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 MARCH 23, 1982; said water to be used during the following described annual period APRIL - OCTOBER

Witness my hand this 4TH day of MAY, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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 1.75 ", Depth 55'
- (2) Casing, Type Steel (wood, concrete, steel, etc.) Diameter 12" Thickness 3/8"
- (3) Perforated Screen.
Type Stainless, Diameter 12", Length 20'
- (4) Gravel Pack, Thickness 5", Length of gravel pack full length

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 _____

Depth to top of water bearing material 2'

Depth to bottom of water bearing material 55'

Thickness of water bearing material 53'

Depth to water (ground surface to water level) running out of top

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

On same owner's property _____ rds. On property owned by others 1/2 mile rds.

G. Water Storage Dams.

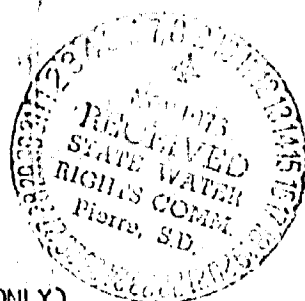
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

X Richard Voss
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER, IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Richard Voss - Voss Farms project #2
ADDRESS Anderson, S.D. 57422
COUNTY Day

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 Section 20-122-59
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 522-122-59 SW 1/4 516-122-59
SE 1/4 516-122-59

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED wht. & alfalfa

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

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 Day County 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.

Richard Voss
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____ 19 ____.

(TITLE OR SEAL)

Margaret R. Robertson
APPROVED / DISAPPROVED
Cons. Dir.

(SOILS INFORMATION ON REVERSE SIDE)

INSTRUCTIONS FOR PREPARING FORM W1 #1

LEGAL DESCRIPTION:

Line 1 - show legal description to nearest 40 acres.
Line 2 - show legal description to nearest 40 acres.

TYPE OF IRRIGATION:

Complete lines 3 and 4.

SOILS INFORMATION: (please see example on reverse side)

Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

WATER QUALITY:

The applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota 57006.

A report of the analysis will be mailed to the State Conservation Commission by the Water Quality Laboratory. The applicant will also receive an analysis report for his records.

Certification must be completed by applicant and notarized or attested to by Register of Deeds, Registered Professional Engineer, or Conservation District Official.

Form 6 Notice of Intent to Appropriate Water

No. 2200-3

Publish first publication, on or before March 1, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1977

Notice is hereby given that Richard Voss
whose post office address is Andover, 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
0.78 cubic feet of water per second of time from the ground water (artesian) through the
Voss Farm Project, the point of diversion of which is to be located in the

NE 1/4 NW 1/4
of Section 22, Twp. 122N, Range 59W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4 NW 1/4, Section 22; NE 1/4 SW 1/4, NE 1/4 SE 1/4, Section 10, T122N,
R59W

This application No. 2200-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of March, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERION
Water Rights Specialist

BFJ/bw
cc:

Richard Voss, Andover, SD 57422

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

No. 3281-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dianne Brenden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

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 Aberdeen of _____

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

March 10, 1977

March 17, 1977

Dianne Brenden

(Signature)

Principal Clerk
March 17, 1977

(Title)

March 17, 1977

(Date Signed)

(No. 195-March 10, 17-27)
NOTICE OF INTENT TO APPROPRIATE WATER
Richard A. Voss, hereby (given) that
address is: Andover, 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, 1.78 cubic feet of water per
second of time from ground water
(existing well) through the Voss
Farm; Project No. 2, the point of
diversion of which is to be located in
the NW 1/4 of Section 22, Twp.
122N, Range 59W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: W 1/2 NW 1/4,
Section 22, N 1/2 SW 1/4, N 1/2 SE 1/4,
S 1/2 SE 1/4, Section 16, T122N, R59W.
This application No. 3281-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 23rd day of March, 1977, at
10:00 A.M. All interested persons
may appear and be heard.
WATER RIGHTS COMMISSION
By: James Winterlon
Water Rights Specialist





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

May 17, 1977

Phone 605/224-3151

Richard Voss
Andover
South Dakota 57422

Dear Mr. Voss:

Enclosed herewith is your Water Right Permit No. 3281-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 3281-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. The applicable portions of Permit, No. 2862-3 have been incorporated into this Permit, and Permit No. 2862-3 has been cancelled.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

Report on
Water Right Applications
No. 2965-3, No. 3281-3, No. 3299-3 & No. 3300-3
January 17, 1977

The Water Rights Commission deferred action at the September 29-30, 1976, meeting on the Randy Zimmerman Application No. 2965-3 pending an investigation by the Commission Staff. The George Dylla Application No. 3299-3 and the Ivan Morchouse Application No. 3300-3 were advertised for the January 25-27, 1977, meeting. The Richard Voss application No. 3281-3 is not complete and has not been advertised. An investigation was conducted in the Andover area December 14, 1976.

Applications and Permits

The following table lists the area Water Right Applications and Permits with wells into the shallow ground water aquifer in the Andover area. The project locations are shown on the attachment.

<u>Number</u>	<u>Name</u>	<u>Priority</u> <u>Date</u>	<u>CFS</u>	<u>Acres</u>	<u>Well</u> <u>Depth</u>	<u>Status</u>
1651-3	Town of Andover	.05 cfs 1929			2 wells	Vested
		.06 cfs 1950			28'	Right
2456-3	Jerald Peterson	11-13-75	2.0	140	1 well	Approved
					70'	1-23-76
2739-3	Ward Lemmon	4-29-76	2.0	405	2 wells	Approved
					29'	5-20-76
2814-3	Richard Voss	6-28-76	.85	59.7	dugout	Approved
					70'X340X14'	7-21-76
					springs	
2815-3	Gary Voss	6-28-76	2.96	207	1 well	Approved
					70'	7-21-76
2816-3	Clarence Hannon	6-29-76	4.0	283	2 wells	Approved
					80' & 85'	7-21-76
2823-3	Peterson Farms, Inc.	7-2-76	3.0	307	1 well	Approved
					80'	7-22-76
2862-3	Richard Voss	7-26-76	.85	Same	1 well	Approved
				as	55'	9-30-76
				2814-3	flows about	
					200 gpm	

Applications No. 2965-3, No. 3281-3, No. 3299-3 & No. 3300-3

Page 2

<u>Number</u>	<u>Name</u>	<u>Priority</u> <u>Date</u>	<u>CFS</u>	<u>Acres</u>	<u>Well</u> <u>Depth</u>	<u>Status</u>
2965-3	Randy Zimmerman	8-31-76	2.2	165	1 well 62'	Deferred 9-29-76
3281-3	Richard Voss	11-9-76	2.0	245	existing well 2862-3	not advertised
3299-3	George Dylla	10-29-76	2.28	400	1 well 65'	Advertised for 1-26-77 meeting
3300-3	Ivan Morehouse	10-29-76	2.0	160	1 well 157'	Advertised for 1-26-77 meeting

Persons Contacted

Randy Zimmerman, George Dylla, Richard Voss, Ivan Morehouse, Mr. and Mrs. Francis Bingen, and James Dylla were contacted during the investigation.

Geology of the Area and Discussion

Information Pamphlet No. 3, "Major Aquifers and Sand and Gravel Resources in Day County, South Dakota" provides general information concerning the major aquifers in Day County. A more detailed and comprehensive report is not available to date.

The Andover area is not shown as being in a major glacial aquifer, but rather an area with poor probability of finding sand and gravel deposits. Test drilling by private individuals has shown that ground water is available in certain areas. Where found, the ground water is under water table conditions except in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 and NW $\frac{1}{4}$ of Section 22-T122N-R59W where George Dylla No. 3299-3 has drilled a well and Richard Voss Permit No. 2862-3 has drilled an irrigation well which flows unchecked at an estimated 200 gpm. A flowing unvalved well is in violation of State Statutes.

Apparently the nearby dugout, Permit No. 2814-3, has spring flows into it. Drilling of the well to a deeper sands and gravel formation resulted in the flowing well.

Reportedly, one or two existing permit holders have drilled more wells than authorized by their original permit. New applications will be necessary for any unauthorized wells. If additional wells are authorized a later priority date will be established for junior wells. If well interference problems do occur, then the junior priority wells will be the first to be reduced or shut off.

Applications No. 2965-3, No. 3281-3, No. 3299-3 & No. 3300-3

Page 3

Mr. Zimmerman and Mr. Dylla each have requested one well in their original applications. Both have advised they need more than one well. Mr. Zimmerman needs three and Mr. Dylla two wells, since one well will not deliver enough water to run a center pivot on one quarter of land. Spacing of wells must also be considered. Until additional information on the aquifer is known spacing of at least 660 feet should be maintained between wells covered by one permit and at least $\frac{1}{4}$ mile between wells authorized by separate permits.

The Commission does not have observation wells in the area. The Staff are planning to install wells during 1977, if funding is provided.

Mr. & Mrs. Bingen and James Dylla are concerned that the irrigation pumping will interfere with their domestic wells. An adequate well in the Andover area is a well in which the pump intake can be placed at least 20 feet into the aquifer, providing the aquifer is thick enough.

The Bingen well which is 85 feet deep may be adequate, but well maintenance may be needed. James Dylla has a four year old well that is 22 feet deep. Mr. Dylla reported the water level was about three feet, but dropped to nine feet last summer. Water comes in the bottom of the well which may be partially plugged. The Dylla well may not be an adequate well.

A letter has been received from Richard Marske protesting the George Dylla application because the irrigation well would be 50 rods from Mr. Marske's dugout. It is doubtful that the dugout would be affected by irrigation pumping. Water levels in dugouts are more likely to be affected by evaporation and plugging from mud and siltation than by irrigation pumping. The Commission has also indicated that even if a dugout were affected by irrigation pumping it would not protect the dugout.

The Staff believes that Water Right Applications No. 2965-3, No. 3299-3 and No. 3300-3 can be issued with proper spacing.

Recommendations

Based upon the investigation, there is unappropriated water available and the Commission Staff recommends that the three applications be approved as follows:

No. 2965-3 for 2.2 cfs from 3-62 foot deep wells, spaced at least 660 feet apart and at least $\frac{1}{4}$ mile from the domestic well in NW $\frac{1}{4}$ Section 12-T123-R59 with well interference qualification.

Applications No. 2965-3, No. 3281-3, No. 3299-3 & No. 3300-3

Page 4

No. 3299-3 for 2.28 cfs from 2-65 foot deep wells, spaced at least 660 feet apart and at least $\frac{1}{4}$ mile from the irrigation well authorized by Water Right Permit No. 2862-3 with well interference qualification.

No. 3300-3 for 2.0 cfs from 1-157 foot deep well with well interference qualification.

The well interference qualification is as follows:

"The irrigation well approved under this permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights."

JOHN HATCH, Chief Engineer
Water Rights Commission

13	18	17	16	16	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	10	11	12	13	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19

R60 1159

7/123 7/122

Adjuer 1450-3

Vard
Linnar
2731-3

R59 R58

Jerald
Peterson
2456-3

Francis
an-Bingen
12
Fred
Simonson
2945-3

Peterson Fred
2923-3

George
Oyile
1219-3

advertised

deferred

Richard
Vess
2712-3

not
advertised

Richard
Vess
2712-3

James
Oyile

James
Vess

2716-3 33

7/122 7/123

Ivan
Mogensen
3100-3
advertised

Gary
Vess
2710-3

122-59

59.7

Land to be irrigated

CR 68

NE $\frac{1}{4}$ NW $\frac{1}{4}$
13 Ac

Well #1

Well #2

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

35 Ac

1-PR

70 AC

Clement
Kehrwald

Dist. Cons.

5 mil Cons.

Service

59.7 Acres

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

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

12 Ac

3 Ac

40A

1-0

45

27.5

4.0

20.6

23.7

18.0

29.0

22

Well #1 = 1920' E + 450' S of the
NW Cor. of Sec 22,

Well #2 = 2400' E and 600' S of
the NW Cor Sec. 22

27.8

9 13.0

23.0

5.0

MAP NO 2568-3 (APP NO 3281-3)

18.6

39.2

60.0

108.9

43.7

19.0

78.5

2-222C

16

105 Ac for

6
105 Ac for
Clement Kehring
Dist. Cons.
Sail Cons. Service
185.5 Acres

4.8

118.8

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

35A0

$$\frac{18}{10}$$

10

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -

36 Ac

$$\frac{47}{1+8}$$

3+1

SE 1/4 SW 1/4 17 Ac

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 17Ac

118.8 T and
area to be irrigated

40.7 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$

~~27A~~
$$SE\frac{1}{4}SE\frac{1}{4}$$

27 Ac

26.0
acres

Land to be irrigated

$$\frac{18}{4-1} \text{ PF} \quad \frac{58}{1-F}$$

$\frac{18}{4-1} \text{ pf}$ 1-F

10
4-1A

4

18

4-0

122-59

122.8

2-222C

51.5

76.0

19.1