

WATER PERMIT NO. 3451C-3

Name of Applicant: Ivan Mollett

Address: 33063 484th Ave, Jefferson SD 57038

Phone: 605 966-5471

Amount of Water Claimed: 0.57 cfs

Total Acres: 40 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: na

Location: ½ east of Jefferson

PRIORITY

Date Received: 10-20-10

Application/License Fee: \$300

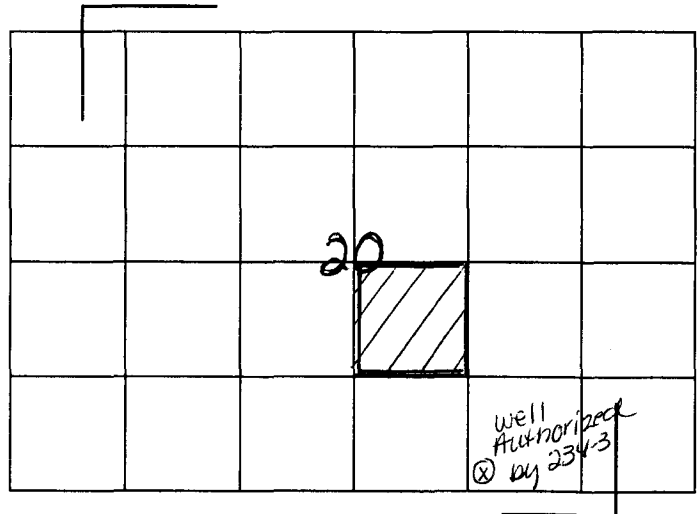
Corrected Application Received:

Period of Annual Use: April 1 – Oct 31

Remarks: transfer a portion of the diversion authority authorized by WR 3451-3 to the well authorized by WR 234-3

Diversion Point: SE ¼ SE ¼ Sec 20-T90N-R48W

Land to be Irrigated: NW ¼ SE ¼ Sec 20-T90N-R48W



Depth of Well: 94 feet deep

Well Driller: US-Geological-Survey

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 10-20-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>3451C-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Leader-Courier PO Box 310</u>

RECEIVED
OCT 20 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 3451-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Change diversion for 1/4 water right on Permit #3451-3
to well on Permit #234-3

- Name of Applicant Ivan Mollet Phone 605-966-5471
(check one) X Owner Tenant/lessee
Mailing Address 33063 484th Ave Jefferson State SD 57038
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.57*CFS or 256 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well on Permit #234-3
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well SE 1/4 SE 1/4 sec 20 T90N R48W (Existing)
County Union
- County or counties where water will be used Union
- Annual period during which water is to be used April - Oct. 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 of sec T90N R48W	40		
20			

- Give a description of the project. (Attach sheet if more space is needed)
Move water rights from well listed on 3451-3 To well
on Permit #234-3 for New owner of rights

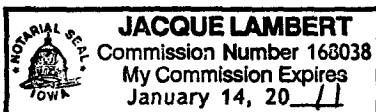
STATE OF SOUTH DAKOTA) SS
County of Union

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Ivan Mollet, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Ivan Mollet

Subscribed and sworn to before me this 15 day of October 20 10



Jacquie Lambert
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 3451C-3**

Date of first receipt of application October 20, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3451C-3 to Ivan Mollet, 33063 484th Ave, Jefferson SD 57038 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3451C-3 amends a portion of Water Right No. 3451-3 by transferring a portion of the diversion authority to a well authorized by Water Right No. 234-3. Water Right No. 3451-3 appropriates 2.28 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 20 to irrigate 160 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 20; all in T90N-R48W. Land authorized for irrigation under Water Right No. 3451-3 was divided to reflect separate ownership. Mr. Mollet owns the NW 1/4 SE 1/4 Section 20-T90N-R48W (40 acres) and transfers 0.57 cfs (his portion of the diversion authority authorized by No. 3451-3) to the existing well authorized by Water Right No. 234-3 located in the SE 1/4 SE 1/4 Section 20-T90N-R48W. The water source is the Missouri: Elk Point Aquifer and no increase in the diversion rate or number of acres irrigated are authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 7, 1956.
4. The date of approval of Permit No. 3451C-3 is December 20, 2010.
5. One-fifth of the construction is to be completed on or before June 20, 2013.
6. All construction is to be completed on or before December 20, 2015.
7. Water is to be put to beneficial use on or before December 20, 2019.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 10 2011
date



Supplemental Information

(type or print in ink)
SEE Existing Well information on Permit #234-3

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

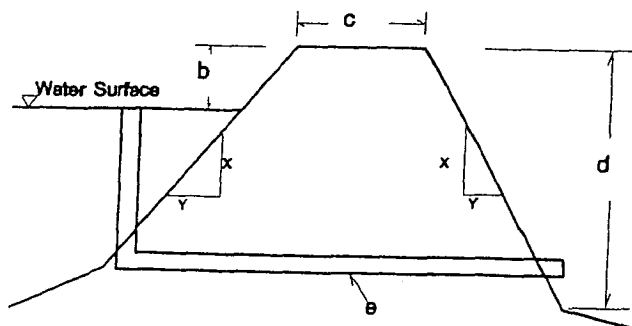
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Mollet land to be transferred out of Bertrand Estates water right



Existing acres under Lynn Mollet's WR Nos. 234-3 & 6630-3



Approx. location of original well under WR No. 234-3



Approx. location of new well under WR No. 6630-3

Cecil D. Dandland Water Right Program

RECEIVED

OCT 20 2010

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/20, 20 10

RECEIVED OF Ivan Mollett 33063 484th Ave Jefferson SD 57038

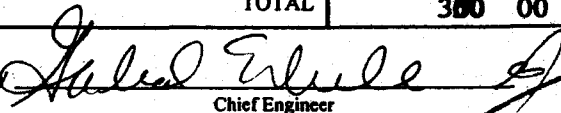
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>3451C-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. <u>3451C-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

04633

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 2008

3451-3

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

I am writing in regard to Water Right No. 3451-3, currently listed in the name of the Martin Bertrand Estate. In January of this year, Mike Chicoine notified our program that he had purchased a 40 acre piece of the property described in the water right. Today, I spoke with Mrs. Lynn Mollet who confirmed you also purchased a portion of the land. Enclosed is a copy of the water right and map for your review.

In cases where more than one person owns land described in a water right, the water right is divided and reissued to reflect separate ownership. The diversion rate authority is prorated accordingly. The water right will be divided four ways. Water Right Nos. 3451A-3; 3451B-3, 3451C-3 and 3451D-3 will be issued each with the 40 acre parcel they own and a diversion rate of 0.57 cubic feet per second (approximately 260 gallons per minute). Mike Chicoine has already filed an ownership change for the portion he owns. I have labeled the enclosed map with the information we were given on the breakdown of ownership.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change for the portion of land you own under the water right. Please complete the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

One item I need to mention about the water right is that validity may be an issue. There were many years that the land was not irrigated (1991 through 2001) and we do not have any record of whether legal excuse existed or not. Under South Dakota Water Law, a water right may be subject to forfeiture for nonuse if water is not used for its intended purpose for a period of three years. There are provisions of law for legal excuse for the non-use of water (see enclosed excerpts of water laws and Water Management Board Rules). In 2004, we corresponded with an attorney for the Bertrand Estate (copies enclosed). They were notified at that time that simply beginning to irrigate did not cure past years of non-use. We recommended at that time that they seek an opinion from the Water Management Board. The Board is the entity who determines if a water right has legal standing. We would encourage you to follow the same process.

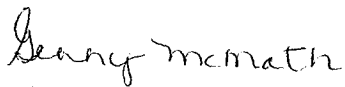
Page 2
July 30, 2008
Ivan Mollet

To recap, the items you need to return to us are:

- "Notice of Transfer of Ownership"
- \$2.50 filing fee for the ownership change

If I can answer any questions for you, please contact me.

Sincerely,



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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 2010

Ivan Mollet
33063 484th Avenue
Jefferson SD 57038

Dear Mr. Mollet:

As a follow-up to our phone conversation, I am forwarding you the following information.

Enclosed is a partially completed transfer of ownership form. You own the NW 1/4 SE ¼ of Section 20, T90N, R48W which is part of Water Right No. 3451-3 currently in the name of Martin Bertrand Estate. You desire to transfer the 40 acres and its proportionate diversion rate authority (256 gallons per minute) to your name.

Also enclosed are Water Right Nos. 234-3 and 6630-3 held by Lynn Mollet. It is my understanding you intend to transfer your acreage and the diversion rate authority to the east and irrigate the lands using Lynn Mollet's well. I have enclosed a map that shows the acreage you intend to transfer (red), the currently authorized land under Lynn Mollet's water rights (green) and the approximate location of the two wells.

Finally, enclosed is an application form and instruction sheet. The application will need to define where the acreage will be transferred to and the well intended to be used to irrigate the land. A map will need to be submitted outlining the new acres and signed as set forth in Item 2c of the instruction sheet. This application will be deemed an amendment to the portion of Water Right No. 3451-3 transferred to you. On question that comes to mind is who owns the land that will now be irrigated. Do you own the land or does Lynn Mollet? This may make a difference on who should fill out the application.

Once you've had a chance to review this information, if you have questions about completing the application, please contact me.

Sincerely,

Copy

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
OCT 20 2010
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 3451C-3

Date: 23 Sept. 10

I/We request that portions of Water Right No. 3451-3

formerly owned by: Martin Bertrand Estate

be transferred to: (name & address) IVAN L. Mollet

33063 484 AVE

JEFFERSON S.D.

Telephone No (605) 966-5471

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

NW ¼ SE ¼ Section 20, T90N, R48W

I/We understand that the validity of Water Right No. 3451-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We IVAN L. Mollet, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/20, 20 10

RECEIVED OF Ivan Mollett 33063 484th Ave Jefferson SD 57038

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	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 <u>3451C-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04632

By

Harold Erbe 29
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3451C-3, Ivan Mollet**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 3451C-3, Ivan Mollet, 33063 484th Avenue, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 3451C-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) it is in the public interest with the following qualifications:

1. The well approved 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 28, 2010

**Report on Water Permit Application No. 3451C-3
for Ivan Mollet
October 21, 2010**

Application No. 3451C-3 proposes to amend a portion of Water Right No. 3451-3 by transferring a portion of the diversion authority to a well authorized by Water Right No. 234-3. Water Right No. 3451-3 authorizes the diversion of 2.28 cubic feet per second (cfs) of water to irrigate 160 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20 Township 90N Range 48W in Union County. Water Right No. 234-3 authorizes the diversion of 2.28 cfs to irrigate 160 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21 Township 90N, Range 48W. Water Permit No. 6630-3 authorizes the diversion of 0.86 cfs to irrigate the S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21 Township 90N, Range 48W. Application No. 3451C-3, if approved, will transfer diversion authority for 40 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 in Township 90N, Range 48W to the well authorized by Water Right No. 234-3 in Union County. The annual period during which water is used is April 1 through October 31.

Collectively, Water Permit No. 3451C-3 (if approved), Water Permit No. 6630-3, and Water Right No. 234-3 will authorize the diversion of 3.71 cfs to irrigate 260 acres. Water Right No. 3451-3 will retain the authority for diversion of 1.71 cfs to irrigate 120 acres.

AQUIFER: Missouri Elk Point

This report will describe the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under water table conditions in the area of this application. The aquifer underlies 115,200 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). The aquifer underlies the flood plains of the Missouri and Big Sioux Rivers in southern Union County (Niehus, 1994). Groundwater movement is basically from northwest to southeast in the area of this application (Niehus, 1994).

The well authorized for Water Permit No. 234-3, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 90N, Range 48W was constructed in 1958.

Observation Well Data:

The Water Rights Program monitors one observation well, UN-87B, located approximately one mile northwest of this application location. Water levels for this well shows good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. (Water Rights, 2010). The hydrograph for this observation well is included below.

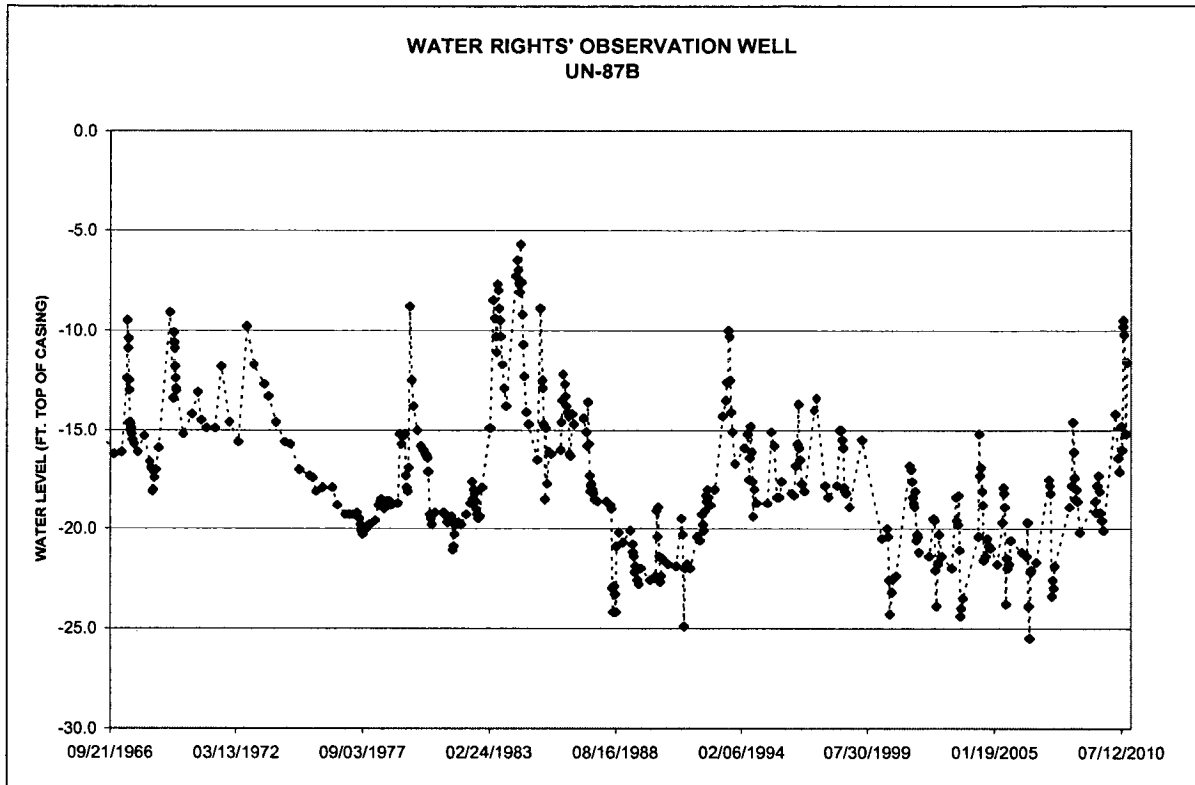


Figure 1. Hydrograph for Water Rights Observation Well UN-87B completed into the Elk Point management unit within one mile of 3451C-3

In general, the hydrograph shows that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 304, with the average annual appropriation being nearly 128,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M:EP			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	396	151130.4	16261.88
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	304.47	127767.86	17095.79
MAXIMUM	396	151130.4	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Recharge to the aquifer also occurs from the Lower Vermillion-Missouri aquifer at the northern boundary and from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer (Niehus, 1994). The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri and Big Sioux Rivers during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. This application, Permit No. 3451C-3, proposes to change the diversion authority for 40 acres which are permitted through Permit No. 3451-3 and is not for additional water or a new well.
2. The aquifer is under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. The well authorized for Water Permit No. 234-3, located in the SE 14/ SE ¼, Section 21, Township 90N, Range 48W was constructed in 1958.



Hayes Haas
Natural Resources Engineer

Bibliography:

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2010, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

Water Rights Program - File Documentation

NAME: Leader - Courier

ADDRESS: Elk Point SD

DATE: 11-22-10 **COUNTY:** Union **TELEPHONE:**

RE: Publication Notice

COMMENTS:

I called the Leader-Courier for the affidavit of publication. Susan with the paper indicated the notice was not published on November 4. Mr. Mollet contacted them to confirm publication after the paper's deadline to publish on November 4. Consequently, the notice was not published.

The notice is being resent to Mr. Mollet and the paper to be published on December 2nd and 9th.



Karen Schlaak
Environmental Scientist

RECEIVED

DEC 10 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of _____ Union)

I, Susan Odson

certify that the attached printed Notice was
taken

from the Southern Union County
Leader-Courier

printed and published in Elk Point

County of _____ Union _____ and

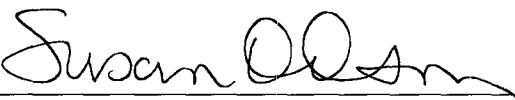
state of South Dakota.

The notice was published
in the newspaper on the following two dates:

December 2, 2010

December 9, 2010

Cost of Printing \$58.26


(Signature)

Affidavits Coordinator
(Title)

December 9, 2010
(Date Signed)

**NOTICE OF APPLICATION
NO. 3451C-3**

**to Amend a Portion of
Water Right No. 3451-3**

Notice is given that Ivan Mollet, 33063 484th Ave, Jefferson SD 57038 has filed an application to amend a portion of Water Right No. 3451-3 by transferring a portion of the diversion authority to a well authorized by Water Right No. 234-3. Water Right No. 3451-3 appropriates 2.28 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 Section 20 to irrigate 160 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 20; all in T90N-R48W. Land authorized for irrigation under the water right is being divided to reflect separate ownership. Mr. Mollet owns the NW 1/4 SE 1/4 Section 20-T90N-R48W (40 acres) and is proposing to transfer 0.57 cfs (his portion of the diversion authority authorized by No. 3451-3) to the existing well authorized by Water Right No. 234-3 located in the SE 1/4 SE 1/4 Section 20-T90N-R48W. The water source is the Missouri: Elk Point Aquifer and no increase in the diversion rate or number of acres irrigated are authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3451C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 20, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish December 2 and 9, 2010
Published twice at the total approximate cost of \$58.26



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

November 23, 2010

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

Enclosed is another Notice of Application No. 3451C-3 to Amend a Portion of Water Right No. 3451-3. I contacted the Leader-Courier regarding the Affidavit of Publication. Susan with the paper indicated they received confirmation to publish from you after their deadline for publishing on November 4th. Consequently the notice was not published.

The notice has again been sent to the Publisher of the Leader Courier printed at Elk Point SD (Ph # 605-356-2632). Please contact the newspaper as soon as possible and authorize publication of this notice on December 2nd and 9th.

If you have any questions, please contact this office.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

c: Lynn Mollet, 33139 484th Ave., Jefferson SD 57038

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 23, 2010

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 3451C-3 to Appropriate Water to be published twice. Please publish the first notice on December 2, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Ivan Mollet, 33063 484th Ave., Jefferson SD 57078 (Ph # 605-966-5471).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 3451C-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of November 23, 2010 enclosing Notice to Appropriate Water by Application No. 3451C-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 2, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 3451C-3 to Amend a Portion of Water Right No. 3451-3

Notice is given that Ivan Mollet, 33063 484th Ave, Jefferson SD 57038 has filed an application to amend a portion of Water Right No. 3451-3 by transferring a portion of the diversion authority to a well authorized by Water Right No. 234-3. Water Right No. 3451-3 appropriates 2.28 cubic feet of water per second (cfs) from one well located in the SE ¼ SW ¼ Section 20 to irrigate 160 acres located in the W ½ SE ¼, E ½ SW ¼ Section 20; all in T90N-R48W. Land authorized for irrigation under the water right is being divided to reflect separate ownership. Mr. Mollet owns the NW ¼ SE ¼ Section 20-T90N-R48W (40 acres) and is proposing to transfer 0.57 cfs (his portion of the diversion authority authorized by No. 3451-3) to the existing well authorized by Water Right No. 234-3 located in the SE ¼ SE ¼ Section 20-T90N-R48W. The water source is the Missouri: Elk Point Aquifer and no increase in the diversion rate or number of acres irrigated are authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3451C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 20, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 10 2011

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

Enclosed is Water Permit No. 3451C-3 which amends a portion of Water Right No. 3451-3 by transferring a portion of the diversion authority to a well authorized by Water Right No. 234-3. Also, enclosed is the receipt for payment of the Notice of Transfer of Ownership on Water Right No. 3451-3. The water right has been divided to reflect separate ownership.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



3451C-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 24, 2012

NOTICE

TO: IVAN MOLLET, 33063 484TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3451C-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 3451C-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 7, 2012** 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) 3451C-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 **March 2, 2012**, 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
www.denr.sd.gov

January 26, 2012

3451C-3

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mollet:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 3451C-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,

A handwritten signature in cursive script that reads "Genny McMath".

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



3451C-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: IVAN MOLLET, 33063 484TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3451C-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 3451C-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 3451C-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 **March 3, 2014**, 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
www.denr.sd.gov

January 29, 2014

3451C-3

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 3451C-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



3451C-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: IVAN MOLLET, 33063 484TH AVE, JEFFERSON, SD 57038

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3451C-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 3451C-3 qualification:

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

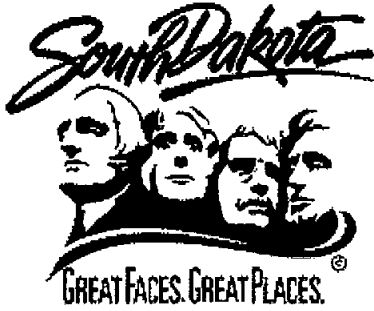
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 3451C-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 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

3451C-3

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 3451C-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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: IVAN MOLLET, 33063 484TH AVE, JEFFERSON, SD 57038

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3451C-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 3451C-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 3451C-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 before the **March 2, 2022** 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: <https://danr.sd.gov/iq> using this password: CKVGQI**

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 AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 25, 2022

3451C-3

Ivan Mollet
33063 484th Ave
Jefferson SD 57038

Dear Mr. Mollet:

Thank you for calling yesterday and taking care of the irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 3451C-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
Genny.mcmath@state.sd.us