

Considered: _____

WATER PERMIT NO. 5042-3

MAP No. same

Name of Applicant Nels J. Sorensen

Post Office Address RT. 3 Box 23 Vermillion S.D.

Amount of Water Claimed 1.8 cfs Total Acres 131

Source of Water Supply groundwater (106 ft. well)

Water to be used for IRR. County Clay

About _____ miles S of Vermillion

PROOF OF PUBLICATION: Received 1st 131-85 Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Oct. 16, 1984 Fee \$250.00 Remarks _____

1-14-85

Corrected Application Received _____ Period of Annual Use May 1 to October 31

WATER QUALITY APPROVAL RECEIVED 1-14-85 APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point NW⁴ NE⁴ sec. 1 T91N-R52W

R-52W

Land to be Irrigated S² SE⁴, SE⁴ SW⁴ sec. 36 T92N-R52W

NE⁴, E² NW⁴ sec 1 T91N-R52W

T92N

36

T91N

1

Well Log: Driller Wetmore Drilling Licensed YES X NO _____

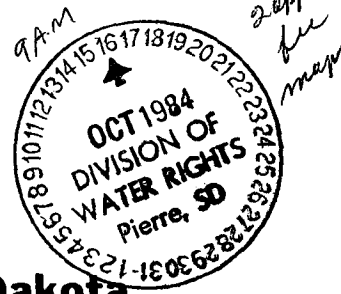
Depth of Well 106 feet REMARKS _____

Type of Map Aerial PREPARED BY Brian Top SCS Reviewed and the Number _____

assigned on 1-15-85 By Kevin P. Larson

No. 5042-3Map No. same Water Division No. Mo. River 10170101 District

Above for Office Use



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right _____ Future Use _____Change in Diversion _____ Additional Diversion XChange in Acreage _____ Additional Acreage X1. Name of Applicant Nels J. Sorensen Phone No. 624-4535Post Office Address RR3 Box 23 Vermillion State S.D. 57069
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation N/A2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work N/A4. Amount of water claimed (cubic feet per second) 1.8 c.f.s.5. Source of water supply Well6. Location of point of diversion NE⁴, NE⁴, NW⁴ 1-91-52County Clay7. Annual period or periods during which water is to be used May - October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 131

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.
<u>NW⁴ NE⁴ 1-91-52</u>	<u>40</u>
<u>SW⁴ NE⁴ 1-91-52</u>	<u>10</u> 25
<u>NE⁴ NW⁴ 1-91-52</u>	<u>40</u> 15
<u>SE⁴ NW⁴ 1-91-52</u>	<u>40</u> 8.5
<u>NE¹NE¹ 1-91-52</u>	<u>15</u>

Land Description	No. Acres Irr.
<u>SW⁴ SE⁴ 36-92-52</u>	<u>15</u>
<u>SE⁴ SW⁴ 36-92-52</u>	<u>40</u> 2.0
<u>SE¹SE¹ 36-92-52</u>	<u>2.0</u>
<u>SE¹NE¹ 1-91-52</u>	<u>8.5</u>

Attach sheet if more space is needed

(See Attachment) KCL

10. Time required to complete construction of water supply system one 1/2 years. Additional time required to complete application of water to the proposed beneficial use 2 1/2 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Plaintalk, Vermillion

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Underground pipe from well to pivot point.

C. Works proposed to apply water to beneficial use.

Center pivot system.Estimated Total Cost \$ 30,000

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 Clay) ss.I, Nels J. Sorensen 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 Nels J. SorensenSubscribed and sworn to before me this 11th day of October, 1984Jane E. Brown
Notary Public (or other qualified officer)My commission expires 10/24/87

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 5042-3

Nels J. Sorensen

(Applicant)

RT. 3 Box 23

Vermillion

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other 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 adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application October 16, 1984

Date of return to applicant for correction, amendments or changes required —, 19—

Date of receipt of corrected application —, 19—

Approved March 6, 1985, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 5042-3

The Water Management Board hereby grants and issues this Water Right Permit No. 5042-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 14, 1985
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 6, 1987
3. The whole of said work is to be completed on or before March 6, 1990
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 6, 1994
5. The water appropriated shall be used for the purpose of Irrigation

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

7. The amount of the appropriation herein granted shall not exceed 1.80 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before March 6, 1994; said water to be used during the following described

annual period: May 1 to October 31

APR 23 1985

Witness my hand this — day of —, 19—

THE WATER MANAGEMENT BOARD

By:

John Hatched
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

D. Well Information

- (1) Drill Hole, Diameter 22", Depth 104'
- (2) Casing, Type PVC, Diameter 16", Thickness 3/4"
(wood, concrete, steel, etc.)
- (3) Screen, Type 1/2" slot PVC, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 81'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 12'

Depth to bottom of water bearing material 106'

Depth to water (ground surface to water level) 8'

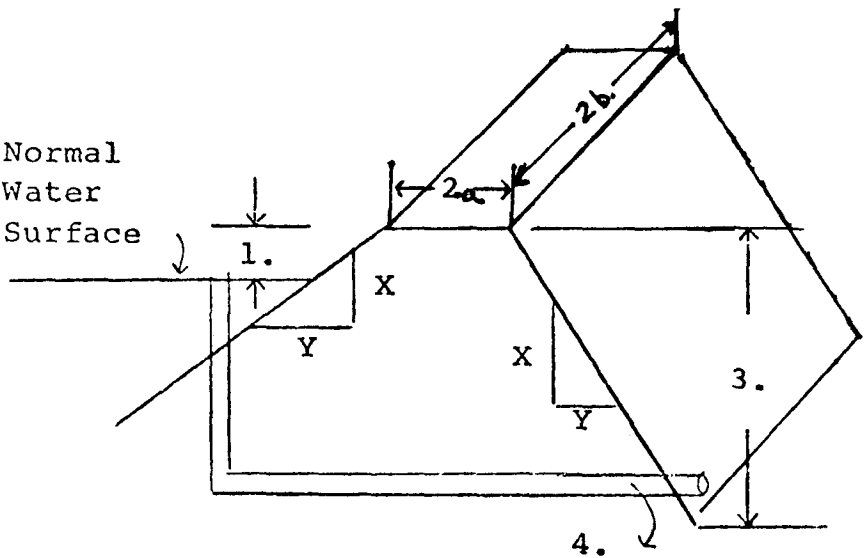
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 120 rds.

On property owned by others 160 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Mark J. Lawrence
Signature of Applicant

Lands to be Irrigated

SE $\frac{1}{4}$	SW $\frac{1}{4}$	Section 36, T92N, R52W	2.0 acres
SW $\frac{1}{4}$	SE $\frac{1}{4}$	"	15.0
SE $\frac{1}{4}$	SE $\frac{1}{4}$	"	2.0
NW $\frac{1}{4}$	NE $\frac{1}{4}$	Section 1, T91N, R52W	40.0
NE $\frac{1}{4}$	NE $\frac{1}{4}$	"	15.0
SW $\frac{1}{4}$	NE $\frac{1}{4}$	"	25.0
SE $\frac{1}{4}$	NE $\frac{1}{4}$	"	8.5
NE $\frac{1}{4}$	NW $\frac{1}{4}$	"	15.0
SE $\frac{1}{4}$	NW $\frac{1}{4}$	"	8.5

TOTAL 131.0 acres

5042-3



P.O. Box 577

Elk Point, South Dakota 57025**Phone [605] 356-3272**

Name NELS SORENSSEN
Address RT 3 BOX 23
VERMILION, SD.

Date 10-12, 1984

No.	Description	Amount
	LOG - WELL - INFORMATION NE $\frac{1}{4}$ - NE $\frac{1}{4}$ - NW $\frac{1}{4}$ - 1-91-53	
	0 - 2 top soil	
	2 - 12 fine sand + clay mix	
	12 - 36 fine sand	
	36 - 67 fine med sand	
	67 - 106 coarse sand + gravel	
	Wetmore Drilling James Wetmore	

Received By

Sub Total

Tax

TOTAL

**Please Pay By Invoice
No Statement Will Be Sent**



Landowner: Nels I. Sorenson
and
Linda Sorenson

Map Prepared By: 91-52
Brian Top
J.C.S.
Vermillion S.O.

WELL LOCATION:
2340' East and
700' South of
NW Corner Section

1-91-52

5042-3

RECEIPT

Division of Water Rights

No 4 9795

South Dakota Department of Water and Natural Resources

Pierre, October 16, 19 84

RECEIVED OF Nels J. Sorenson, RR#3, Box 23, Vermillion, SD 57069

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

Fee for Application for Permit No. <u>5042-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	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 _____		
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	250 00

By

Chief Engineer

John Hatch
JOHN HATCH (ms)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4119

WR#

OWNERS NAME: Nels J. SorensonOWNERS ADDRESS: RR 3 Box 23COUNTY LAND LOCATED IN: ClayPHONE: 624-4535TENANT'S NAME AND ADDRESS: Same

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION NE 1/4, NE 1/4, NW 1/4 1-91-52Depth 100 ft.2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Diversion Location

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 1-91-52</u>	<u>50</u>		
<u>NE 1/4 1-91-52</u>	<u>50</u>		
<u>SE 1/4 36-92-52</u>	<u>15</u>		
<u>SW 1/4 36-92-52</u>	<u>16</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED N/ALEGAL DESCRIPTION: IN WHAT NAME: 4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: X GUN: OTHER: (Specify)6. CROPS TO BE IRRIGATED: Corn, alfalfa, and soybeans.

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 84-579 10. ADJUSTED (SAR): 3.50 3.718. SALINITY (EC X 10⁶): 1166 1306 11. PERCENT SODIUM 27.01 22.089. SODIUM (SAR): 1.38

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 4:00 a.m./p.m., on Oct. 13 19 84, at the following location: NE 1/4, NE 1/4, NW 1/4 1-91-52

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11th DAY OF October, 19 84.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

CONDITIONAL APPROVAL

#4119

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT:

Nels Sorenson

LEGAL DESCRIPTION:

N½ 1-91-53 = 100 acres and S½ 36-92-52 = 131 acres

SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The areas mapped as river wash (400) is separated from the rest of the project by a drainageway. This drainageway shall remain in grass and/or alfalfa.

RECOMMENDED MANAGEMENT:

The areas mapped as river wash (402) is typically coarse material and unstabilized, for this reason it is recommended that this area be maintained in a cover crop such as alfalfa to control erosion.

We also recommend that conservation tillage be used to control potential erosion hazards on the rest of the project.

Please be advised that the fluctuation of the Missouri River, along with irrigation waters may present trafficability problems in the river wash areas.

SIGNATURE

DATE

1-11-85

REPORT ON WATER PERMIT APPLICATIONS NO. 5141-3 and 5042-3

NELS J SORENSEN

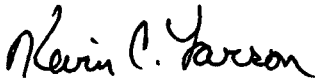
January 17, 1985

Water Permit Applications No. 5041-2 and 5042-3 each propose to divert 1.8 cfs from one well to irrigate 131 acres. Water will be withdrawn from the Missouri Aquifer in Clay County.

The Missouri Aquifer is a glacial sand and gravel deposit approximately 150 feet thick and extends from south east Yankton county along the Missouri River to its confluence with the Big Sioux River in South Dakota. It contains 1.1 million acre feet of recoverable water (Hedges etal, 1982) in Clay County. Presently 1.81% of the estimated recoverable water is appropriated in Clay County. The well logs submitted with the applications indicate approximately 90 feet of coarse sand and gravel with a total well depth of about 100 feet. The Division of Water Rights monitors one observation well (CL-80C) into the Missouri Aquifer and it is located about $\frac{1}{2}$ mile from these applications. Water level readings dating back to 1957 indicate seasonal fluctuations between 15.5 feet and 21.5 feet. The aquifer is under water table conditions. The nearest existing permit is $\frac{1}{2}$ mile north and is also owned by Nels Sorenson.

Conclusions

1. Water is available from the Missouri Aquifer for Applications No. 5041-3 and 5042-3.
2. Division of Water Rights monitors an observation well in the immediate vicinity of these applications.
3. Well interference should not be a problem in this area.



KEVIN C LARSON
Natural Resources Engineer

Bibliography

- Hedges, Burch, Iles, Barari, Schoon, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Final Report DWNR-SDGS, Vermillion SD, 1982.
- SDGS, Irrigation Report, Eastern South Dakota, DWNR, Office of Geological Survey, 1983.
- Division of Water Rights, Observation Well Records, DWNR, Div. of Water Rights, 1985.
- Division of Water Rights, Water Permit Files, DWNR, Div. of Water Rights, 1985.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5042-3, Nels J Sorensen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5042-3, Nels J Sorensen, Rt 3, Box 23, Vermillion SD.

The Chief Engineer is recommending APPROVAL of Application No. 5042-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other 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 adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 18, 1985



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 18, 1985

Nels J Sorensen
Rt 3, Box 23
Vermillion SD 57069

Mr. Sorensen:

After reviewing your applications to appropriate water I have made some changes in the legal descriptions. These changes were made because your area is actually covered by the land survey in Nebraska. It is very confusing in areas that were originally surveyed in Nebraska and subsequently have become South Dakota. I am enclosing a copy of the maps and a breakdown of the acreage on your permit. The only thing all of this changes is a more accurate legal description of your project. I have made the changes on the applications and to prevent any unnecessary delay, we are proceeding with your application. If you have any questions concerning this please contact me.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures

No. 5042-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 23, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5042-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Nels J. Sorensen whose mailing address is
Route #3, Box 23, Vermillion, South Dakota has made an application for a permit

to appropriate 1.8 cubic feet per second from groundwater, one well, 106 feet deep to irrigate 131 acres. The well is located in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1-T91N-R52W. The land to be irrigated is located in S $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36-T92N-R52W, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 1-T91N-R52W. All legal descriptions are from the South Dakota survey.
T91N

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5042-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at 523 E. Capitol,
Joe Foss Building, Room 216, Pierre, SD, March 6, 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 22, 1985.

No. 5042-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.

Allen M. Hamilton hereby

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

Water was taken from the Reservoir

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 Vermillion

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

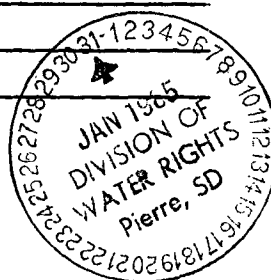
1-23-85
1-30-85

Allen M. Hamilton
(Signature)

Manager
(Title)

1-30-85
(Date Signed)

Cost of Printing: \$39.64



NOTICE OF HEARING
NOTICE OF HEARING on Application
No. 5042-3 to Appropriate Water.
Notice is hereby given that Nels J.
Sorensen whose mailing address is
Route #3, Box 23, Vermillion, S.D. has
made an application for a permit to ap-
propriate 1.8 cubic feet per second from
groundwater, one well, 106 feet deep to
irrigate 131 acres. The well is located in
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1-T91N-R52W. The
land to be irrigated is located in
S $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36-T92N-
R52W, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 1-T91N-
R52W. All legal descriptions are from
the South Dakota survey.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends APPROVAL of Applica-
tion No. 5042-3 because 1) unap-
propriated water is available, 2) will be
no unlawful impairment of existing
rights, 3) is beneficial use of water and 4)
is in the public interest.

This application will be considered by
the Water Management Board at 523 E.
Capitol, Joe Foss Building, Room 216,
Pierre, S.D., March 6, 1985 at 10:00 a.m.

The recommendation of the Chief
Engineer is not final or binding upon the
Board and the Board is authorized to
make a determination on this applica-
tion after it reaches a conclusion
based upon facts presented at the public
hearing. Any interested person who
may be affected by a Board decision and
who intends to participate in the hear-
ing before the Board and present
evidence or cross-examine witnesses
according to SDCL 1-26, must file a
written petition with BOTH the Appli-
cant and the Chief Engineer by
February 22, 1985. The petition may be
informal, but it must include a state-
ment describing the petitioner's interest
in the application, the reason for the peti-
tioner's opposition to or support of the
application, and the signature and mail-
ing address of the petitioner or his legal
counsel if legal counsel is obtained. The
applicant need not file a petition.

This application is made pursuant to
the provisions of SDCL 46-1-1 thru
46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1,
46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1
thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2,
46-5-31; 46-2A-1 thru 46-2A-10,
46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1,
46-6-10, 46-6-13, 46-6-14; and Board
Rules ARSD 74:02:01:01 thru
74:02:01:15.

This hearing is an adversary proceed-
ing. The applicant or any person, after
filing a petition, has the right to be pre-
sent 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.

Any person wishing a copy of the
Chief Engineer's recommendation, fur-
ther information on this application or
to assure access to the hearing by the
handicapped can contact the Water
Rights Division, DWRN, Joe Foss
Bldg., Pierre S.D. (605/773-3352) for
assistance prior to the hearing date. The
time of the hearing will be automatically
extended for at least twenty days upon
written request of the applicant or any
person who has filed a petition to oppose
or support the application. The request
for extension must be filed with the
Chief Engineer by February 22, 1985.
Publish: January 23, 30, 1985



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5042-3

APR 23 1985

Nels J. Sorensen
Route #3, Box 23
Vermillion, South Dakota 57069

Dear Mr. Sorensen;

Enclosed herewith is your Water Permit No. 5042-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5042-3.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

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

November 29, 1990

James Wetmore
Wetmore Drilling
P.O. Box 577
Elk Point, SD 57025

Dear Mr. Wetmore:

The Division of Water Rights is in the process of issuing a Water License for irrigation permits (5041-3 & 5042-3) held by Nels Sorensen in Clay County. In order to complete our file and before a Water License can be issued to Mr. Sorensen, an "as constructed" well log is needed for the following wells:

NE1/4 NE1/4 NW1/4 Section 1, T91N R52W
NE1/4 NE1/4 SW1/4 Section 36, T92N R52W

I have enclosed the test hole information for these two wells for your reference.

If you still have a copy of the "as constructed" well log for the above wells, please forward a copy of the logs to our office. The Water License cannot be issued until this information is obtained.

Your prompt attention in this matter will be appreciated. If you have any questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Brown". The signature is written in a cursive, flowing style.

David S. Brown
Natural Resources Engineer II
DWNR, Water Rights Division
(605) 773-3352

enclosures

cc: Nels Sorensen, RR 3, Box 23, Vermillion, SD 57069



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 30 1992

5538-3
5539-3
5540-3
5541-3

Nels Sorensen
RR 3, Box 23
Vermillion, SD 57069

Dear Mr. Sorensen:

Enclosed are Water License Nos. 5538-3, 5539-3, 5540-3 and 5541-3. They are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 413333, 413334, 413335 and 413336 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right Nos. 5538-3, 5539-3, 5540-3 and 5541-3, constructs replacement wells and does not plan to use the old wells, the old wells are 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 Licenses, 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 No. 4983-3 have been incorporated into Water License No. 5538-3; the applicable portions of Water Permit No. 5041-3 have been incorporated into Water License No. 5539-3; the applicable portions of Water Permit No. 5042-3 have been incorporated into Water License No. 5540-3; and the applicable portions of Water Permit No. 5199-3 have been incorporated into Water License No. 5541-3.