

Considered: _____

WATER PERMIT NO. 5298-3 42

HAP No. same 796-4292

Name of Applicant Pat Mentele

Post Office Address P.O. Box 41, Woonsocket, SD 57385

Amount of Water Claimed 1.2 cfs Total Acres 85

Source of Water Supply groundwater - 3 dugouts

Water to be used for irrigation County Sanborn

About 4 miles NE of Woonsocket

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received March 10, 1989 Fee \$225⁰⁰ Remarks _____

Corrected Application Received March 23, 1989 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

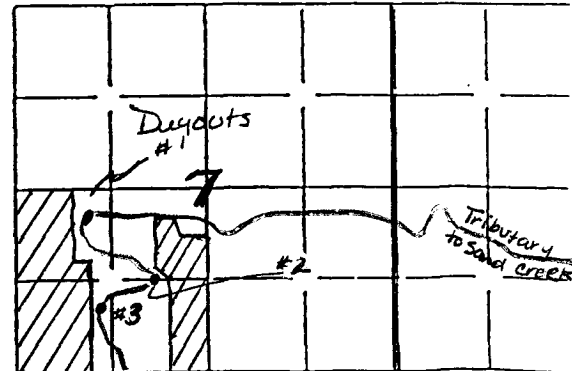
VI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point NW¹/₄ SW¹/₄ Sect 7-T107N-R61W

1/2 ~400' E of the center SW¹/₄ "

1/2 SW¹/₄ SW¹/₄ Sect 7 "

Land to be Irrigated SW¹/₄ Sect 7-T107N-R61W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Alan Bender Reviewed and the Number

assigned on March 23, 1989 By Ausari B. Bender

FORM 102: Application for irrigation (type or print)
in South Dakota

(See instructions)

No. 5298-3 Hydrologic Unit 10160006
Basin James R.
Newspaper Woonsocket News Box 218 57385
(Wed)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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 _____

Name of Applicant Pat Mentele Phone No. 796-4292
Office Address P.O. Box 41, Woonsocket State SD 57385
(Street, RR or Box) (City) Zip Code

Amount of water claimed (c.f.s.) 1.2 Total acres irrigated 82.4 85

3. Source of Water supply 3 dugouts

4. Location of point of diversion Dugouts in flood plains of the James River as indicated on
map: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7; #2 approximately 400'E of the center of SW $\frac{1}{4}$ Section 7;
#3 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7; all in T107N, R61W County Sanborn

5. Counties where water will be used Sanborn

6. Annual period during which water is to be used April 1 - October 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 $\frac{1}{4}$ SW $\frac{1}{4}$ S07 T107N R61W	22 21 2
NE $\frac{1}{4}$ SW $\frac{1}{4}$ S07 T107N R61W	15 14 2
SW $\frac{1}{4}$ SW $\frac{1}{4}$ S07 T107N R61W	28 27 0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ S07 T107N R61W	20.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: X Center Pivot: _____ Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: Melons

10. Give a description of proposed project. (Attach sheet if more space is needed)

Water will be pumped from dugouts to movable sprinkler system on the proposed land.

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, PAT MENTELE, 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.

Pat Mentele

Signed X Pat Mentele

Subscribed and sworn to before me this 20 day of FEB 19 89

Subscribed and sworn to before me this 22nd day of March, 1989.

W. R. B...
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5298-3 FOR IRRIGATION**

Date of first receipt of application March 10, 1989.

Date Soil/Water Compatibility Permit received March 30, 1989.

Date of return to applicant for required corrections, amendments or changes March 17, 1989.

Date of receipt of corrected application March 23, 1989.

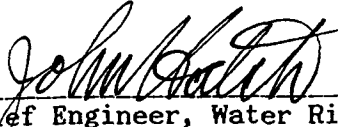
The Water Management Board approved Water Permit Application No. 5298-3 on May 10, 1989 for Pat Mentele, PO Box 41, Woonsocket, SD 57385 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5298-3 appropriates 1.2 cubic feet of water per second from three dugouts to irrigate 85 acres. Dugout No. 1, with a 0.93 acre-feet capacity is located in the NW1/4 SW1/4; Dugout No. 2, with a 1.48 acre-feet capacity, is located approximately 400 feet east of the center of the SW1/4; Dugout No.3, with a 0.74 acre-feet capacity is located in the SW1/4 SW1/4; and the acreage to be irrigated is in the SW1/4; all in Section 7, T107N, R61W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to October 31.
3. The date from which applicant may claim right is March 10, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) Permit No. 5298-3 authorizes construction of three dugouts with capacities of - No. 1 0.93 acre-feet, No. 2 1.48 acre-feet and No. 3 0.74 acre-feet.
- 2) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

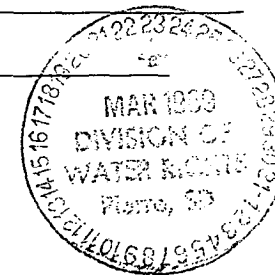
By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- new dugout no 3.*
a) Surface Dimensions 60 x 45' Depth 12' (0.74 AF)
- b) Depth to water (ground surface to water level) 5' *small*
- old no. 1 dugout 112 x 60' 6ft depth (0.93 AF)*
- new no 2 dugout 96 x 56' 12'ft depth (1.48 AF)*

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 _____

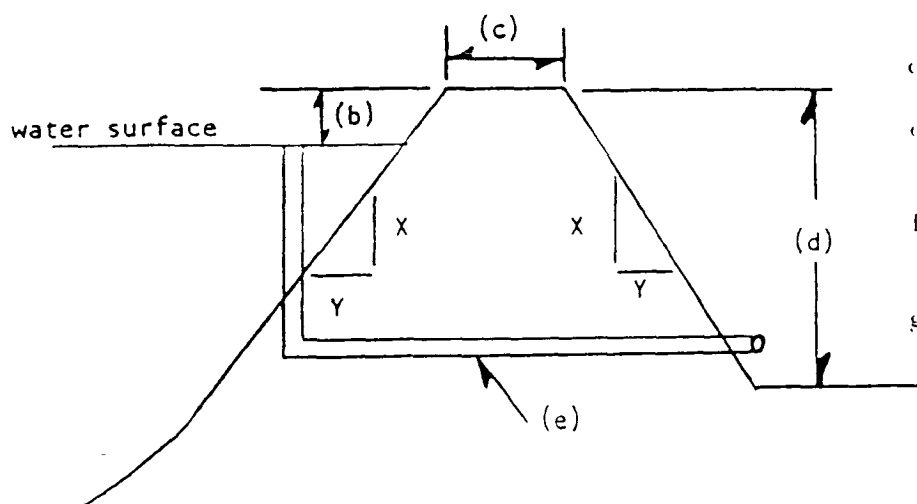
e) Primary Outlet Capacity _____
If Pipe, diameter _____f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope _____
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Gar Mente
Signature of Applicant



Department of Water & Natural Resources

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

March 17, 1989

Pat Mentele
P.O. Box 41
Woonsocket, SD 57385

Dear Mr. Mentele:

This letter is in response to the water permit application received from you March 10, 1989.

The application is not complete for the following reason(s):

- (1) The enclosed application forms need to be notarized.
- (2) The legal descriptions for the land to be irrigated will be changed as follows:

NW1/4 SW1/4 Section 7, T107N, R61W	-----	22 acres
NE1/4 SW1/4 " "	-----	15 acres
SW1/4 SW1/4 " "	-----	28 acres
SE1/4 SW1/4 " "	-----	<u>20 acres</u>
TOTAL		85 acres

unless we hear differently from you.

- (3) The legal descriptions for each of the dugouts was omitted on the application forms (see No. 4). They will be added as follows:

- #1 NW1/4 SW1/4 Section 7, T101N, R61W
- #2 approximately 400 feet east of the center of
the SW1/4 Section 7, T101N, R61W
(E1/2 SW1/4 Section 7 T101N, R61W)
- #3 SW1/4 SW1/4 Section 7, T101N, R61W

unless we hear differently from you. Each of the dugouts have been numbered on the enclosed copy of the map that was submitted.

- (4) The information provided on the enclosed Form 2A does not specify which dugout it describes. In addition, similar information needs to be provided for each of the other two dugouts on this form. Please number each set of information to correspond with the numbering on the map.

The Water Management Board cannot consider a water permit application until it is complete. Please have the application forms notarized and return them along with the completed Forms 2A to begin processing of your application.

March 17, 1989
Mentele
page 2

Feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Bowar".

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

cc: Alan Bender (w/o enclosures)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411668

Pierre, March 10, 1989

RECEIVED OF Pat Mentele, P.O. Box 41, Woonsocket, SD 57385

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

Fee for Application for Permit No. <u>5298-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By

John H. Hetch / msa
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4360

WR#

OWNERS NAME: Pat Montele OWNERS ADDRESS: P.O. Box 41

Woonsocket, SD 57385

COUNTY LAND LOCATED IN: Sanborn PHONE: 796-4292

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION (dugouts) #1 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7; #2 approx. 400' E of Center of SW $\frac{1}{4}$ Sec. 7;

Depth #3 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7; all in T107N-R61W

Legal Description	Acres	Legal Description	Acres
<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 7-T107N-R61W</u>	<u>22</u>		
<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$ " "</u>	<u>15</u>		
<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$ " "</u>	<u>28</u>		
<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ " "</u>	<u>20</u>	<u>TOTAL ACRES= 85</u>	

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

3. CROPS TO BE IRRIGATED: melons

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0042

7. ADJUSTED (SAR): 1.17

5. SALINITY (EC X 10⁶): 1200

8. PERCENT SODIUM: 8.68

6. SODIUM (SAR): 0.47

Requirements: The areas mapped as Blandon fine sandy loam (BcA), Forestburg loamy fine sand (FbA), Fedora fine loamy sand (Fa), & Woonsocket fine loamy sand (Wd) are subject to seasonal high water tables. Under irrigation, these water tables may become perched & inhibit the leaching of salts. To address this potential hazard, the perching of the water tables must not occur over a long period, which may be achieved by an intensive water management system or the installation of artificial drainage, ie. tile drainage.

Please be advised that we do not consider the Swampbuster Provision in the development of our recommendation, so before undertaking any drainage project, contact your local conservation district.



X APPROVED X REQUIREMENTS
____ DISAPPROVED
____ WAIVER

[Signature]
Director, Division of Conservation

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

5/27/89
Date



NOT TO SCALE

LANDS TO IRRIGATED AND POINTS OF DIVERSION

T10N 6 W S 7

3

87.8

T1023

43.8

51-L

10.1

3

15.6

40.8

OWNER HERBERT Tollefson
APPLICANT PAT MENTELE

47.0

48.2

T1022

POINTS OF DIVERSION

34.2

IRRIGATED LAND

IRRIGATED LAND

102.0

107-61

Appl. No. 5298-3

REPORT ON APPLICATION NO. 5298-3

Pat Mentele
April 4, 1989

Application No. 5298-3, Pat Mentele, proposes to appropriate 1.2 cubic feet of water per second (cfs) from three dugouts to irrigate 85 acres. The dugouts will be located in the SW1/4 of Section 7, T107N, R61W and have a combined storage capacity of 3.15 acre-feet. The acreage to be irrigated is also in the SW1/4 of Section 7 which is located about four miles northeast of Woonsocket, SD.

Water Source

A combination of surface runoff and a very shallow Pleistocene aquifer (not named) will supply the dugouts with water. The sand and gravel aquifer lies at the surface in the Woonsocket area (Steece, 1967). Observation well SA-57B (Water Rights, 1989) is located about one mile to the northeast of the proposed dugout locations. Water level records for the observation well reflect fairly constant readings with some yearly fluctuations. The yearly changes are probably a reflection of precipitation amounts since recharge to the shallow aquifer comes from infiltration of precipitation (Steece, 1965).

Review of Existing Water Rights

There is only one existing water right near the proposed dugouts. The source of water for this water right is a well 100 feet deep which should not be effected by the dugouts. There is also a similar application (No. 5314-3) pending. Application No. 5314-3 proposes to irrigate 60 acres from one dugout. This proposed dugout location is one mile to the west and is upstream of the three dugouts described on Application No. 5298-3. Application No. 5314-3 also has a priority date which precedes the priority date on Application No. 5298-3.

Conclusions

1. Water is available from both surface runoff and the shallow Pleistocene aquifer.
2. There will be no interference with existing water rights or pending applications.
3. Observation well records reflect fairly constant readings with yearly fluctuations dependent upon precipitation amounts.

James L. Wendte

James L. Wendte
Natural Resources Engineer

Approved by:

James A. Goodman

James A. Goodman P.E.
Hydrologist

Bibliography

Steece, F.V., L.W. Howells, 1965, Geology and Ground Water Supplies in Sanborn County, South Dakota, for United States Geological Survey, DWNR, SDGS, Vermillion, SD, 57069.

Steece, F.V., 1967, Glacial Drift Aquifers in Sanborn County, South Dakota, DWNR, SDGS, Vermillion, SD, 57069.

Water Rights Division, 1989, Observation Well File SA-57B, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

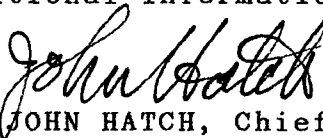
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5298-3, Pat Mentele

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. 5298-3, Pat Mentele, PO Box 41, Woonsocket SD.

The Chief Engineer is recommending APPROVAL of Application No. 5298-3 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:

1. Permit No. 5298-3 authorizes construction of three dugouts with capacities of-No. 1 0.93 acre-feet, No. 2 1.48 acre-feet and No. 3 0.74 acre-feet.
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
April 4, 1989



Department of Water & Natural Resources

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

April 6, 1989

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Pat Mentele
PO Box 41
Woonsocket SD 57385

Dear Mr. Mentele:

Water Permit Application No.5298-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Woonsocket News printed at Woonsocket SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

April 6, 1989

Woonsocket News
Box 218
Woonsocket SD 57385

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5298-3 to be published twice. Please publish the first notice on or before April 12, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Pat Mentele, PO Box 41, Woonsocket SD 57385.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5298-3 to Appropriate Water

Notice is given that Pat Mentele, PO Box 41, Woonsocket SD 57385 has filed an application for a water permit to appropriate 1.2 cubic feet of water per second from three dugouts to irrigate 85 acres. Dugout No. 1, with a 0.93 acre-feet capacity is located in the NW 1/4 SW 1/4; Dugout No. 2, with a 1.48 acre-feet capacity, is located approximately 400 feet east of the center of the SW 1/4; Dugout No. 3, with a 0.74 acre-feet capacity, is located in the SW 1/4 SW 1/4; and the acreage to be irrigated is in the SW 1/4; all in Section 7, T107N, R61W.

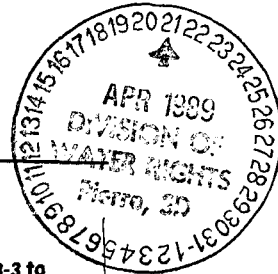
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5298-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 5298-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lanborn) ss.

I, Gerald W. Klaw hereby

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

Water was taken from the Woonsocket News

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 Woonsocket

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

April 13, 1989

April 20, 1989

Gerald W. Klaw
(Signature)

Publisher
(Title)

April 20, 1989
(Date Signed)

Cost of Printing: \$38.39

This application is made pursuant
to 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; and Board Rules
ARSD 74:02:01:01 thru 74:02:01:15.
W29-21

NOTICE OF HEARING
On Application No. 5298-3 to
Appropriate Water

Notice is given that Pat Mentele, PO Box 41, Woonsocket, SD 57385 has filed an application for a water permit to appropriate 1.2 cubic feet of water per second from three dugouts to irrigate 85 acres. Dugout No. 1, with a 0.93 acre-foot capacity is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$; Dugout No. 2, with a 1.48 acre foot capacity, is located approximately 400 feet east of the center of the SW $\frac{1}{4}$; Dugout No. 3, with a 0.74 acre-foot capacity, is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$; and the acreage to be irrigated is in the SW $\frac{1}{4}$; all in Section 7, T107N, R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5298-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.



Department of **Water & Natural Resources**

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

May 4, 1989

Pat Mentele
PO Box 41
Woonsocket SD 57385

Dear Mr. Mentele:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5298-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

Pat Mentele
Box 41
Woonsocket, SD 57385

Dear Mr. Mentele:

Enclosed is Water Permit No. 5298-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 1993

Pat Mentele
P.O. Box 41
Woonsocket, SD 57385

Dear Mr. Mentele:

Enclosed is a partially completed application form and an instruction sheet. You will not have to provide a map, as I have already prepared one. The enclosed copy of the map is yours to keep. Please notify me if I have left something off of the map.

This application is for 31 additional acres, 11 acres in the NW 1/4 NW 1/4 and 20 acres in the NE 1/4 NW 1/4 in Sec. 7-T107N-R61W, which are not covered under Permit Nos. 5298-3 or 5664-3, or any other permit. Since these are additional acres, a new application is required.

After an application has been submitted and approved, the permits will be licensed as per number 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosures

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Pat Mentele File No. 5298-3 and 5664-3
Address: P.O. Box 41, Woonsocket, SD 57385 County: Sanborn
Date: 3-15-94 Telephone: (605) 796-4292
RE:

Comments:

Mr. and Mrs Mentele visited the office to discuss permits 5298-3 and 5664-3. They are waiting soil water for 31 additional acres. I told them that the soil/water statutes are most likely going to be repealed today in the legislature.

Mr. Mentele also thinks that we have shown too many acres in the area that he irrigates. He plans to irrigate no more than the 145 acres he is permitted under 5298-3 and 5664-3. Mr. Mentele rents some of the land he irrigates and is not sure which part of the N 1/2 NW 1/4 Sec. 7 he will be irrigating. An inspection at a later date will be conducted to determine which lands are actually being irrigated. Mr. Mentele was told that if at the time of inspection he is irrigating unauthorized acreage, he will need to make application for the additional acres.

Lynn Beck
Natural Resources Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

5664-3

Pat Mentele
P.O. Box 41 —
Woonsocket, SD 57385

Dear Mr. Mentele:

Enclosed is Water License No. 5664-3 and Receipt No. 415200 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5664-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in black ink, which appears to read "John Hatch".

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 5298-3 have been incorporated into this Water License No. 5664-3.