

Water Right Number 3537-3

1. Considered 2-23, 19 77
2. Name of Applicant LAYNE MOELLER
3. Post Office Address ROSHOLT
4. Amount of Water claimed 2.2
5. Source of Water supply (2) 100' WELL
6. Water to be used for IRR
- Acres to be irrigated 156
7. Water to be diverted and used in ROBERTS County
about 25.1E miles of ROSHOLT
8. Proof of Publication Received 2-22-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

See Letter
W. J. Affinity

No. 3537-3
 Map No. 2817-3 Water Division No. 3 WHEATSTONE CREEK 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 Layne Moeller
 Postoffice address Rosholt, State South Dakota 57250
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct labor
 3. Name of diversion work Layne Moeller Irrigation Works #2
 4. Amount of water claimed (cubic feet per second) 4.4- 2.2
 5. Source of water supply Wells
 6. Location of point of diversion # 1 = Center of SW 1/4 Section 33 - T128N R48W
2 = Center of SE 1/4 Section 7 - T127N R48W (2 WELLS)
 County Roberts
 7. Annual period or periods during which water is to be used Spring - Summer - Fall
 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 312 156

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.
NE 1/4 SW 1/4 Sec. 33-128-48	40	NW 1/4 SE 1/4 Sec. 7-127-48	40
NW 1/4 SW 1/4 Sec. 33-128-48	40	NE 1/4 SE 1/4 Sec. 7-127-48	30
SW 1/4 SW 1/4 Sec. 33-128-48	40	SE 1/4 SE 1/4 Sec. 7-127-48	30
SE 1/4 SW 1/4 Sec. 33-128-48	40	SW 1/4 SE 1/4 Sec. 7-127-48	30

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sisseton Courier
 12. Principal Features of the Proposed Water Supply System.

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

Wells

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

Pipeline

C. Works proposed to apply water to beneficial use.

Sprinkler system

Estimated Total Cost \$ 80,000.00

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 Roberts

I, Layne Moeller 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

Subscribed and sworn before me this 12 day of August 19 76

Notary Public (or other qualified officer)

My commission expires November 21, 1977.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3537-3

LAYNE MOELLER
(Applicant)

ROSHOLT
(Post Office Address)

SOUTH DAKOTA 57260 With the following modifications:
(State)

The irrigation wells 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 WELLS APPROVED UNDER THIS PERMIT SHALL BE LOCATED SO THAT THERE IS AT LEAST 660' SPACING BETWEEN WELLS.

Date of first receipt of application AUGUST 16, 19 76
Date of return to applicant for correction, amendments or changes required DECEMBER 23, 19 76
Date of receipt of corrected application DECEMBER 28, 19 76
Approved NOVEMBER 30, 19 77, Recorded in Book 19 Page 179

WATER RIGHT PERMIT NO. 3537.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3537.3 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 limitation and conditions:

1. The date from which applicant may claim right is AUGUST 16, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 30, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 30, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 30, 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before NOVEMBER 30, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 7th day of DECEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John H. H. H.
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 24", Depth 130'
(2) Casing, Type Plastic Diameter 16" Thickness 0.3"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Johnson, Diameter 16", Length 25'
(4) Gravel Pack, Thickness 4", Length of gravel pack 100'

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 Sands and Gravels

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 105'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 20'

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

#1 - None -130
On same owner's property #2 - None rds. On property owned by others -100 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.

Signature of Applicant

SEE NO 3536-3 FOR
CONS. COMM DATA

SD

Form 6 - Notice of Intent to Appropriate Water

No. 3537-3

Publish first publication, on or before February 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Notice is hereby given that Layne Moeller
whose post office address is Rosholt, 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
Layne Moeller # 2, the point of diversion of which is to be located in the
center of the SE 1/4
of Section 7, Twp. 127N, Range 48W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE 1/4, Section 7, T127N, R48W

This application No. 3537-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of February, 1977, at 10:00 AM. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Layne Moeller, Rosholt, SD 57260

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

No. 3537-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Jack Adams hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sisseton 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 Sisseton of _____
County of Roberts and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Feb. 10, 1977

Feb. 17, 1977

[Signature]
(Signature)

editor
(Title)

Feb. 18, 1977

(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Layne Moeller, whose post
office address is Rosholt, South
Dakota, has made an ap-
plication 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 Layne
Moeller No. 2, the point of
diversion of which is to be
located in the center of the SE 1/4
of Section 7, Township 127N,
Range 48W. Said water to be
used for the purpose of
providing irrigation on portions
of the following described land:
SE 1/4, Section 7, T127N, R48W
This application No. 3537-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 23rd
day of February, 1977, at 10:00
a.m. All interested persons may
appear and be heard.

Water Rights Commission
Burton F. Jones
Water Rights Specialist
(Feb. 10-17-2w)



SOUTH DAKOTA

3537-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

May 20, 1977

TO: Persons Concerned With Water Right Application No. 3537-3,
Layne Moeller, Rosholt, South Dakota 57260.

FROM: John Hatch, Chief Engineer, Water Rights Commission.

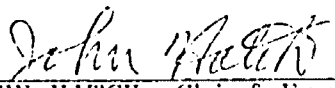
SUBJECT: Notice of Reconsideration Hearing on Application No. 3537-3.

The Water Rights Commission will reconsider Water Right Application No. 3537-3 at 1:30 P.M., May 26, 1977 in the South Dakota Education Association Auditorium, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing is at the request of Layne and Allan Moeller and will be conducted in accordance with SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 51:01:01:01 thru 52:01:01:13.

Application No. 3537-3 was deferred by the Water Rights Commission February 23, 1977 pending Staff investigation. Alan Moeller would like to reduce the number of acres authorized by his permit No. 2854-3 and irrigate from his well 50 acres requested by deferred Application No. 3537-3.

After reconsideration of Application No. 3537-3, the Commission can approve, defer, or deny all or part of Application No. 3537-3.



JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

Report on Roberts County Deferred Applications W.R.
Applications 3319-3, 3536-3, 3537-3, 3844-3 and 3934-3

November 18, 1977

The Water Rights Commission Deferred action on Water Right Applications 3319-3, 3536-3 & 3537-3 at February 23-24, 1977 meeting and on 3844 and 3934-3 at the May 25-26, 1977 meeting. This action was taken after protests were registered with the Commission by area residents and to allow the Staff additional time to study the area.

Proposed Projects:

- 3319-3 Don Moeller, application 3319-3 will be withdrawn and replaced by 4177-3. 4177-3 proposes to irrigate the SE $\frac{1}{4}$ -18-T127N-R48W and the NE $\frac{1}{4}$ Section 19-T127N-R48W from a series of six wells ranging in depth from 40 - 130 feet.
- 3536-3 Layne Moeller, application 3536-3 proposes to irrigate the SE $\frac{1}{4}$ Section 33-T128N-R48W from a 130 foot well.
- 3537-3 Layne Moeller, proposes to irrigate the SE $\frac{1}{4}$ Section 7-T127N-R48W from a 130 foot well. Presently 106 acres of the original 156 acres and the well are deferred.
- 3844-3 Clarence Erickson, proposes to irrigate the SE $\frac{1}{4}$ Section 9-T127N-R49W from a 250 foot well.
- 3934-3 Don Moeller, the land covered under this application was granted under W.R. permit 3538-3. This application is for three additional wells 106 feet, 110 feet and 236 feet.

Discussion:

The Commission deferred action on above water right applications when petitions were presented opposing them. The Commission's action was taken to allow the Staff time to obtain information in the area in question.

The Staff had three observation wells installed in the spring of 1977 (RB77 A, B, C). Water level readings on these wells indicate a maximum fluctuation of 0.8 feet.

In October 1977 the Staff installed an additional eight observation wells. This test drilling indicated that the area is underlain with medium sand in varying thickness with a maximum thickness found in well RB77K of 68 feet. This upper aquifer

November 18, 1977
Page 2

is under water table conditions which should limit the cone of influence from irrigation pumping.

Applications 3536-3 and 3938-3, and 4177-3 propose to irrigate from the water table aquifer.

Applications 3544-3 and 3938-3 propose to irrigate from an aquifer starting at approximately 160 feet to 250 feet, with a 120 feet of artesian head indicated on 3844-3 drillers log. With the spacing indicated there should not be any interference between these permits..

Conclusions:

With the data presently available the Staff concludes that there is unappropriated water available for applications 3536-3, 3537-3, 3934-3, 3844-3, and 4177-3.

Recommendations:

The Staff recommends approval of Water Right Application Numbers 3536-3, 3537-3, 3934-3, 3844-3, and 4177-3 with the following qualifications:

The irrigation wells 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 wells having prior water rights.

GALE N. SELKEN
Hydrologist

RB 77A

DATE	W/L
3/19/77	32.1
6/16/77	32.0
8/16/77	32.6
9/20/77	32.8

RB 77B

DATE	W/L
6/16/77	44.4
8/16/77	45.0
9/20/77	45.2

RB 77C

DATE	W/L
6/16/77	69.4
8/16/77	69.3
9/20/77	70.0

LOG AND INSPECTION SHEET

Well No. CR 77 A, Section Center Sec 14, T. 7, Township 122 N, Rge. 49 WWell Driller LTP Drilling Co.Date drilled _____ Dia. of Hole 8", Dia. of Casing 2"LOG

Layers, Top to Top in feet	Description of Layer	Sampled
<u>0-1</u>	<u>Topsoil</u>	
<u>1-22</u>	<u>Clay, with gravel stringers</u>	
<u>22-32</u>	<u>Sand, colored blue</u>	
<u>32-36</u>	<u>Clay, blue</u>	
<u>36-72</u>	<u>Sand, colored</u>	
<u>72-77</u>	<u>Clay, blue</u>	

Depth to saturated material _____ Feet

Depth to static water level 72.2 FeetTotal depth of drill hole 77.0 FeetTotal length of casing installed 72.5 Feet

CHECK LIST

Well Point ✓Waste Mounded ✓

Casing Packed _____

Air Hole ✓

Bentonite Placed _____

Padlocked ✓Well Tested ✓Post set 1 post setStick up 3.1

Merrin D. Russell
Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. RB 22 B, Section 0000 15', Township 127 N, Rge. 4 S WWell Driller Huron DrillingDate drilled 3/23/77 Dia. of Hole 5" Dia. of Casing 7"LOG

Layers, Top to Top in feet	Description of Layer	Sampled
0-20	Yellow clay slight amount sand	
20-33	Yellow clay more rocky	
33-40	Fine sand brown & black	
40-74	Fine sand Grey with lot of black	
74-84	Blue clay	
84-98	Mixed fine sand & blue clay	
98-117	Blue clay	
117-120	Gravel	
120-140	Mixture sand, gravel & clay	
140-150	Some fine gravel streaks	
150-160	Blue clay	
160-165	Back roller bit	
165-204	Blue clay	
204-219	Coarse sand some rocks	
219-230	blue clay	
230-240	Clay turning to shale	

Depth to saturated material _____ Feet

Depth to static water level 36.9 FeetTotal depth of drill hole 240 FeetTotal length of casing installed 215 Feet

CHECK LIST

Well Point ✓Waste Mounded ✓Casing Packed ✓Air Hole ✓Bentonite Placed ✓Padlocked ✓

Well Tested _____

Post set ✓Stick up 1.5

Murray J. Bruck
Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. R 877 C, Section DDDD 26, Township 127 N, Rge. 49 W.

Well Driller Harold Dilling

Date drilled 5/22/77 Dia. of Hole 5", Dia. of Casing 2"

LOG

Layers, Top to Top in feet	Description of Layer	Sampled
0-36	Yellow clay, gravel streaks	
3-66	blue clay some rocks	
66-100	Fine sand gray, few clay streaks	
100-115	Sand fine some small concrete coal	
115-120	Clay, blue	
120-140	clay hard streaks, sand streaks	some pebbles
140-170	clay blue some rocks	
170-176	clay and gravel streaks	
176-180	Gravel	
180-185	Gravel good	
185-200	Gravel and clay streaks	
200-210	Gravel mixed with clay	
210-212	Clay	
212-220	Medium sand	
220-240	Sand and gravel mixed getting coarser	
240-260	Coarser sand and gravel mixed	
260-268	Gravel	
268-270	Clay	

Depth to saturated material _____ Feet

Depth to static water level 68.3 Feet

Total depth of drill hole 270.0 Feet

Total length of casing installed 271.3 Feet

CHECK LIST

Well Point ✓

Waste Mounded ✓

Casing Packed

Air Hole

Bentonite Placed _____ ✓

Padlocked ✓

Well Tested _____

Post set ✓

Stick up 119

M. J. H. H. H.
Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. RD-77D, Section 2200 20, Township 12.8 N, Rge. 4.8 WWell Driller SDG 5Date drilled 4 Oct 77 Dia. of Hole 1 3/4", Dia. of Casing 2"

LOG

Layers, Top to Top in feet	Description of Layer	Sampled
<u>0-15</u>	<u>Clay, yellow, silty, pebbly (fill)</u>	
<u>15-18</u>	<u>Clay, gray, silty, pebbly (fill)</u>	
<u>18-45</u>	<u>Sand medium to coarse, gray</u> <u>(some gravel and coal)</u>	
<u>45-50</u>	<u>Clay, gray, silty, sandy</u>	
<u>50-65</u>	<u>Sand, gray, medium to coarse</u>	
<u>65-95</u>	<u>Clay, gray, silty, sandy</u>	

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 95 FeetTotal length of casing installed 45 Feet

CHECK LIST

Well Point _____

Waste Mounded _____

Casing Packed _____

Air Hole _____

Bentonite Placed _____

Padlocked _____

Well Tested _____

Post set _____

Stick up _____

Hale

Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. RD-17 E, Section DDD 12 29, Township 128 N, Rge. 48 W,Well Driller SPGSDate drilled 4 Oct 77 Dia. of Hole 4 3/4", Dia. of Casing 2"LOG

Layers, Top to Top in feet	Description of Layer	Sampled
<u>0-3</u>	<u>Topsoil, black</u>	
<u>3-9</u>	<u>clay, yellow, silty, sandy,</u> <u>pebbly (till)</u>	
<u>9-20</u>	<u>clay, brown, silty, sandy,</u> <u>pebbly (till)</u>	
<u>20-34</u>	<u>sand, gray medium</u>	
<u>34-36</u>	<u>clay, brown, silty, sandy,</u> <u>pebbly (till)</u>	
<u>36-74</u>	<u>sand, gray medium</u>	
<u>74-110</u>	<u>clay, gray, very silty</u>	

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 110 FeetTotal length of casing installed 65 Feet

CHECK LIST

Well Point _____

Waste Mounded _____

Casing Packed _____

Air Hole _____

Bentonite Placed _____

Padlocked _____

Well Tested _____

Post set _____

Stick up: _____

Helen
Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. RB-77E, Section BBB 2, Township 125 N, Rge. 43 W

Well Driller _____

Date drilled 5 Oct 77 Dia. of Hole _____, Dia. of Casing _____LOG

Layers, Top to Top in feet	Description of Layer	Sampled
<u>0-2</u>	<u>Topsoil, black</u>	
<u>2-18</u>	<u>Clay, yellow brown, silty, pebbly (bills)</u>	
<u>18-48</u>	<u>Sand, medium, gray w/ clay stringers</u>	
<u>48-80</u>	<u>Clay, gray, very silty</u>	

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 80 FeetTotal length of casing installed 45 Feet

CHECK LIST

Well Point _____

Waste Mounded _____

Casing Packed _____

Air Hole _____

Bentonite Placed _____

Padlocked _____

Well Tested _____

Post set _____

Stick up _____

Hale

Signed

Use back of sheet for remarks

LOG AND INSPECTION SHEET

Well No. BB-77-G, Section 62363 7, Township 12-7 N, Rge. 4-5 W.

Well Driller SDGS

Date drilled 5 Oct 77 Dia. of Hole 4 3/4", Dia. of Casing 7"

LOG

[illegible]

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 52 Feet

Total length of casing installed 4-5 Feet

CHECK LIST

Well Point _____

Waste Mounded _____

Casing Packed _____

Air Hole. _____

Bentonite Placed _____

Padlocked

Well Tested

Post set _____

Stick up _____

K. L. Signed

LOG AND INSPECTION SHEET

Well No. KB-77-H, Section B0000 7, Township 122 N, Rge. 48 WWell Driller SPGSDate drilled 5 Oct 77 Dia. of Hole 4 3/4", Dia. of Casing 3"

LOG

Layers, Top to Top in feet	Description of layer	Sampled
0-1	Topsoil, black	
1-14	Clay, yellow brown, silty, pebbly (till)	
14-46	Sand, gray medium (coal (some clay))	
46-86	Clay, gray, very silty	
86-110	Clay, gray, very silty, pebbly	
110-122	Gravel coarse w/ clay stringers	
122-143	Clay, gray, silty, gravelly	
143-200	Sand, gray, medium (coal)	
200-210	Gravel, medium w/ sand coarse	
210-217	Clay, gray, silty, pebbly (till)	
217-232	Sand coarse - Gravel fine	
232-245	Shale	

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 245 FeetTotal length of casing installed 205 Feet

CHECK LIST

Well Point _____

Waste Mounded _____

Casing Packed _____

Air Hole _____

Bentonite Placed _____

Padlocked _____

Well Tested _____

Post set _____

Stick up _____

Stale

Signed

Use back of sheet for remarks

At South well

SOUTH DAKOTA GEOLOGICAL SURVEY

Location RB-77.5 Section: 14 T. 127 S. R. 49 E. CW:
 Well: _____ Test Hole: _____ Land Owner: _____
 County: Roberts Date: 10-6-77 Elevation: _____ (A, I, T)
 E Log: _____ Samples: _____ Drilling Company: SPCS
 Source of Data: W.P.

Geologic Unit	Thickness	Lithologic Description	From - to Feet
		clay, brown silty, pol. lly. (L.I.I)	0 - 13
		sand (med)	13 - 17
		clay, brown silty, pol. lly. shale (L.I.I)	17 - 28
		fine med. coarse) clay	28 - 95
		clay, gray, very silty, pol. lly. (L.I.I)	95 - 110
		gravel stringer @ 115' - 115'	110 - 140
		clay, gray, very sandy, pol. lly. (L.I.I)	140 - 144
		gravel, coarse med. (L.I.I) w/ clay, sand	144 - 157
		clay, gray w/ gravel, silty, pol. lly. (L.I.I)	157 - 158
		rock @ 158'	158 - 159
		gravel, coarse w/ clay	159 - 161
		gravel (med) - coarse	161 - 164
		shale	164 - 170
		TD - 170'	
		cored 165' plane	
		North	
		Log questionable from 0 - 100 ft	

1713-774

DATA

Well:

County:

E-Log:

Source of Data:

[illegible]

LOG AND INSPECTION SHEET

Well No. RR-27-K, Section 5000 36, Township 127 N, Rge. 42 WWell Driller SPGSDate Drilled 5 Oct 77 Dia. of Hole 4 3/4", Dia. of Casing 2"

LOG

Layers. Top to Top in feet	Description of Layer	Sampled
<u>0-38</u>	<u>Clay, yellow, silty, pebbly (fill)</u>	
<u>38-46</u>	<u>Clay, gray, silty, pebbly (fill)</u>	
<u>46-53</u>	<u>Clay, gray, gravelly, sandy</u>	
<u>53-60</u>	<u>Sand, brown, medium to coarse</u>	
<u>60-80</u>	<u>Sand, gray, medium to coarse</u>	
<u>80-95</u>	<u>Sand, gray, w/ clay stringers & coal</u>	
<u>95-121</u>	<u>Sand, gray, medium to coarse</u>	
<u>121-125</u>	<u>Clay, gray, silty pebbly (fill)</u>	

Depth to saturated material _____ Feet

Depth to static water level _____ Feet

Total depth of drill hole 125 Feet

Total length of casing installed 125 Feet

CHECK LIST

Well Point _____ Waste Mounded _____

Casing Packed _____ Air Hole _____

Bentonite Placed _____ Padlocked _____

Well Tested _____ Post set _____

Stick up _____

Sale

Signed

Use back of sheet for remarks

SOUTH DAKOTA

3537-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Pons Building, Pierre, South Dakota 57501
Phone 605/224-3151

May 20, 1977



TO: Persons Concerned With Water Right Application No. 3537-3,
Layne Moeller, Rosholt, South Dakota 57260.

FROM: John Hatch, Chief Engineer, Water Rights Commission.

SUBJECT: Notice of Reconsideration Hearing on Application No. 3537-3.

The Water Rights Commission will reconsider Water Right Application No. 3537-3 at 1:30 P.M., May 26, 1977 in the South Dakota Education Association Auditorium, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing is at the request of Layne and Allan Moeller and will be conducted in accordance with SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 51:01:01 thru 52:01:01:13.

Application No. 3537-3 was deferred by the Water Rights Commission February 23, 1977 pending Staff investigation. Alan Moeller would like to reduce the number of acres authorized by his permit No. 2854-3 and irrigate from his well 50 acres requested by deferred Application No. 3537-3.

After reconsideration of Application No. 3537-3, the Commission can approve, defer, or deny all or part of Application No. 3537-3.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

We are not in favor of this and think it should be denied as we are having water problems in this area already. Rosholt can't keep up their water supply the way it is. They had to close school because their water pressure was too low. Even then they were able to get only one foot or two in their tanks. Sincerely,

Dir. Mrs. Bertel Malin

June 27, 1977

Layne Moeller
Rosholt, SD 57260

Dear Mr. Moeller:

The Water Rights Commission, May 26, 1977, authorized irrigation of 50 acres of the 156 acres of land in the SE 1/4 Section 7-T127N-R48W requested by Deferred Application No. 3537-3 from an existing well authorized by Permit No. 2854-3, Alan Moeller, but left the remaining land and requested well in deferred status.

Alan Moeller's Permit No. 2854-3 was reduced by 50 acres in the same action by the Commission. At such time as the balance of Application No. 3537-3 is approved, the permit will be issued. Until such time, you may use this letter as your authorization to irrigate the land described above.

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH/nf

cc: Alan Moeller



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

November 17, 1977

TO: Persons concerned with ground water applications for water rights in Roberts county

FROM: Department of Natural Resources, Water Rights Division, Pierre, S.D.

SUBJECT: Water Right Applications 3319-3, 3534-3, 3934-3, (Don Moeller); 3536-3, 3537-3 (Layne Moeller) and 3844-3 (Clarence Erickson)

The Water Rights Commission will reconsider Water Right Application Nos. 3319-3, 3534-3, 3934-3, 3536-3, 3537-3 and 3844-3 at 2:30 P.M., November 30, 1977 at the South Dakota Education Association building located in Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application Numbers 3319-3, 3534-3, 3934-3, 3536-3, 3537-3 and 3844-3 were deferred by the Water Rights Commission on February 23-24, 1977 and March 25-26, 1977.

After reconsideration of the above applications the Commission can approve, defer, or deny all or part of the Applications.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/GS/bw



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

January 29, 1988

LAYNE MOELLER
HOSHOLT, SD 57260

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

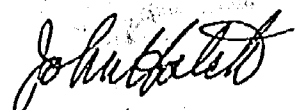
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3536-3, 3537-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3536-3, 3537-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

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

February 5, 1988

3537-3
3536-3

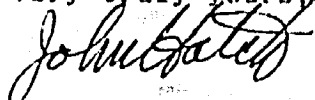
Layne Moeller
Rosholt SD 57260

Dear Mr. Moeller:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 3537-3 and 3536-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 19, 1991

3537-3

Alan Moeller
RR #2 Box 73
Rosholt, SD 57260

Dear Mr. Moeller:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 3537-3. The water permit (copy enclosed) is currently listed in the name of Wayne Moeller.

The transfer form should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412626

Pierre _____ April 3, 1971

RECEIVED OF Alan Heeller

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 _____ Water Permit No. 3537-3	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 H. Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 6, 1991

No. 3537-3

Alan Moeller
RR 2, Box 73
Rosholt, SD 57260

Dear Mr. Moeller:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 3537-3.

Our records now show you as the owner of Water Permit No. 3537-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure



3537-3

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

AUG 7 1992

5502-3

Alan Moeller
RR 2, Box 73
Rosholt, SD 57260

Dear Mr. Moeller:

Enclosed is Water License No. 5502-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412896 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5502-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

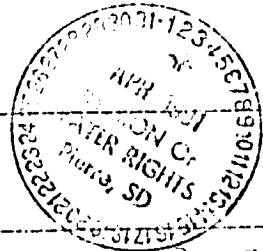
NOTE: The applicable portions of Water Permit Nos. 2854-3 and 3537-3 are incorporated into this Water License No. 5502-3.

NOTICE OF TRANSFER OF OWNERSHIP

No. 3537-3

TO: Chief Engineer
Water Rights Division, DWRN
523 East Capitol
Pierre, SD 57501-3181

Date: _____



I/We request that Water Permit/Right No. 3537-3

formerly owned by: Layne Moeller, Rosholt, SD

be transferred to: (name & address) Alan Moeller RR2 Box 73
Reckitt, SD 57260 (telephone No.) 537-4461

Title to the following described land(s)/property has been transferred as described above:
SE1/4 Section 7, T127N, R48W

I/We understand that the validity of Water Permit/Right No. 3537-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Roberts)

I/We Alan Moeller 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 that I know of my own personal knowledge that the information herein stated is true.

Alan Moeller
(Signed)

Subscribed and sworn to before me this 1 day of April, 19 91.

Edgar M. G. Dahl
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

SCS-CONS-18
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

Owner Layne Moeller Operator _____
County ROBERTS State S. D. Date 7-7-76
Approximate acres 320 Approximate scale 16" = 1 mile
Cooperating with ROBERTS Conservation District _____
Plan identification _____ Photo number _____
Assisted by Howard P. Wagner P. C. USDA Soil Conservation Service

SW⁴ SEC. 33 - T128N - R48W

① CROPLAND
IRRIGATED
156 A.
I-2
He2
IIw1

WELL
⊙

SE⁴ SEC. 7 - T127 - R48W

MAP # 2817-3
APP # 3537-3