

Considered: _____

WATER PERMIT NO. 5169-3

MAP No. Same 627-5250

Name of Applicant William Moe

Post Office Address RR 2, Box 17, Bruce SD 57220

Amount of Water Claimed No add'l Total Acres 61 (see No. 3650-3)

Source of Water Supply ground water 1 well

Water to be used for irrigation County Brookings

About 2 miles N of Oakwood Lakes.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received November 13, 1987 Fee 50.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED ✓ 1/19/88 APPROVED/CONDITIONAL (Circle one)

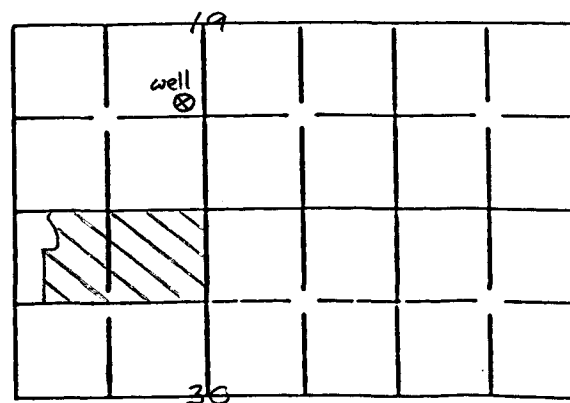
WI-1 Description same as Application YES ✓ NO _____ REMARKS _____

Diversion Point well: NE 1/4 SW 1/4 section 19 -

T112N-R51W

Land to be Irrigated N 1/2 NW 1/4 section 30 - T112N -

R51W



Well Log: Driller Grinshaw Licensed YES ✓ NO _____

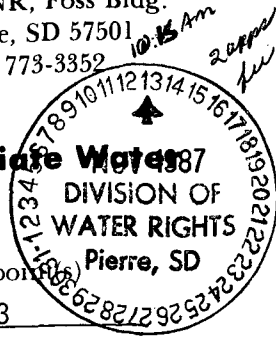
Depth of Well 90 feet REMARKS _____

Type of Map aerial photo PREPARED BY Tom Brandner Reviewed and the Number

assigned on December 31, 1987 By Ron Duvall

(See instructions)

No. 5169-3 Hydrologic Unit 10170201
Basin Big Sioux River
Newspaper Brookings Daily Register Box 177



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☒ Other See 3650-3
1. Name of Applicant William Moe Phone No. 627-5250
- Post Office Address Rural Route 2, Box 17 Bruce, South Dakota State 57220
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated 61 (authorized by No. 3650-3)
3. Source of Water supply Groundwater 1 Well
4. Location of point of diversion 2400' East and 1500' North of the SW Corner of Section 19,
T112N, R51W NE $\frac{1}{4}$ SW $\frac{1}{4}$
- County Brookings
5. Counties where water will be used Brookings
6. Annual period during which water is to be used April 1 - September 30
7. 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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T112 R51	22
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30 T112 R51	39

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: ☒ Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn wheat, barley, alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change the location of the diversion point specified on Water Permit No. 3650-3 from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T112N, R51W to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, T112N, R51W.

This application does not authorize any increase in diversion rate.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Brookings)^{ss}

I, William Moe, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed William Moe

Subscribed and sworn to before me this 10th day of November 1987

DAVID J. EBBERS
Notary Public, Hamlin County, S.D.
My Commission Expires Dec. 3, 1993

David J. Ebbers
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 5169-3
 to irrigate 61 acres (authorized by Permit No. 3650-3) in the N $\frac{1}{2}$ NW $\frac{1}{4}$ section 30-
(legal description of land)
T112N-R51W From one well 90 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 19-
T112N-R51W for
(diversion point, source, depth of well, etc.)

William Moe Rural Route 2, Box 17
(Applicant) (Street, RR or Box)
Bruce SD 57220 With the following qualifications.
(City) (State) (Zip Code)

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application November 13, 1987.
 Date Soil/Water Compatibility Permit received January 19, 1988.
 Date of return to applicant for correction, amendments or changes required _____, 19____.
 Date of receipt of corrected application _____, 19____. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 5169-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is (see Permit No. 3650-3) February 14, 1977.
2. One-fifth of the work is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____.
4. The time limit for proof of beneficial use of water is _____, ~~19~~_____.
5. 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 unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed no add'l * cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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~~ _____, ~~19~~_____. The water is to be used during the following described annual period: Apr 1 - Sept 30

* This Permit is to change the location of the diversion point authorized by Permit No. 3650-3. No increase in water appropriation or number of acres irrigated is authorized by this Permit.

WATER MANAGEMENT BOARD
 By: [Signature]
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

APR 28 1988

Supplemental Information

(type or print in ink)

* 1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 90'
- b) Casing Type PVC Diameter 16" Thickness app 1/2 in
- c) Screen Type 5 Steel Diameter 16" Thickness 100 slot
- d) Gravel Pack Thickness 7" Length of Gravel Pack 90'
- e) Depth to Top of Water Bearing Material 52'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicants property 1/8 mile On property owned by others 3/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

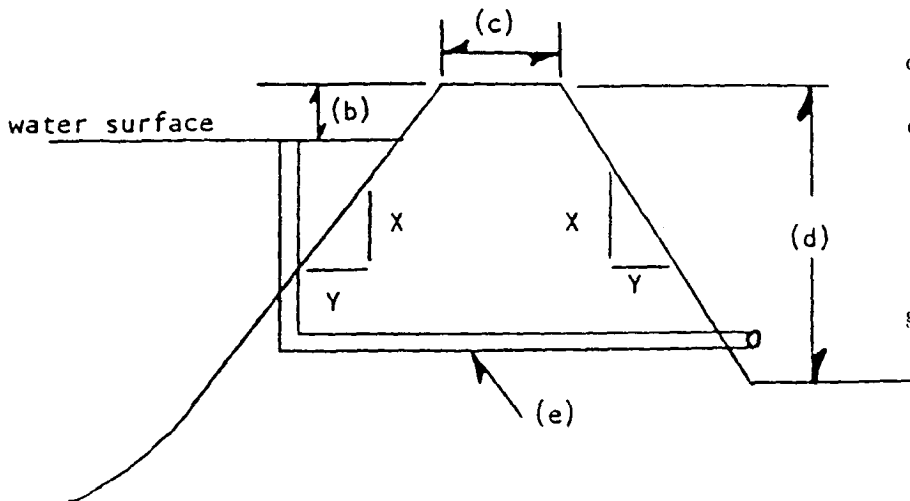
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



* William Moe
Signature of Applicant

Conversation or File Documentation

NAME OF PERSON OR FILE: William Moe 5169-3

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

Drillers Log

0-5	Top soil
5-7	sand & gravel
7-22	Brown Clay
22-52	Blue Clay
52-74	Gravel: Well graded and uniform
74-78	Blue Clay
78-90	Sand with Clay balls
90-91	Blue Clay

Grimshaw drilled well
in "78"

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

CONSERVATION COMMISSION MEETING

DATE: January 14, 1988

Page 1 - APPROVED with Requirements

NAME: William Moe

Water Quality: 77-196

ADDRESS: RR 2, Box 17

SALINITY: 894

ADDRESS: Bruce, SD 57220

SAR: 0.36

SODIUM: 7.18

COUNTY: Brookings

ADJ SAR:

LEGAL DESCRIPTION: NW1/4 NW1/4 30-112-51 = 22 acres & NE1/4 NW1/4 30-112-51 = 39 acres

APPLICATION #: 4228

TYPE OF IRRIGATION: Gun

WATER SOURCE: Ground

REQUIREMENTS:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to conserve soil moisture and control erosion.

We have noted that you have listed several small grains, corn and alfalfa as the crops to be grown. In looking at them there is a great crop rotation possibility.

TYPE OF PERMIT GRANTED AND REASON:

The Approved with Requirements recommendation is based on the water quality and the varied clay contents of the lower soil profile.



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: William Voe OWNERS ADDRESS: RR 2, Box 17
Brace, SD 57220

COUNTY LAND LOCATED IN: Brookings PHONE: 627-5250

LEGAL DESCRIPTION: ☒ Well ☐ Surface

1. LOCATION 2400' East and 1500' N of the SW corner Sec 19-T112N-R51W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 30-T112-R51</u>	<u>22</u>		
<u>SW 1/4 30-T112-R51</u>	<u>39</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: Q CENTER PIVOT: _____ GUN: XX OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: Corn, Wheat, Barley, Alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 77-196 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 394 8. PERCENT SODIUM 7.16
6. SODIUM (SAR): 0.36

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the Division or the commission.



[Signature]
Director, Division of Conservation

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411049

Pierre, November 13, 19 87

RECEIVED OF William Moe, RR 2, Box 17, Bruce, SD 57220

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

Fee for Application for Permit No. <u>5169-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	50 00

By

Chief Engineer

JOHN HATCH (INS)

South Dakota Department of
Water & Natural Resources

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

October 14, 1987

Mr. William Moe
Rural Route 2, Box 17
Bruce, SD 57220

Dear Mr. Moe:

I am writing in regard to your Water Right Permit No's 2843-3 and 3650-3. In the spring of the year I stopped by to inspect the lands under Permit No. 3650-3 in order to issue the final license for this permit. A problem arose because the lands under permit were not being irrigated from the proper diversion point.

Enclosed are the forms needed to apply for a change in diversion point location and to get soil-water compatibility approval for the lands in Section 30 from the well in Section 19 (all in T112N, R51W). Note that no new water sample is needed. Please sign the two application forms and have them notarized. Two copies of Form 2A giving us information on your production well in Section 19 should also be completed as best you can and signed. If possible send a well log from the production well in Section 19. If you do not have a copy of the log, you may be able to get one from the well driller. A fee of \$50 is required with the application.

On the application form I have listed 61 acres in the N1/2 of the NW1/4 of Section 30, T112N, 51W as the acreage you have been irrigating under Permit 3650-3 and/or wish to irrigate under the new permit application. The other 80 acres in the N1/2, NE1/4 of Section 25, T112N, R52W and the 19 acres in the N1/2, NW1/4 of Section 30, T112N, R51W originally applied for under Permit 3650-3 will be subject to cancellation due to non-use.

If you have any questions or corrections on the new application please contact Mr. Ron Duvall or myself in this office or Mr. Jim Stukel of the State Conservation Commission (773-3259) for questions on soil-water requirements.

Sincerely,



Tom Brandner
Natural Resources Engineer
605 773-3352

cc. Jim Stukel, State Conservation Commission

Enclosures

Report on Application 5169-3
William Moe
January 13, 1988

Water Permit Application No. 5169-3 was submitted for William Moe of Bruce, South Dakota to change the location of the groundwater diversion point authorized by Permit No. 3650-3. Water Permit No. 3650-3 specified the diversion point location to be in the NW1/4 NW1/4, Section 30, T112N, R51W to irrigate 160 acres in the N1/2 NW1/4, Section 30, T112N, R51W and the N1/2 NE1/4, Section 25, T112N, R52W. Application No. 5169-3 proposes to change the location of the diversion point to the NE1/4 SW1/4, Section 19, T112N, R51W to pump from one 90 foot deep well and irrigate 61 acres in the N1/2 NW1/4, Section 30, T112N, R51W authorized by Permit No. 3650-3. This application does not authorize any increase in water appropriation or acreage irrigated.

Background

A change in diversion point was necessary in this instance because the well proposed to be located in the NW1/4 NW1/4, Section 30, T112N, R51W as authorized by Water Permit No. 3650-3 was never developed. Instead, the lands to be irrigated under Permit No. 3650-3 were being watered from an existing well in the NE1/4 SW1/4, Section 19, T112N, R51W, which was the diversion point for Water Permit No. 2843-3, also owned by the applicant. The well proposed for this application has been in use for a number of years.

Aquifer Characteristics

The permit is located in the Coteau des Prairie portion of the Central Lowland physiographic province. The region is covered by Pleistocene glacial material including moraines, stagnant ice features, glacial drift and outwash. The well has been drilled into the Big Sioux Aquifer-Brookings Management Unit. This is a surficial aquifer which can be under water table or artesian conditions (Hedges, and others, 1982). This particular well appears to be an artesian well based on the information in the well log supplied by the applicant (Water Permit Application 5169-3, 1988)

Water Availability

Water Permit Application No. 5169-3 does not authorize any additional water appropriations, only a change in well location is requested. Water is available for this application.

The Brookings Management Unit has an estimated volume of recoverable water in excess of 637,000 acre-feet, with 245,850 acre-feet of this amount in Brookings County alone (Hedges, and others, 1982). In 1982 county appropriations were approximately 77,000 acre-feet, of which 9000 acre-feet were used. This amounts to 31% of available water appropriated and 3% of it utilized (Hedges, and others, 1983). The primary users are

irrigators, municipalities, and rural water systems. No specific data are available on the two latter groups, but acre-feet appropriated for irrigation fell from 57,534 in 1982 to 43,058 in 1986, a 25% decrease (SDGS, 1987).

Three Water Rights Division observation wells, BG-76B, BG-76C, and BG-77B, all located in the aquifer and one-half to one mile from the application diversion point, do not indicate any long term trends in water levels. The water level measurements show that the aquifer responds quickly to precipitation events and groundwater levels rise and fall with the variations in seasonal and annual precipitation (WRD Observation Well Files, 1988). The above information supports the conclusion that water would be available from the aquifer.

Existing Water Permits

There are two other irrigation permits, Nos. 2842-3 and 4467-3, approximately one mile from this application (WRD Permit Files, 1988). The nearest domestic well is three-fourths of a mile away according to the applicant and files available to the Water Rights Division (Water Permit Application No. 5169-3, 1988). There is sufficient distance between the wells. Although no new water is being appropriated, Permit No. 5169-3 will authorize additional water to be pumped from the Permit No. 2843-3 well. No complaints have been filed against use of the application well (which has already been operating for a number of years). The Water Rights Division does not expect this application to cause any adverse effects on other water rights holders (WRD Complaints Files, 1988).

Conclusions

1. Water is available from the Big Sioux Aquifer-Brookings Management Unit for this application as no additional water is authorized.
2. The well at the new diversion point requested in the application has been in use for a number of years with no complaints brought against it.
3. There are a few other irrigation permits and domestic wells located in the vicinity of the application with the nearest well approximately three-fourths of a mile away. Because of the large aquifer capacity and sufficient well spacing the Water Rights Division does not expect the application to cause any adverse effects on existing water rights.
4. This permit can be approved with the well interference qualification, and when licensed, applicable portions of Water Permit Nos. 3650-3 and 2843-3 can be incorporated into this permit.



Tom Brandner
Natural Resources Engineer

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., S.L. Burch, and D.L. Iles, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Iowa: Task 6: Average Annual Water Use by Aquifer, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- South Dakota Geological Survey, 1987, Irrigation Report by County: Eastern South Dakota, Prepared by SDGS for the Division of Water Rights, 150 p.
- Water Rights Division, 1988, Complaint Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1988, Observation Well Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1988, Permit Files, DWNR, Joe Foss BLDG., Pierre, SD.
- Water Right Permit Application No. 5169-3, 1988, Information Included with Permit Application.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5169-3, William Moe

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. 5169-3, William Moe, RR 2, Box 17, Bruce SD.

The Chief Engineer is recommending APPROVAL of Application No. 5169-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 21, 1988

Instruction to Newspaper - Publish first publication of the following Notice on or before February 1, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5169-3 to Change the Diversion Point Location on Permit No. 3650-3

Notice is hereby given that William Moe whose mailing address is RR 2, Box 17, Bruce, South Dakota has filed an application for a permit to change the location of the groundwater diversion point authorized by Water Permit No. 3650-3. The point of diversion specified on Permit No. 3650-3 was to be located in the NW 1/4 NW 1/4 Section 30, T112N, R51W to irrigate 160 acres in the N 1/2 NW 1/4 Section 30, T112N, R51W and the N 1/2 NE 1/4 Section 25, T112N, R52W. Application No. 5169-3 proposes to change the location of the diversion point (well-90 feet deep) to the NE 1/4 SW 1/4 Section 19 to irrigate 61 acres authorized by Permit No. 3650-3 in the N 1/2 NW 1/4 Section 30; all in T112N, R51W. This application does not authorize any increase in water appropriation or number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5169-3 because 1) will be no unlawful impairment of existing rights, 2) it is a beneficial use of water and 3) it is in the public interest.

The application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, 523 E Capitol, Pierre SD, March 2, 1988 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve the with qualifications, 3) defer, or 4) deny the 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 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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 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, 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 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 19, 1988.

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

No. 5169-3

Legal 52, 2x, Feb. 3, 10
NOTICE OF HEARING
on Application No. 5169-3 to
Change the Diversion Point
Location on Permit No. 3650-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Rob James hereby

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

Water was taken from the Brookings Daily Register

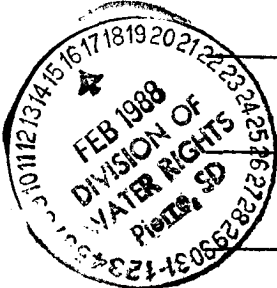
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Brookings

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

February 3, 1988

February 10, 1988



(Signature)

(Title)

(Date Signed)

Notice is hereby given that William Moe whose mailing address is RR 2, Box 17, Bruce, South Dakota has filed an application for a permit to change the location of the ground-water diversion point authorized by Water Permit No. 3650-3. The point of diversion specified on Permit No. 3650-3 was to be located in the NW 1/4 NW 1/4 Section 30, T112N, R51W to irrigate 160 acres in the N 1/2 NW 1/4 Section 30, T112N, R51W and the N 1/2 NE 1/4 Section 25, T112N, R52W. Application No. 5169-3 proposes to change the location of the diversion point (well-90 feet deep) to the NE 1/4 SW 1/4 Section 19 to irrigate 61 acres authorized by Permit No. 3650-3 in the N 1/2 NW 1/4 Section 30; all in T112N, R51W. This application does not authorize any increase in water appropriation or number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5169-3 because 1) will be no unlawful impairment of existing rights, 2) it is a beneficial use of water and 3) it is in the public interest.

The application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, 523 E Capitol, Pierre SD, March 2, 1988 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the 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 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and

Cost of Printing: \$45.48

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, 46-1-2 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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 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 Right Division, 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 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 19, 1988.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

William Moe
RR 2, Box 17
Bruce, South Dakota 57220

Dear Sir:

Enclosed herewith is your Water Permit No. 5169-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 5163-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by WILLIAM
MOE of RR #2, BOX 54, BRUCE, SD holder of
Permit No. 2843-3 JUNE 21, 1976
3650-3 + 5169-3, bearing the priority of FEBRUARY 14, 1977 authorizing
the diversion of 4.00
2.20 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in BROOKINGS County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

1 90' DEEP WELL WITH 16" STEEL CASING AND 15' JOHNSON CONTINUOUS
A WESTERN LAND ROLLER PUMP, 8" PUMP, TYPE 8M, 5-12CH, 850 GPM CAPACITY
POWERED BY 75 HP U.S. ELECTRIC MOTOR, TYPE-RU

B. Works used to transport water to place of use:

1500' OF 8" BURIED PLASTIC LINE TO PIVOT
1200' OF 8" ALUMINUM MAINLINE } FOR TRAVELING GUN
4000' OF 6" ALUMINUM MAINLINE }

C. Works used to apply water to beneficial use:

8 TOWER ELECTROGATOR CP-1275' LONG WITH NELSON 100 END GUN
BOSS TRAVELING GUN WITH NELSON GUN, MODEL P-200.
660' OF 4 1/2" FLEXIBLE RUBBER HOSE, 550 GPM CAPACITY
The system is in the following condition GOOD

The point of diversion is located 2400' E AND 1500' N OF THE SW
CORNER OF SECTION 19, T112N, R51W.

The works are capable of diverting and conveying to the place of use 1.89 (850 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: (SEE ATTACHED SHEET)

(A)-307
comprising a total of (B)-61 acres of land and the license should be issued for 1.89 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 4-12-88

Thomas M. Braden
(signature)

BENEFICIAL USE OF WATER

(A)

PERMIT NO. 2843 - 3

PRIORITY DATE - JUNE 21, 1976

ALL IN SECTION 19, T112N, R51W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 38 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 "

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 39 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 38 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 34 "

(B)

PERMIT NOS 3650-3 + 5169-3

PRIORITY DATE - FEBRUARY 14, 1977

ALL IN SECTION 30, T112N, R51W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 22 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 39 ACRES

LICENSE FOR PERMIT NUMBER 5169-3, 3650-3 and 2843-3
(Need to incorporate them)

1. Legal location of wells: NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 19, T12N, R51W

dams & structures: _____

2. Well Information: Well Drilling Firm Grimshaw

No. of wells 1

Depth 90'

Casing a) diameter _____
b) length _____
c) type _____

Screen a) type _____

b) length _____

Static Water Level _____

Pump a) make _____
b) model _____
c) size _____
d) capacity _____ GPM
e) turbine pump
no. of stages _____

Motor a) make _____

b) model no. _____

c) horsepower rating _____

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

(Other information on
Examination Sheet)

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
-----	----	-------------

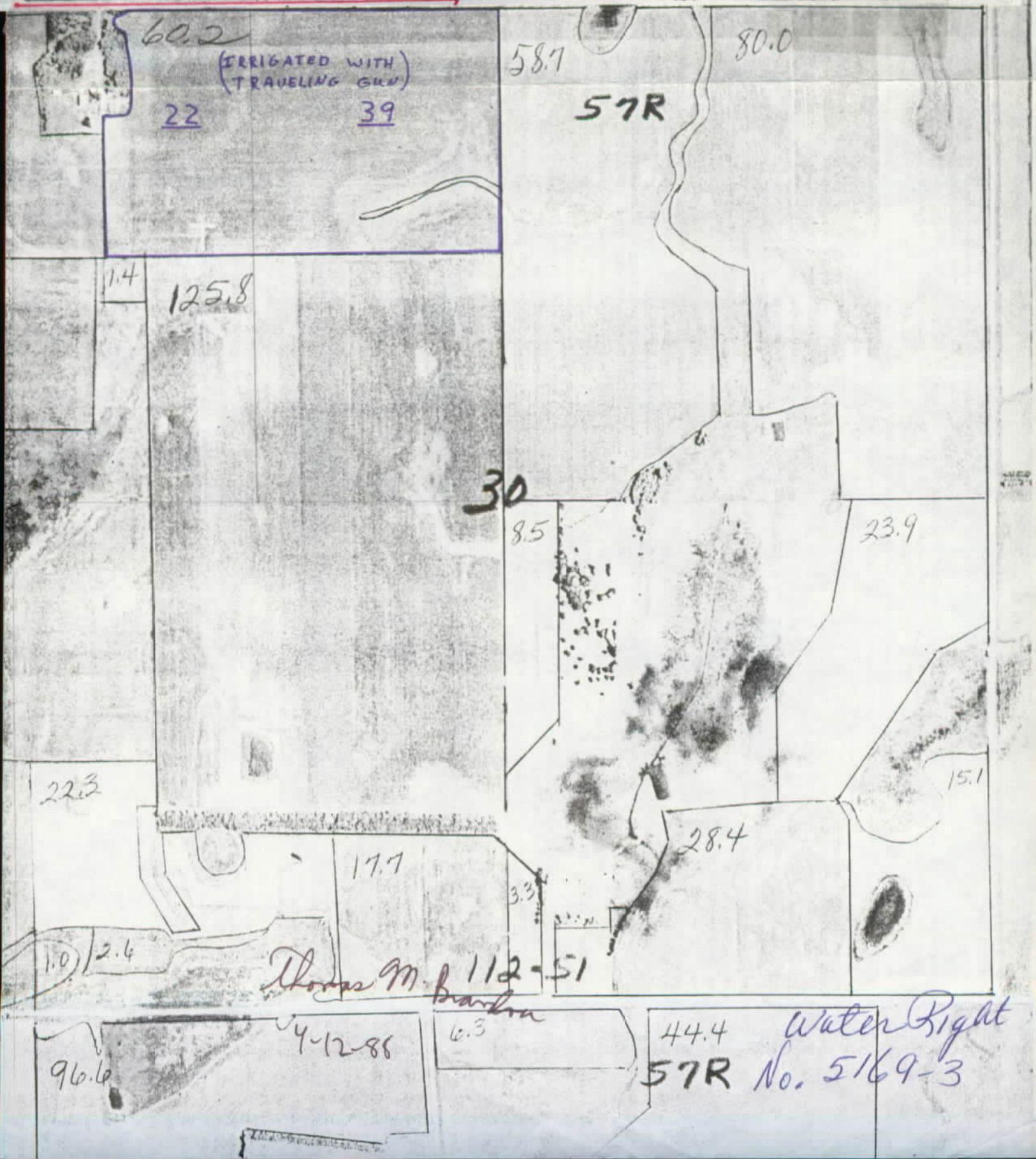
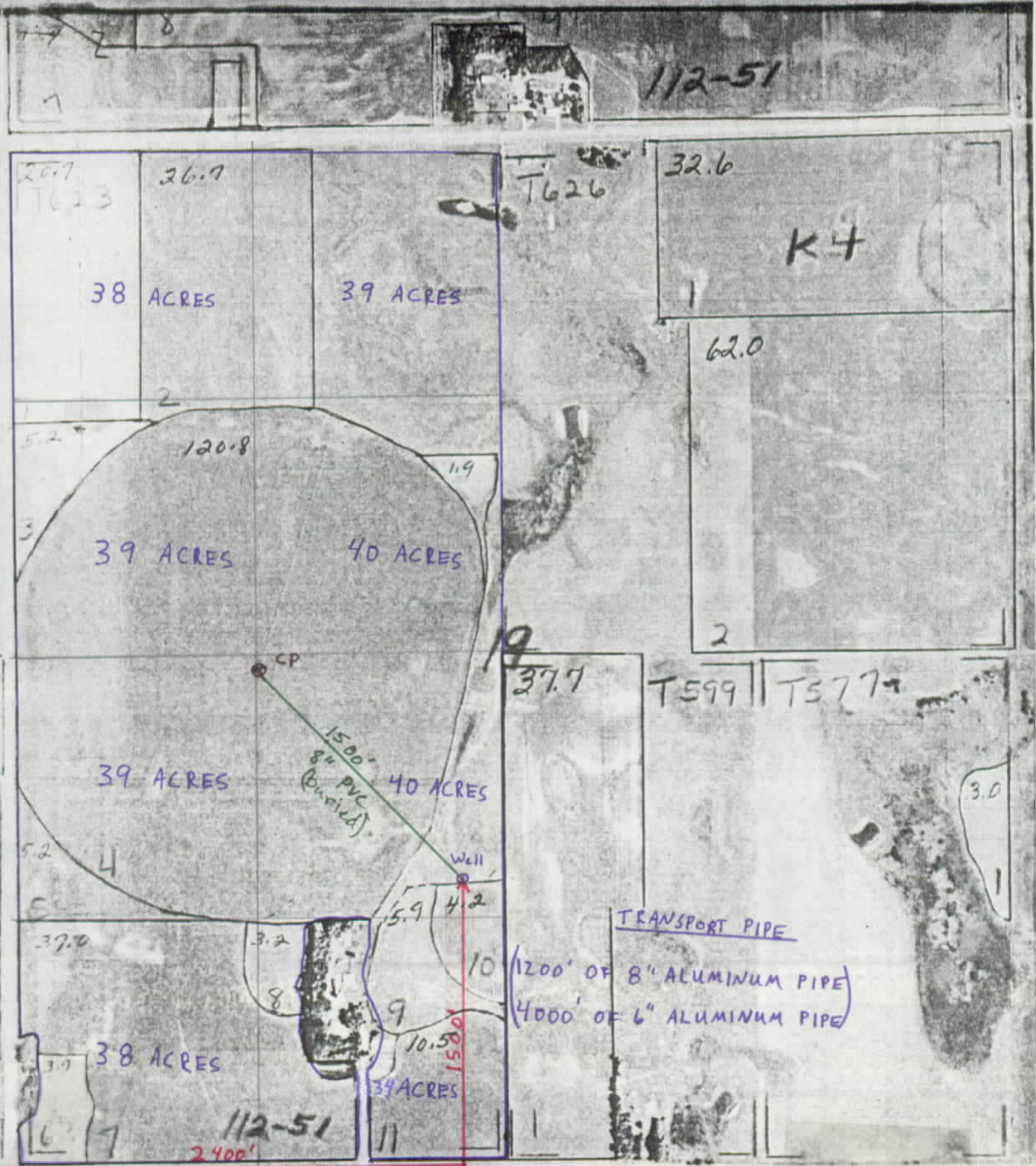
- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ☒ | ☐ | 2. Special Qualifications to permit being abided by. |
| ☒ | ☐ | 3. All Structures, wells and lands on map. |

REMARKS:

Permit No. 3650-3 was irrigating land from a well approved as a diversion point for Permit No. 2843-3 (Licensed in 1980). Permit No. 5169-3 was issued to change the diversion point for Permit No. 3650-3. The 3 permits are to be incorporated and licensed as one permit.

A log with only the Formations drilled through was sent in. No information on well construction was included. The well is already under a 1980 license.

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411250

Pierre, May 18, 1988, 1988

54

RECEIVED OF William Moe, RR 2, Box 12, Bruce, SD 57220

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. <u>5169-3</u>	50	00
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	50 00

By

John Hatch

Chief Engineer JOHN HATCH



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5169-3

(1) William Moe of RR #2 Box 54, Bruce, South Dakota 57220 made Application No. 5169-3, November 13, 1987 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one existing well), Brookings County, South Dakota for irrigation purposes. Permit No. 5169-3 with a priority date of February 14, 1977 was approved March 3, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5169-3 authorizes a change in location of the diversion point authorized by Water Permit No. 3650-3, with no increase in water appropriation or acres irrigated. The well originally authorized by Permit No. 3650-3 was never developed and the lands were being irrigated from the well licensed under Water Right No. 2843-3.

The applicable portions of Water Right No. 2843-3 and Water Permit No. 3650-3 are being incorporated into this Water License No. 5169-3. Priority dates as they pertain to the land irrigated are specified in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is: 2400 feet east and 1500 feet north of the SW corner of Section 19, T112N, R51W (NE1/4 SW1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T112N, R51W Section 19	NW1/4 NW1/4	38	acres
	NE1/4 NW1/4	39	"
	SW1/4 NW1/4	39	"
	SE1/4 NW1/4	40	"
	NW1/4 SW1/4	39	acres
	NE1/4 SW1/4	40	"
	SW1/4 SW1/4	38	"
	SE1/4 SW1/4	34	"
Section 30	NW1/4 NW1/4	22	acres
	NE1/4 NW1/4	39	"
		Total	368 acres

Priority dates: Section 19 - June 21, 1976 (Water Right No. 2843-3)
Section 30 - February 14, 1977 (Permit Nos. 3650-3 & 5169-3)

(4) Pursuant to Section 46-5-30.1 William Moe of RR #2 Box 54, Bruce, South Dakota 57220 the holder(s) and/or owner(s) of Incorporated No. 5169-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from groundwater (one well) with priority dates of June 21, 1976 and February 14, 1977 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 5169-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 14 1989



Department of Water & Natural Resources

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

5169-3

SEP 14 1989

William Moe
RR #2 Box 54
Bruce, SD 57220

Dear Mr. Moe:

Enclosed is Water License No. 5169-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411250 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. 5169-3, 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 No. 3650-3 and Water Right No. 2843-3 have been incorporated into this Water License No. 5169-3.





February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: WILLIAM MOE, RR 2 BOX 54, BRUCE, SD 57220

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 5169-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5169-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5169-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5169-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM MOE
RR 2 BOX 54
BRUCE SD 57220

4a. Article Number

P378080 555

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

2-6-97

5. Received By: (Print Name)

Patricia Moe

6. Signature: (Addressee or Agent)

X Patricia Moe

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1997

5169-3

William Moe
46009 200th St
Bruce, SD 57220

Dear Mr. Moe:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5169-3.**

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



5769-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: WILLIAM MOE, 46034 200TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5169-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5169-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5169-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

576-9-3

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 7156**
Status: **Delivered**

Your item was delivered at 10:27 AM on January 24, 2009 in BRUCE, SD 57220. The item was signed for by W MOE.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7156

WILLIAM MOE
46034 200TH ST
BRUCE SD 57220

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[™] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2009

5169-3

William Moe
46034 200th St
Bruce SD 57220

Dear Mr. Moe:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 5169-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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