

Water Right Number 4096-3

1. Considered 10-6, 1 77
2. Name of Applicant MILTON VAN GERPEN
3. Post Office Address TYNDALL
4. Amount of water claimed 2.3
5. Source of water supply 254' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 240
7. Water to be diverted and used in BON HOMME County
about 4S, 1W Miles of TYNDALL
8. Proof of Publication
Received 9-19-77
Not received
Approved
Subject to
Not approved
Action deferred
9. Application
**APPL IS TO CHANGE
POINT OF DIVERSION,
AND TO ADD 80 ACRES**
10. Remarks:

Map No. 3330-3 Water Division No. 3 MISSOURI RIVER District 4046-3
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota
Additional Land & Change in Pl. of Diversion

(NOTE--Draw a line through items not applicable)

- Name of Applicant Milton Van Gorp
Postoffice address Tyndall, State S. Dak. 57066
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) contract
- Name of diversion work Spinkler
- Amount of water claimed (cubic feet per second) 2.3 cfs
- Source of water supply Well
- Location of point of diversion SW 1/4 NE 1/4 Sec. 23-94-60

- County Ben Homme
- Annual period or periods during which water is to be used when available APRIL THROUGH OCTOBER
 - Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 - For irrigation use, Total number of acres to be irrigated 240

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 Sec 23-94-60	80	SE 1/4 Sec 23-94-60	160
		E 1/2 SW 1/4 Sec 23-94-60	
		SW 1/4 SW 1/4 Sec 23-94-60	

New land

old
perm?
3653-3

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
- Choice of newspaper for Notice of Intent to appropriate Water publication Tyndall Tribune
- Principal Features of the Proposed Water Supply System.

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

well

① land located east of railroad track will be irrigated inside orange boundary

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

pipe line

C. Work proposed to apply water to beneficial use.

center pivot sprinkler

Estimated Total Cost \$ 80,000

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 Ben Homme

I, Walter Van Gorp, 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 Milton Van Gorp

Subscribed and sworn to before me this 28 day of July, 1917

Conrad A. Engstrom
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4096-3MILTON VAN GERPEN

(Applicant)

TYNDALL

(Post Office Address)

SOUTH DAKOTA 57066

(State)

With the following modifications:

PRIORITY FOR THIS PERMIT WAS ESTABLISHED UNDER PERMIT NO 8653-3. APPLICABLE PORTIONS OF PERMIT NO 8653-3 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 8653-3 IS CANCELLED.

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

Date of first receipt of application AUGUST 1, 19 77Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved OCTOBER 6, 19 77, Recorded in Book 19 Page 114WATER RIGHT PERMIT NO. 4096.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4096-3 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 FEBRUARY 17, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 6, 19 80
3. The whole of said work is to be completed on or before OCTOBER 6, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 6, 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 2.3 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-seventh (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 OCTOBER 6, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 2ND day of NOVEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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 Milton VanGerpen
ADDRESS Tyndall, S. Dak.
COUNTY Ben Home

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 NE 1/4 Sec. 23-94-60
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 Sec 23-94-60

TYPE OF IRRIGATION

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

WATER QUALITY

Water quality sample was sent in with first permit

5. SAMPLE NUMBER _____
6. SALINITY (EC $\times 10^6$) _____
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 _____ 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.

Milton VanGerpen
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
28th DAY OF July 19 77.

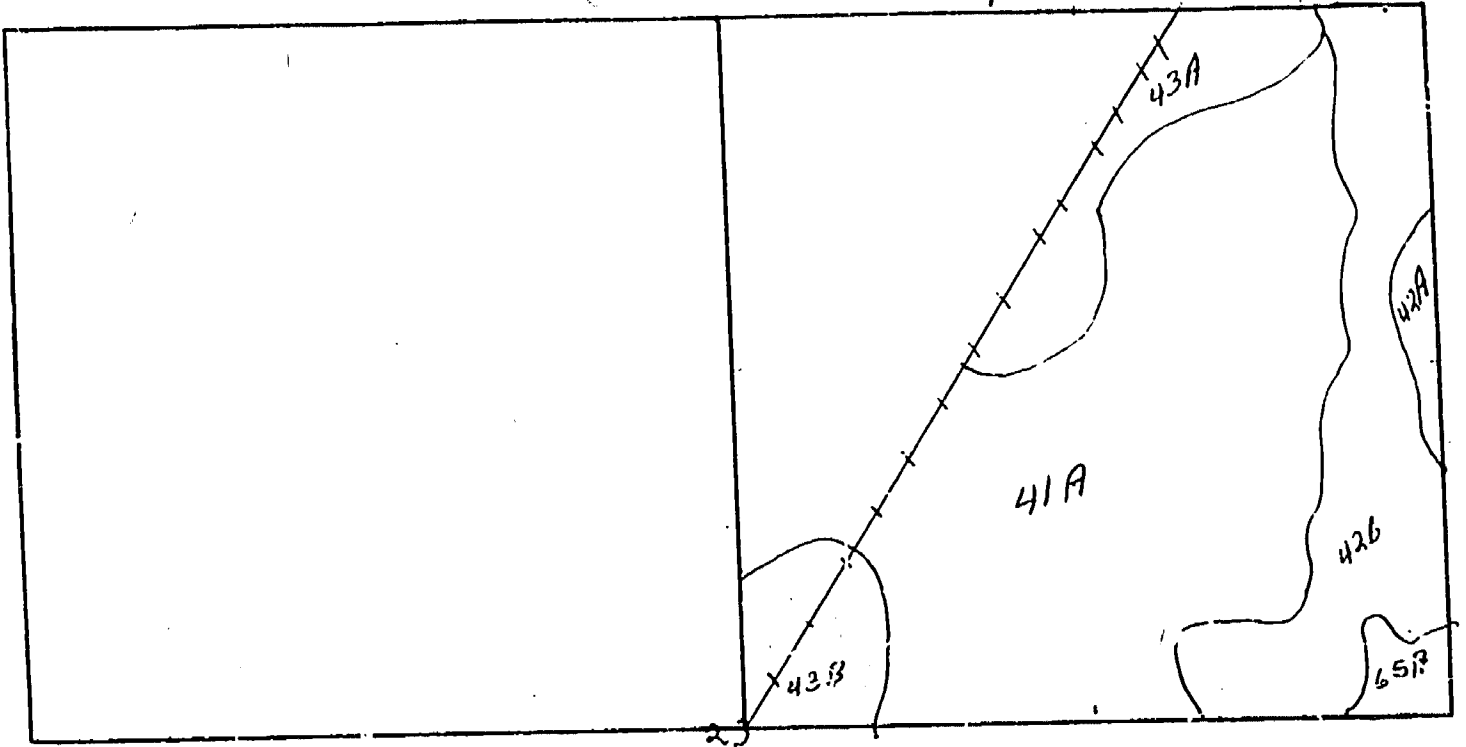
Carol A. Eggen
Notary Public
(TITLE OR SEAL)

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP

NEY Sec 23 - 94-60



NARRATIVE

41A - Clarno - Crossplein - Devision Complex 0-3%

The dominant soil of this unit (clarno) is well suited for sprinkler irrigation. It has high available water moderate permeability.

Crossplein - high available water moderate permeability. Irrigability of soil probably irrigation systems could be a problem.

Devision - high available water - salts occur in some profiles below 30".

42A Clarno - Prospects - high available water - moderate permeability
42B Well suited for irrigation

43A Clarno - Crossplein - Teonka 0-2%

15% of soil is teonka - occurs in enclosed depressions of surface drainage to adjacent and center water not irrigated surrounding areas as run off is limited, no runoff problems observed.

65A - Teonka silt loam - Not recommended for irrigation.

Area where 65A is located will not be irrigated with this system

Field is recommended for irrigation -

Harry L. Coyle
District Conservationist

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18", Depth 254'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 14" I.D. Thickness .250
- (3) Perforated Screen.
Type Stainless, Diameter 14", Length 20'
- (4) Gravel Pack. Thickness 2", Length of gravel pack 254'

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 155-185 Fine Sand
185-190 clay
190-254 coal. Sand Gravel

Depth to top of water bearing material 155'

Depth to bottom of water bearing material 254'

Thickness of water bearing material 100'

Depth to water (ground surface to water level) _____

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

On same owner's property 200 rds. On property owned by others 140 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.

M. L. A. Anderson
Signature of Applicant

SEE PERMIT NO 3653-3

FOR WATER QUALITY DATA

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 30, 1977

Notice is hereby given that Milton Van Gerpen whose post office address is Tyndall, South Dakota, has made an application 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, for a permit to change the point of diversion and to appropriate for beneficial use 2.3 cubic feet of water per second of time from ground water through the Milton Van Gerpen Proj., the point of diversion of which is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 23, Twp. 94N Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T94N, R60W

This Application No. 4096-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6th day of October, 1977 at M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Milton Van Gerpen, Tyndall, SD 57066

No. 4096-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bon Homme) ss.

I, Wayne L. Bertrand hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Tyndall Tribune & Register

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 of Tyndall

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

Sept. 8, 1977
15, 1977

Wayne L. Bertrand
(Signature)

Publisher
(Title)

9-15-77
(Date Signed)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 30, 1977

Notice is hereby given that Milton Van Gerpen whose post office address is Tyndall, South Dakota, has made an application in accordance with the provisions of SDCL 45-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-3, 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, for a permit to change the point of diversion and to appropriate for beneficial use 2.3 cubic feet of water per second of time from ground-water through the Milton Van Gerpen Proj., the new point of diversion of which is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Twp. 24N Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land; NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T94N, R60W.

This Application No. 4096-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6th day of October, 1977 at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-28 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION
JAMES WINTERTON
Water Rights Specialist
(Sept. 8 and 15)



Form 10.

No. 4096-3

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



Post Office Tyndall S.D. 57066

Date May 31 1978

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4096-3.

Water Right Permit No. 4096-3 states that the diversion system is to be constructed by Oct 6, 19 82 and that the water is to be put to beneficial use by Oct 6, 19 82.

The diversion system was completed on July 26, 19 77.
Applying the water to beneficial use was completed on May 1, 19 78.

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

Milton Van Dyke
(Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

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



August 1, 1977

M.J. Fiedlot, Inc.
Jim VanGerpen, Mgr.
Tyndall, SD 57066

Dear Mr. VanGerpen:

We received your application for a permit to irrigate 240 acres in Section 23, T94, R60 in Bon Homme County.

Everything is in order except the check in the amount of \$225.00 which we are sending back to you. The amount of the check should be \$325.00 because from 201-240 acres at 3AF per acre is \$325.00.

Upon remittance of the \$325.00, we can begin to process your application.

If any further questions, please feel free to contact this office.

Sincerely,

Genny Young
Genny Young
Land/Water Clerk I

gy

Enclosure-Check in the amount of \$225.00

*I already have a permit for 160 acres
I'm just adding 80 acres and changing point of
diversion. I'm not asking for a increase in water.*

44096-3
45260-3

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

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

February 17, 1989

Milton Van Gerpen
RR 1, Box 129
Tyndall, SD 57066

Dear Mr. Van Gerpen:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 26 1991

5060-3

Milton VanGerpen
RR 1, Box 129
Tyndall, SD 57066

Dear Mr. VanGerpen:

Enclosed is Water License No. 5060-3. This is the final water right document completing your process of obtaining a Water Right.

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. 5060-3, 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

The applicable portions of Permit No. (4096-3) has been incorporated into this Water License No. 5060-3.

94-60

2-192

SW 1/4 Sec 23-94-60

Gary La Compt
District Conservationist

Point of Reversal

23

69.2

95.5

94-60

14.2

42.5

55.2

10.0

11.4

9.0

49.4

8.3

41.0

2.4

10

3.2

16.4

~~Map 119-2-22003~~
App. N: 4096-3