

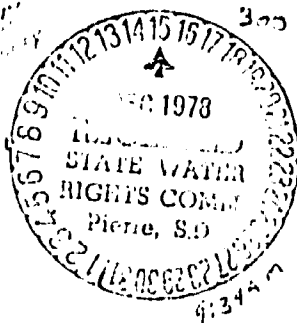
Water Right Number 4361-3

1. Considered January 31, 19 79
2. Name of Applicant Darrell Muller
3. Post Office Address Madison, S.D. 13-105-52
4. Amount of water claimed 3.6
5. Source of water supply Three - 27' wells
6. Water to be used for irrigation
- Acres to be irrigated 255
7. Water to be diverted and used in Lake County
about 5W Miles 7.5 of CHESTER
8. Proof of Publication Received 1-27-79
Not received _____
9. Application Approved 2-1-79
Subject to well Interf.
Not approved _____
Action deferred _____

10. Remarks:

No. 4361-3Map No. 3558-3 Water Division No. 3 Big Sioux River District

(Blank, to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant: Darrell MullerPostoffice address: Madison South Dakota, State SD 57042

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract labor3. Name of diversion work Darrell Muller Irrigation Project #14. Amount of water claimed (cubic feet per second) 3.65. Source of water supply 3 wells6. Location of point of diversion Well #1 - 3556' N 24° W; Well #2 - 23.6' N 35° W; Well #3 - 3000' N 30° W; all of Section 13 - 105-52County Lake7. Annual period or periods during which water is to be used April through November8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 250

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Sec 13 - 105-52	40	NW 1/4 NE 1/4 Sec 13 - 105-52	20
NE 1/4 " " " "	38	NE 1/4 " " " "	20
SW 1/4 " " " "	38	SW 1/4 " " " "	40
SE 1/4 " " " "	36	SE 1/4 " " " "	39

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.11. Choice of newspaper for Notice of Intent to Appropriately Water publication Madison Leader

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. 3 nearly identical wellsB. Works proposed to transport water to place of use. buried closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$ 80,000Attachments: 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 BruleI, Darrell Muller, 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 constructionSigned Darrell MullerSubscribed and sworn to before me this 27 day of April, 1978

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4361-3
Darrell Muller (Applicant) Madison (Post Office Address)
South Dakota 57092 (State) With the following modifications.

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.

Date of first receipt of application DECEMBER 15 19 78
Date of return to applicant for correction, amendments or changes required _____ 19 ____
Date of receipt of corrected application WQ JANUARY 12 19 79
Approved FEBRUARY 1 19 79, Recorded in Book 20 Page 178

WATER RIGHT PERMIT NO. 4361-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4361-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 15 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 31 19 81
3. The whole of said work is to be completed on or before FEBRUARY 1 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 1 19 87
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 3.6 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use, reserved, 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 FEBRUARY 1 19 87; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 27th day of FEBRUARY 19 79

WATER RIGHTS COMMISSION

By:

John Welch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

GRIMSHAW DRILLING CO.

DRILLING
LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

1/2 section

Name DARRELL Muller Date Aug 15, 1978

Address Madison

County Lake Sec. Twp. Range

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>40'</u>	<u>4 3/4"</u>			
<u>N. Quarter of</u>	<u>Bill's</u>			

BALANCE DUE:

0 ft. to 3 ft. Topsoil _____ ft. to _____ ft.
3 ft. to 5 ft. Brown + Grey Clay _____ ft. to _____ ft.
5 ft. to 13 ft. Red Sand + Gravel _____ ft. to _____ ft.
13 ft. to 15 ft. Blue Clay _____ ft. to _____ ft.
15 ft. to 27 ft. Medium Grey Sand _____ ft. to _____ ft.
27 ft. to 40 ft. Blue Clay _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL 5' ft.

Sam M. Wohl
DRILLER

REMARKS:

2 mgv 14 1 den 1000 wells

P1 project 1

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 27", Depth 27'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 3/16"
- (3) Perforated Screen.
Type Johnson, Diameter 16", Length 10'
- (4) Gravel Pack. Thickness 4", Length of gravel pack 27'

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 See enclosed log

Depth to top of water bearing material 5'

Depth to bottom of water bearing material 27'

Thickness of water bearing material 22'

Depth to water (ground surface to water level) 5'

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

On same owner's property well # 1 - 270 rds. On property owned by others well # 1 - 270 rds.
well # 2 - 270
well # 3 - 160 *well # 3 - 270*

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]
Signature of Applicant

REC-MGMT/FORM
12/77
d

CONDITIONAL

13-122-52

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Darrel Muller, Madison, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Whitewood - Any area that is not surfaced drained will not have proper soil aeration to encourage normal crop growth.

Area affected: 3 to 4 acres in the n.w. quadrant and perhaps 5 or 6 acres in broadest part of swale area.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 2 - 3 times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least 2 - 3 inches of water.
 3. ☒ Yes ☐ No Surface drainage suggested on whitewood, with permanent sodded waterway.
 4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS: All silty clay loam soil areas: Whitewood, Viborg and Egan.
6. ☐ Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application Pivot.

GENERAL COMMENTS:

The whitewood soils on this unit lie in a slightly sloping swale, whereby they have either natural drainage or can be drained with the establishment of a permanent waterway of 4 to 6 acres. Your local SCS can help you design the waterway that meets the capacity of rain-fall patterns on 40 to 80 acres of foreign drainage. Your small areas of whitewood in the northwest quadrant of your circle should also be drained.

Regulations provide that the test well be located not more than 100 feet away from the production well.

You indicate that an additional test or tests for water closer to the pivot center will be done. If you do locate sufficient water at a new or different location, it must be of the same or better quality than that of #73-1037.

Attached is geological survey which shows 10 foot elevation lines and their relationship

Copy to applicant to the soil map.

Copy to Water Rights The sketched grassed waterway is a generalized location and meant
Copy on file

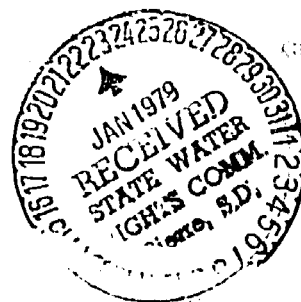


to be an aide when you contact your local SCS for a waterway layout. The red line outlines the possible drainage area under rain storm conditions.

SAVE FOR INFORMATION

Dryland yields:

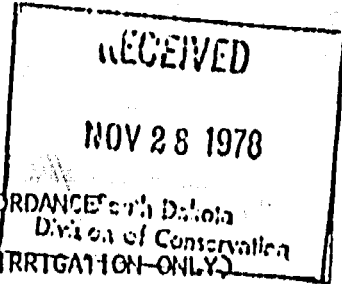
	Corn Yields		Beans		Alfalfa	
	A	B	A	B	A	B
Graceville	50	72	17	30	2.6T	3.5T
Whitewodd	45	70	18	28	2.2T	3.5T
Lamo	40	60	14	26	2.4T	3.6T
Viborg	53	76	20	32	2.5T	4.0T



CONSERVATION
COMMISSION
FORM W1 #1

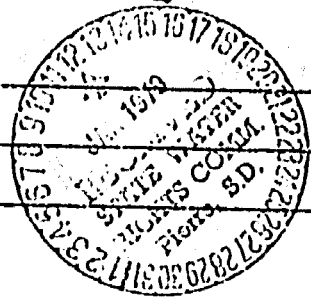
2 applications

both cancelled



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 Darrel Moller
ADDRESS W. Johnson St. Box 57012
COUNTY Lincoln



LEGAL DESCRIPTION

1. WELL LOCATION 105-551
2. LOCATION OF AREA TO BE IRRIGATED 105-552

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 78-1037
6. SALINITY (EC X 10⁶) 2067 (HIGH)
7. SODIUM (SAR) 0.96 Adjusted = 3.00 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service. and; that the legal description for the location of the well and land to be irrigated is true and correct.

X Darrel Moller
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF Nov 19 78.

John J. [Signature]
(TITLE OR SEAL)

Conditional

APPROVED/

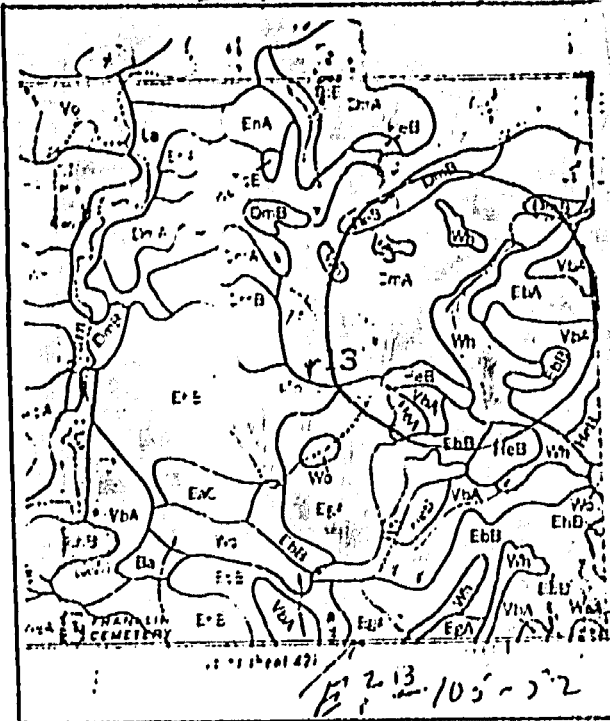
[Signature]

(SOILS INFORMATION ON REVERSE SIDE)

105-52

MAP

N



DmB - Dempster silt loam - 0.2%

HeB - Hankin loam - 3.6%

DmB - Dempster silt loam - 0.6%

Wh - white wood silt clay loam

VbA - Viborg silt clay loam - 0.2%

Ebb - Egan - Benda complex - 0.2%

Ebb - Egan Benda complex - 0.6%

Ehb - Egan - Bent worth silt clay loam - 2.6%

HeB - Hankin loam - 2.6%

EgA - Egan - Viborg silt clay loam - 0.5%

EeC2 - Egan - Benda complex - 0.6%

La - Lamo silt clay loam

Dpc - Dempster - Dakota complex - 0.6%

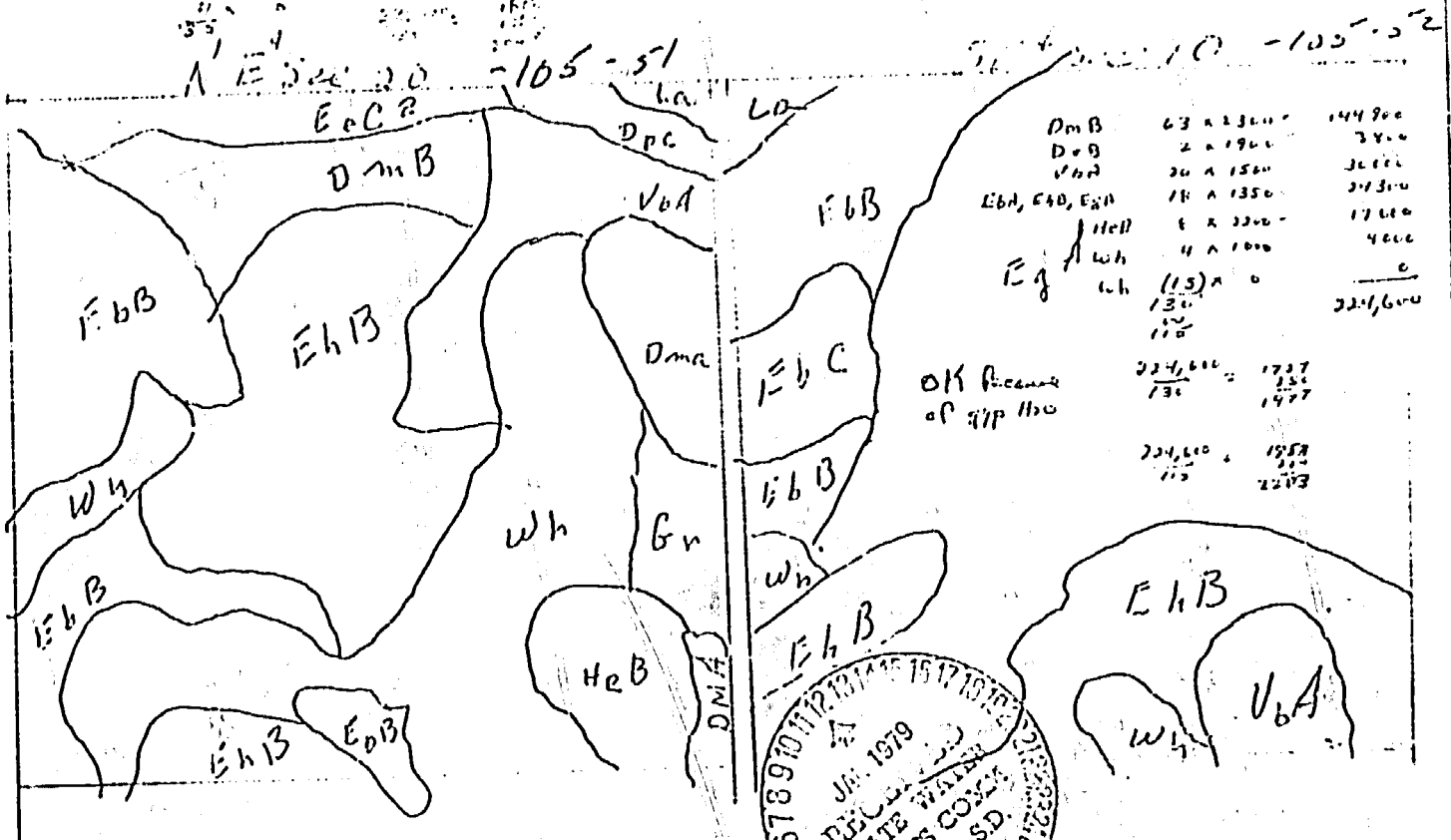
Ra - Raville

DmB, Leb 71X 23-0

DmB, VbA 72X 14-0

27X 14-0

NARRATIVE



DmB	63 A 1350	144900
DmB	2 A 1900	3800
VbA	30 A 1500	3000
Ebb, Ebb, Ebb	18 A 1350	24300
HeB	1 A 1350	13500
Wh	4 A 1000	4000
Eg	(13) A 0	0
Wh	130	13000
Wh	110	11000
		224,600

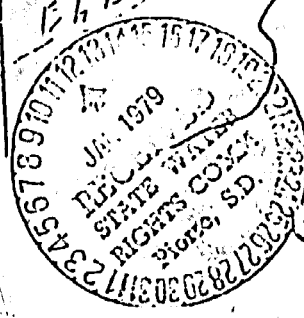
OK because of 47P 1100

224,600 1737

130 1477

224,600 1737

110 1477



REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: W. J. Miller
 Address: Box 91
Brookings, SD 57002

Date Rec'd: November 18, 1978
 Sample No. 7-1037
 Identification 511-
Box 13, T 105N, R 52E

WATER ANALYSIS

Calcium (Ca)	392	ppm*	19.60	me/l**	
Magnesium (Mg)	62	ppm	5.12	me/l	
Sodium (Na)	78	ppm	3.39	me/l	
Potassium (K)	12	ppm	0.31	me/l	
Sulfate (SO ₄)	975	ppm	20.28	me/l	
Nitrate (as N)		ppm		me/l	
Chloride (Cl)	2	ppm	0.07	me/l	
Bicarbonate (HCO ₃)	505	ppm	8.28	me/l	
Carbonate (CO ₃)		ppm		me/l	
Iron (Fe)		ppm		me/l	
Fluoride (F)		ppm		me/l	
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***	
Alkalinity (Methyl Orange)	414	ppm (as CaCO ₃)		28.11	2.4
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		24.72	1.98
Electrical Conductivity	2067	micromhos per cm at 25° C.		2.22	2.31
Sodium Adsorption Ratio	0.96	Adjusted SAR	3.00		2.75
Sodium	11.93	% of cations			
Residual sodium carbonate	0.00	me/l			
pH	7.16				

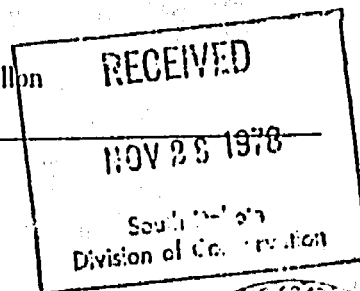
Others:

*ppm=parts per million

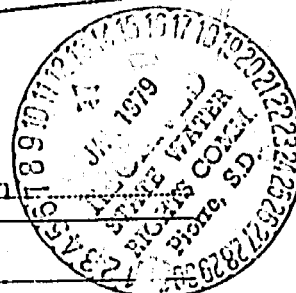
**me/l=millequivalents per liter

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

COMMENTS: Total cations 28.42 me/l
 Total anions 28.63 me/l



By: Shirley Litten



Service Performed	Amount Due
Irrigation Analysis	15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 7-1037

Amount Enclosed \$

Signed

Publish first publication, on or before January 18, 1979 No. 4-361-3

**NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER**

Pierre, South Dakota 57501

Notice is hereby given that Darrell Miller whose post office

address is Madison, 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 appropriate for beneficial use 36 cubic feet of water per second of time from ground water (3 wells)

through the Miller Irrigation Project #1, the point of diversion of which ^{are} to be located ^{one} in the SE⁴NE², and two in the NW⁴SE²

of Section 13, Twp. 105N Range S2W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E², Section 13, T105N, R52W

This Application No. 4361-3 will be considered by the Water Rights Commission at

upon the 31st day of January 79 at P. 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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION


Water Rights Specialist

cc: Marice D. Hunter - Pres
Billy Linder
Madison, SD 57042

January 4, 1979

To: Conservation Commission copy to Water Rights Commission
From: Darrell Muller - Madison South Dakota

You have received the "papers" for three additional water permits about Dec 1, 1978. The following changes are being requested for the permit on the E² sec 13-105-52.

- (1) It should be Project #4 not #1 - already have a No. 1
- (2) Well #2 should be located 5300' N 14° W of SE corner of sec 13-105-52, not 5310' N 25° W as indicated.
- (3) The area to be irrigated should be 140 acres instead of 255 acres as indicated ~~and~~ following

legal description:

NW ^{1/4} of NE ⁴ sec 13-105-52	16 acres
NE ⁴ " " " " " "	16
SW ⁴ " " " " " "	38
SE ⁴ " " " " " "	38
NW ⁴ of SE ⁴ sec 13-105-52	16
NE ⁴ " " " " " "	16
	140

Confining the irrigation to this area eliminates most of the objectionable soils. You will find enclosed the proper maps.

Could these changes be taken into consideration in reassessing the feasibility of issuing a permit on the price of land? Mr. Muller expects to appear before the Conservation Commission at its January meeting.

Written by Darrell Muller
by John L. Williams
P.E.H. 19/6

No. 4361-3

Publish first publication, on or before January 18, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1979

Notice is hereby given that Darrell Muller whose post office

address is Madison, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, 46-6-3.1, 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 appropriate for beneficial use 3.6 cubic feet of water per second of time from ground water

(three wells) through the Muller Irrigation Project #1, the point(s) of diversion of one which ~~is~~(are) to be located in the SE 1/4 NE 1/4 and two in the NW 1/4 SE 1/4

of Section 13, Twp. 105N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2, Section 13, T105N, R52W

This Application No. 4361-3 will be considered by the Water Rights Commission at SDEA Auditorium
411 E. Capitol, Pierre, SD 57501 upon the 31st day of January, 1979

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 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BURTON F. JONES

Water Rights Specialist

cc: Darrell Muller, Madison, SD

Wed., Jan. 17 & 24

**NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER**

Notice is hereby given that Darrell Muller whose post office address is Madison, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-3, 46-1-14; 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, 46-6-3.1, 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 appropriate for beneficial use 3,600 cubic feet of water per second of time from ground water (three wells) through the Muller Irrigation Project No. 1, the point(s) of diversion of which are to be located one in the center of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and two in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Twp. 105N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: E $\frac{1}{4}$, Section 13, T105N, R52W

E-1, Section 13, Hudson, Alaska
This application No. 4361-3 will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 31st day of January, 1979 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 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing. This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

appealed to the Courts as provided by law.
WATER RIGHTS COMMISSION
BURTON F. JONES
Water Rights Specialist

48th 1-17-79

48th 1-17-79

Water Rights Specialist

(Signature)

(Title)

(Date Signed)



RECEIPT

WATER RIGHTS COMMISSION

N^o 4 6618

State of South Dakota

PIERRE, December 15, 1978

Duane Muller, Madison SD

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. 4361-3 (examination, processing, recording and filing)	300	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	300	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw



Department of Water & Natural Resources

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

March 23, 1987

DARRELL MULLER
RR 2 BOX 91
MADISON, SD 57042

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 4361-3, 4360-3, 4311-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm, May 6, 1987 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). 4361-3, 4360-3, 4311-3 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 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

4311-3

4360-3

4361-3

Darrell Muller
RR #2 Box 91
Madison, SD 57042

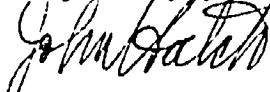
Dear Mr. Muller:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 4311-3, 4360-3 and 4361-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



4361-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 15 1993

4361A-3

Darrel Muller
RR 2, Box 91
Madison, SD 57042

Dear Mr. Muller:

Enclosed is Water License No. 4361A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413581 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. 4361A-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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 4361-3 have been incorporated into this Water License No. 4361A-3.

1974

DARRELL MULLER
Madison South Dakota
57042
Irrigation Project #1

Water claimed - 3.6 cfs

113.2
Agros irrigated 250'

105.52

94 B

W21/21

W11/43

W21/22

N 24° 12' W

3650'

3000'

3000'

38.5

N 24° 12' W

38.5

38.5

38.5

38.5

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11-27-78

certified

John G. Givens

28.4 ~~APPL #33583~~ APPL. 4361-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2010

4361A-3

Darrell Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

Thank you for the prompt return of your 2010 irrigation questionnaires. I am writing in reference to the questionnaire submitted for Water Right No. 4361A-3. The water right authorizes diversion of groundwater to irrigate portions of the E ½ Section 13, T105N, R52W.

On the questionnaire you indicated that the system is not constructed. Our records indicate that a system existed in the early 90's. A staff engineer conducted a field investigation in 1991 resulting in Water Permit No. 4361A-3 being licensed for what was developed at the time. Since 1999, you have reported that the system is not constructed.

Was the land enrolled in CRP or have you discontinued irrigation on the land described in the water right? Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please contact our office concerning your intent towards the water right. Thank you in advance for your reply.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure