

No.

**Office of State Engineer
DOCUMENT FILE**

I. J. Douglas Brasse
Union County
Sec. 11-T90-R49

Artesian Well

Map No. 27-3

NO. 51-3Water Division No. 3 Stout River
(Blanks to be filled by the State Engineer.)*Corrected Application*
RECEIVED
MAR 14 1950
8:15 A.M.**APPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota**OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(NOTE—Draw a line through items not applicable.)

1. Name of applicant J. J. DOUGLAS BOSSE
Postoffice address ELK POINT, County UNION, State SO. DAK.

- I. ~~XXXXXX~~ Corporation
(a) ~~XXXXXX~~ of same
(b) ~~XXXXXX~~ place of incorporation
(c) ~~XXXXXX~~ of capital stock
(d) ~~XXXXXX~~ paid in
(e) ~~XXXXXX~~ address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. ~~XXXXXX~~ of accomplishing the work and financial resources of the applicant:

- (a) ~~XXXXXX~~ of accomplishing work (Whether by contract, employment of others, or by direct labor)
(b) ~~XXXXXX~~ on hand, \$
(c) Treasury stock, \$
(d) ~~XXXXXX~~ to be issued, \$
(e) Other resources, \$

2. Name of well BOSSE WELL
3. Quantity of water claimed 1000 gal. per min.
4. Source of water supply (estimated depth) well 75' water supply 60'
5. Location of well (subdivision) NE 1/4 sec 11 R. 20 T. 49

6. Annual periods during which water is to be used summer
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 140 acres.

(b) Legal subdivisions to be irrigated N.E. 1/4 sec 11 R. 20 T. 49 140 Acres
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)

Irrigation purposes

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use farm land irrigation
(b) Amount of power to be generated none horse power.
(c) Location of plant
(d) Method of developing power
(e) Point where return water will be diverted to stream

8. Estimated cost of works: complete well, not itemized--(\$1,6000.00)
- (a) Head gates, \$..... (b) Pumping plant, \$.....
- (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
- (e) Other structures \$..... Total, \$.....

9. Description of works: still unknown

- (a) Head gate: Width feet; height feet;
Material
- (b) Log of well: (Location of Farm: 2 1/2 miles northwest of Jefferson)

FEET TO FROM	LOG OF WELL
0 3	Topsoil
3 24	Yellow Clay
24 51	Blue clay
51 67	sand and gravel
67 73	gravel
73 74	blue clay
74	hard shale

- (c) Measuring device
- (d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

- (e) Was water tested for irrigation purpose?
Result:satisfactory.....

10. Time required for completion of workyears.
11. Time required for complete application of water to the proposed beneficial useyears.
12. Choice of newspaper for publication of notice of intention to appropriate
LEADER COURIER ELI POINT, SO. DAK.

STATE OF SOUTH DAKOTA

County ofUnion..... } ss.

I, ~~Ronald E. Basse~~ I. J. Basse, being first duly sworn
on my oath depose and say: That my relation to the above described, undertaking is that of owner,
that I have read the above and foregoing statement, and examined the map accompanying the same,
and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed I. J. Basse

Subscribed and sworn to before me this 13 day of March, 1950

James M. Tindall
Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

} 83.

Pierre, South Dakota, June 8, 1950

This is to certify that the foregoing application was received at this office at 11:30 o'clock
..... m. upon the 16 day of December, 1949 and that after examination it
was found to comply with the State Water Code, a notice was duly advertised as
required by law and no protests or objections were received.

Dean W. Locks
DEAN W. LOCKS,

State Engineer.

Number of permit 54-3

Date of first receipt of application December 16, 1949

Date of return to applicant for correction December 19, 1949

Date of receipt of corrected application March 11, 1950

Date from which applicant may claim right March 11, 1950

Approved June 8, 1950, Recorded in Book 2 Page 682-683

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before December 8, 1950

2nd. The whole of said work is to be completed on or before June 8, 1951

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 8, 1951

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1000 gal. per min. gallons per minute; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 June 8, 1951; said water to be used during the following described annual period:

April to September, Incl.

Witness my hand this 8 day of June, 1950

Dean W. Locks
DEAN W. LOCKS

State Engineer.

DEPT OF CONST. ISSUED
WATER LICENSE ISSUED

11-9-70
11-9-70

NOTE:

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (See Form 2) I.J. Bosse Estate
 Post Office Address Elk Point, State South Dakota
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available) _____
 Date of Posting March 14, 1950 Date of Recording June 8, 1950
 Recording Data Water Permit No. 54-3
14. Date of start of construction of water supply system 1949
15. Date that water was first applied to beneficial use 1949
16. Name of owner of original water supply system I.J. Bosse
17. Amount of water originally applied to beneficial use 2.69 c. f. s.
18. Present Use of Water
 Amount of water now being used 2.69 c. f. s.
 Date that this amount of water was first used 1949

19. Chronological History of Water Use

The well is 80 feet deep, cased with 18 inch steel casing.
 The pump is a Western Land Roller pump, 8 inch, Mod. 8B.
 The motor is a U.S. Electrical Motor, 25 HP.
 The well was completed in 1949 and has been used as needed since that date. Water is applied using 1/2 mile of 8 inch aluminum pipe.

The Location of the land to be irrigated and the location of the diversion point is as shown in Water Permit No. 54-4.

Attach to this Form 2B: any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Blount) ss.

I, Douglas Bosse, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Douglas Bosse

Subscribed and sworn to before me this

26

day of

October1970

(Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 54-3

(1) WHEREAS, On the 14th day of March A. D. 19 50

L. J. Rouse Estate

made Water Right Application No. 54-3 for a permit to use 2.22 cubic feet per second of the waters of ground water

County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 8th day of June A. D. 19 50

Permit No. 54-3, with a date of priority of March 14, 1950

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 8th day of June A. D. 19 51 and for the application to beneficial use of said water on or before the 8th day of June A. D. 19 51

and, Whereas, on November 2, 1970, an Affidavit of Construction of Water Use System, and Beneficial use of Water was filed with the Water Resources Commission, and the Commission recognized the same under the "Vested Right" portion of the South Dakota Water Laws.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating 140 acres in the NE¼, Section 11, T90N, R49W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to I.J. Boone Estate

_____ of Ell. Point, S.D.

the holder _____ and owner _____ of said permit No. 54-3 a water right dating from 1949

_____ to use of 2.0 cubic feet per second of the waters

of ground water

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point South 52° 27' West, 2187 feet from the NE

Corner, Section 11, T90N, R49W

and conduct to and upon the NE 1/4, Section 11, T90N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 54-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 9th day of November A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

by:

Chief Engineer, Executive Officer, J.W. GRIGGS

Form 15.

Permit No. N&H 54-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That I. J. Bonaie Estate

_____ the holder _____ of
Permit No. 54-3, issued upon Application No. 54-3, bearing date of priority of 1949
_____ authorizing the diversion of 2.22 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point South 52° 27' West, 2187 feet from the NE Corner, Section 11, T90N,
49W

_____, for irrigation

purposes, has 6 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are ~~found~~ **recognized as** satisfactory
~~xxxxxx~~ for diverting and conveying to the place of intended use 2.69 cu. ft. per second of water.

Date November 9, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., March 16, 1950

Notice is hereby given that I. J. Bosse whose postoffice address is Elk Point, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2 cubic feet of water per second of time from the ground water supply through the Bosse Well, the ~~point of diversion of said water~~ to be located on the ~~bank of waterway~~ in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 Twn. 90N Range 49W. Said water to be used for the purpose of providing irrigation for 140 acres in the NE $\frac{1}{4}$ Sec. 11 R 50 T 49.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 21th day of April, 1950, at 11:00 A.M.. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

D LIT

DAVID W. LOUCKS
State Engineer

RECEIVED

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Union ss.

Wm. J. Ryan

being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Leader-Courier

a newspaper which

during the whole time of publication of said notice herein-

after stated, has been and is printed and published in the

The Leader-Courier of Elk Point, Union County of

Union

and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

April 20, 1950

April 27, 1950

May 4, 1950

May 11, 1950

in each and every issue of the full number thereof, the first publication being made on the 20th day of April

19 50 and the last publication on the 11th day of

May 19 50, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was Manager the printer and publisher of

the said newspaper.

(First Publication April 20, 1950)
APPROPRIATION OF WATER

Office of State Engineer, Pierre, South Dakota, March 16, 1950.

Notice is hereby given that I. J. Bosse, whose postoffice address is Elk Point, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2 cubic feet of water per second of time from the ground water supply through the Bosse Well to be located on the SW 1/4 of the NE 1/4 of Section 11, Township 90 N., Range 49 W. Said water to be used for the purpose of providing irrigation for 140 acres in the NE 1/4 Section 11, Range 90, Township 49.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 18th day of May, 1950, at 11:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS, State Engineer.
(Apr. 20-27 May 4-11 - 4w - 33-36)

Subscribed and sworn to before me this 12th day of May A. D. 19 50

John R. Brullin
Notary Public Union County, S. D.

STATEMENT OF THE WATER RIGHT SITUATION PERTAINING TO PIONEER IRRIGATION WELLS IN UNION COUNTY

In 1948 and 1949 a small number of water right applications proposing to irrigate from irrigation wells in Union County were received and accepted by the State Engineer. The apparent required fees were also accepted by the State Engineer and the intent of the applicants to irrigate was advertised in local papers. After public hearings the State Engineer then issued water right permits to the applicants authorizing them to construct their irrigation wells and commence irrigation.

The issuing of the water right permit was not the final step in acquiring a water right. South Dakota water laws, then, and now, specified that after the irrigation system had been completed and the land had been irrigated, an inspection was to be made and a water license was to be issued authorizing the diversion rate and irrigation acreage to the extent actually accomplished not exceeding the amount authorized in the water permit. By 1953 none of the required inspections or water licenses had been completed for these pioneer irrigation wells in Union County.

On July 23rd, 1953 the Ninth Judicial Circuit Court in the case of FRANK T. DVORAK VS. STATE OF SOUTH DAKOTA AND DEAN W. LOUCKS, in a Memorandum Decision stated that the State Engineer was without authority to issue water permits authorizing irrigation from ground water and that such authority must come by legislative enactment.

The 1955 Legislature did pass such legislative enactment. SDCL 1967, Section 46-6-1 passed in 1955 states, "The term "vested rights" used in this chapter, unless the context otherwise plainly requires, shall mean:

- (1) Beneficial uses of ground water under diversions and applications of water prior to February 28, 1955;
- (2) The right to take and use ground water for beneficial purposes where an owner or lawful agent was engaged in the construction of works for the actual application of water to a beneficial use on February 28, 1955, provided such works shall be completed and water is actually applied for such use within a reasonable time thereafter."

SDCL 1967, Section 46-6-2 passed in 1955 states:

"Any person claiming to be owner of a vested right to water from any of the underground sources in this chapter described, by application of waters therefrom to beneficial use other than for domestic use, shall make and file with the commission a declaration in a form and manner prescribed by the commission. This should set forth the beneficial use to which said water has been applied, the date of

first application to beneficial use and the continuity thereof, the location of the well, and if such water has been used for irrigation purposes the legal description of the land upon which such water has been so used and the name of the owner of the land or his lawful agent. Such declaration shall be verified, but if the declarant cannot verify the same of his own personal knowledge, he may do so on information and belief. The commission shall also be authorized to require the filing of information setting forth the water level in the wells used for purposes other than domestic at such times and in such manner and form as it may require."

The result of this 1955 legislation as it applies to the pioneer ground water irrigation in Union County is that the owners of these pioneer irrigation wells do have vested rights, but these vested rights are not valid until the well owner files a declaration of his vested right with the Water Resources Commission.

This same situation, of course, applies statewide and the Water Resources Commission has received many such vested right declarations and has issued water licenses based on these vested right declarations.

COMMISSION

John M. Garhart, Spearfish
 Lester Brue, Parker
 Carl Cronin, Gettysburg
 Lauren A. Davis, Belle Fourche
 Milton E. Fischer, Mankato
 Richard Lommen, Harrisburg
 Clarence D. Mortenson, Hayes
 Dick Fisher, Cresbard

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

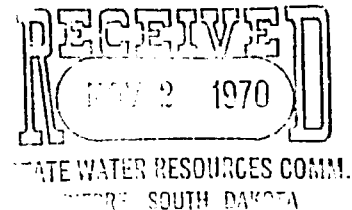
J.W. GRIMES

Chief Engineer
 and
 Executive Officer

PHONE
 224-3584
 Area Code 605

October 12, 1970

Mr. Douglas Bosse
 Elk Point
 South Dakota 57625



Dear Mr. Bosse:

On September 30, 1970, after dodging around the gun barrels, I made an inspection of the I.J. Bosse Estate irrigation well with the intention of writing an inspection report so Water License 54-3 could be issued.

Shortly after that time, it was called to my attention that the routine inspection procedure did not necessarily apply to certain water permits for ground water use issued before 1955. (See the attached statement.)

In order to validate your vested right you should submit an affidavit to supplement Water Permit No. 54-3. The Water Resources Commission can then file the affidavit and issue your Water License No. 54-3.

From the information collected I have filled out the affidavit required. If you will sign this affidavit before a Notary Public and return it to this office together with the required issuing fee of \$2.00, this Vested Right will be recorded and Water License No. 54-3 will be sent to you.

Sincerely,

DONALD DRISCOLL
 Deputy Chief Engineer

DD/bw
 Encl: As stated

6/11/80

543

Called Union Co. Register
of Deeds. Indicated
land was listed in
Mrs. Anne Bosse's name.
(at least $\frac{1}{2}$ int.)

Last up-to-date listing
they had was in
1968.

(Estate still?)

54-3
518-3

Water Rights Division - DWNR
Conversation or File Documentation

File No. 3249-3

NAME OF PERSON OR FILE: Dean Bosse

ADDRESS: RR#2 Jefferson SD 57038 COUNTY

DATE: August 29, 1984 TELEPHONE 996-5688

RE: ownership of WR's 54-3 (D. J. Bosse), 518-3 + 3249-3 (Douglas Bosse)

COMMENTS:

I spoke with Mrs. Dean Bosse - she indicated the land did now belong to Dean & Dale Bosse, but she was not certain which permit went to whom. (Dean & Dale are sons of Douglas Bosse)

The water rights should be transferred - send forms to Dean Bosse and they can complete with appropriate names. Mrs. Bosse said this was satisfactory.

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.

4/82

NAME: Genny McMath

54-3
518-3
3249-3

August 24, 1984

Dean Bosse
RR#2
Jefferson, South Dakota 57038

Dear Mr. Bosse:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each (total of \$7.50) the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 25, 1984

This is to notify you that the title to the lands described as follows:

140 Acres - NE 1/4 Section 11, T90N, R49W

formerly owned by I. J. Bosse Estate

has been transferred to DALE BOSSE R#1 Box 101 Elk Point, S.D. 57025
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 54-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover as required under SDCL 46-2-13.



STATE OF SOUTH DAKOTA)
County of Union) ss.

I, Walter Bosse being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Walter Bosse
(Signed)

Subscribed and sworn to before me this 25th Day of September, 1984.

Eva J. Fleck
(Notary Public) 7.25.84



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

September 20, 1974

Dale Bosse
RR#1, Box 101
Elk Point, South Dakota 57025

Dear Mr. Bosse:

Enclosed is receipt No. 4 9770 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 54-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

RECEIPT

Division of Water Rights

No 4 9770

South Dakota Department of Water and Natural Resources

Pierre, September 27, 1984

RECEIVED OF Dale Bosse, RR#1, Box 101, Elk Point, SD 57025

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. _____

Fee for Filing Transfer Form 54-3 _____

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

2 50

2 50

By

Chief Engineer

JOHN HATCH MS

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

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

March 31, 1985

Dale Bosse
RR #1, Box 101
Elk Point, SD 57025

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 54-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

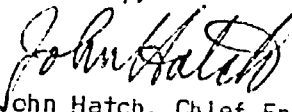
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 54-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

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

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Dale Bosse
RR 1 Box 101
Elk Point SD 57025

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 54-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 54-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No. 54-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 54-3 to add the following qualification:

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

Equal Opportunity Employer

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

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

March 23, 1987

DALE BOSSE
RR #1 BOX 101
ELK POINT, SD 57025

NOTICE

Re: Violation of Water Permit No(s). 54-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 54-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 54-3 qualification:

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

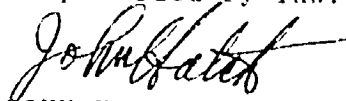
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 54-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 3, 1987

54-3

Dale Bosse
RR #1 Box 99
Elk Point, SD 57025

Dear Mr. Bosse:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 54-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,

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

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



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

Dale Bosse
RR 1, Box 99
Elk Point SD 57025

Dear Mr. Bosse:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 54-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin U. Brown*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



VESTED RIGHT No. 54-3Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Dale Bosse of RR1 Box 99 Elk Point, SD 57025 holder of Permit No. 54-3, bearing the priority of March 14, 1950 authorizing the diversion of 2.0 cu. ft. per second of the waters of Missouri Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well -120' (no well completion report available), Western Land Roller pump, Model No. F64166 10F, 3 stages, 10", 900 GPM @ 40 PSI, GE motor, Model No. 5K6238X130B, 30 HP

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

60' of 10" Aluminum

C. Works used to apply water to beneficial use:

2340' of 10" gated pipe with 30" and 48" spacings

The system is in the following condition good. The point of diversion is located 1734'W and 1300'S of the NE corner of Section 11-T90N-R49W. The works are capable of diverting and conveying to the place of use 2.00 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:

All in Section 11-T90N-R49W:NW1/4 NE1/4 = 37 acresSW1/4 NE1/4 = 14 acresNE1/4 NE1/4 = 38 acresSE1/4 NE1/4 = 37 acres

comprising a total of 126 acres of land and the license should be issued for 1.80 cfs. Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None Date 9/9/92

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

54-3

REPORT ON INSPECTION OF VESTED RIGHT 54-3
Other permit(s) associated with the project

DATE 9/9/92

DIVERSION POINT LEGAL LOCATION: 1734'W and 1300'S of the NE corner of Section 11-T90N-R40W

WELL INFORMATION: Well Drilling Firm Wetmore (drilled replacement in 1977)

No. of Wells 1 Depth(s) -120' (no well completion report available)

- a) Casing: 1) diameter inches b) Screen: 1) type
2) length feet 2) length feet
3) type c) Pump 1) make Western Land Roller
d) Static Water Level feet 2) model F64166 10B
e) Motor: 3) size 10 inches
1) make GE 4) capacity 900 GPM
2) model No. 5K6238XH30B 5) turbine pump - No. of stages 3
3) horsepower rating 30 hp 6) operating pressure 40 PSI

DISTRIBUTION LINES OR CANALS:

- a) type Aluminum b) size 10 inches c) length 60 feet

System Type:

- a) Gated pipe:
1) length 2340 feet
2) diameter 10 inches
3) spacing of gates 30" and 48" inches

CHEMIGATION EQUIPMENT: a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

54-3

File No. 54-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Dale Bosse

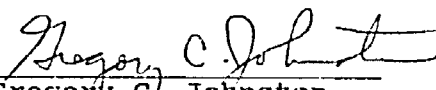
ADDRESS: RR1 Box 99 Elk Point, SD 57025 COUNTY: Union

DATE: 9/9/92 TELEPHONE: 966-5662

RE: Vested Right No. 54-3

COMMENTS:

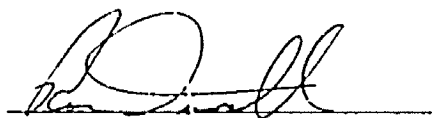
David Brown inspected Vested Right No. 54-3 on 6/21/89. David noted that the original well was plugged with "pea gravel" approximately 15 years (1974) by Wetmore Drilling. The replacement well was also drilled at this time. The well completion report for the replacement well is not available. I reinspected the Vested Right on 9/9/92 to check the accuracy of the information David had acquired.


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

FILE DOCUMENTATION

NAME: Dale Bosse Vested Right Claim No. 54-3
ADDRESS: RR 1, Box 99, Elk Point SD 57025
SUBJECT: Publication of Notice of Intent to Validate Claim No. 54-3
DATE: February 26, 1993

The notice of intent to validate vested water right claims located in Union county was published in The Leader-Courier on June 23 and June 30, 1988. A replacement well has been drilled within 660 feet of the original well site. The legal description of the replacement well is not the same as the location published in the notice of intent to validate. Since the well is located within 660 feet of the published area, readvertisement of the original notice is not necessary pursuant to SDCL 46-5-13.1. This statute allows wells to be within 660 feet of the permitted area without the need to republish if, in the opinion of the chief engineer, the change does not increase the potential for interference with existing diversions. No reports of complaints are noted in the file.



Ron Duvall, Natural Resources Engineer
Water Rights Division



54-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 24, 1993

NOTICE

TO: Dale Bosse
RR 1, Box 99
Elk Point SD 57025

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 54-3

A Notice of Intent to validate Claim No. 54-3 was published on June 9 and 16, 1988 in the Elk Point Leader-Courier. The Water Rights Division opposed validation of No. 54-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 54-3 was completed on September 9, 1992, by Greg Johnston, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 140 acres to 126 acres. The diversion rate is to be reduced, accordingly, from 2.0 cubic feet of water per second (cfs) to 1.80 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($126 \text{ acres} / 70 = 1.80 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 54-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Pursuant to the findings of the on-site inspection, validation of Claim No. 54-3 is recommended for a diversion rate of 1.80 cfs from groundwater to irrigate 126 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 126 acres and 1.80 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 54-3 will still apply at this hearing. A copy of the June 9 and 16, 1988, publication is available upon request.

This hearing is an adversary proceeding. You 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.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 24, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated March 24, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

Vested Right Claim No. 439-3:

Gene Weeg
4501 W. 12th St.
Sioux Falls, SD 57106

Vested Right Claim No. 152-3:

Earl Claussen
Rt 1, Box 830
Jefferson, SD 57038

Vested Right Claim No. 54-3:

Dale Bosse
RR 1, Box 99
Elk Point, SD 57025

Vested Right Claim Nos. 166-3 & 187-3:

Russell and Barb Schneiderman
Rt 2, Box 48
Lennox, SD 57039

Hand delivered to:

Vested Right Claim No. 857-3:

Tim Olson
Dept. of Game, Fish & Parks
622 E. Capitol
Joe Foss Building
Pierre, SD 57501

Copies of the above mentioned NOTICES were sent inter-office to:

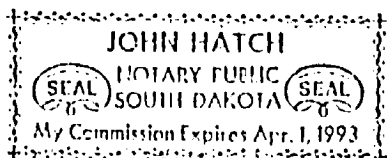
Diane Best, Assistant Attorney General, Capitol Building.

Chas. A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of March, 1993.



John H. A. T. D.
Notary Public



54-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

Dale Bosse
RR 1, Box 454
Jefferson SD 57038

Dear Mr. Bosse:

The Water Management Board has validated the enclosed Vested Water Right No. 54-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 54-3 FOR IRRIGATION

Date of Receipt of Claim March 14, 1950

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 54-3 for irrigation purposes for Dale Bosse, RR 1, Box 454, Jefferson SD 57038 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 54-3 appropriates 1.80 cubic feet of water per second from groundwater located in the NW 1/4 NE 1/4 Section 11 to irrigate 126 acres located in the NE 1/4 Section 11; all in T90N-R49W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1949.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

SEP 20 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

REISSUED VESTED WATER LICENSE NO. 54-3 FOR IRRIGATION

(1) I.J. Bosse, of Elk Point SD made Application No. 54-3, March 14, 1950 for validation of a vested water right claim to appropriate 2.0 cubic feet of water per second from groundwater, Union County, South Dakota for irrigation purposes. Vested Water Right No. 54-3, validated May 5, 1993 with a priority date of January 1, 1949. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 54-3 was transferred September 27, 1984 to Dean Bosse.

The original water license issued on November 9, 1970 described irrigation of 140 acres in the NE 1/4 Section 11-T90N-R49W. A field inspection conducted of the water use system found a total of 126 acres still being irrigated. Based upon the inspection and subsequent validation of the vested right claim, the license is being reissued to the extent of what is actually being irrigated.

(2) The vested right owner is entitled to divert 1.80 cubic feet of water per second for beneficial use. The location of the diversion point is NW 1/4 NE 1/4 Section 11-T90N-R49W (1734'W and 1300'S of the NE corner of Section 11).

The location of the irrigated acreage is:

T90N-R49W	Section 11	NW 1/4 NE 1/4	37 acres
		SW 1/4 NE 1/4	14 acres
		NE 1/4 NE 1/4	38 acres
		SE 1/4 NE 1/4	37 acres
		Total	126 acres

(3) Pursuant to South Dakota Water Law 46-5-30.1 Dale Bosse of RR 1, Box 454, Jefferson SD 57038 the holder and/or owner of Vested Water Right No. 54-3 is issued a license to appropriate water 1.80 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1949 from the location specified in (2) of this license. The water to be used for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 54-3 and subject to South Dakota State Law.

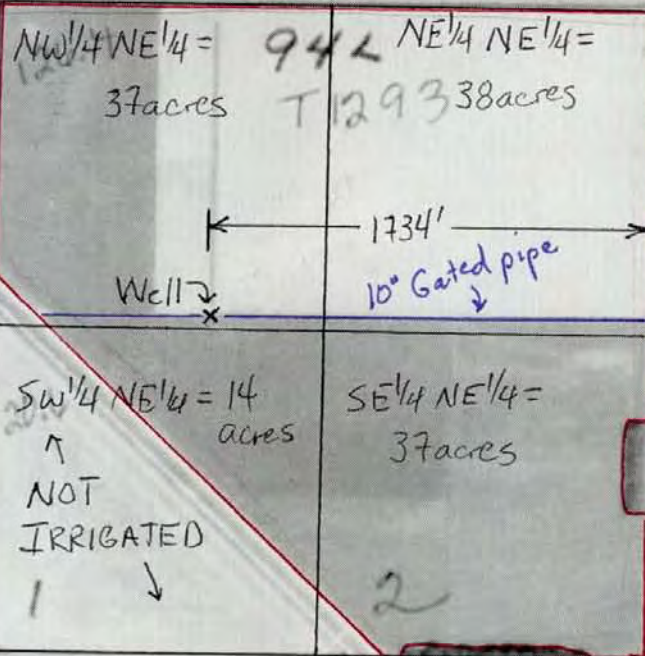


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

SEP 20 1993

NOT TO SCALE

134.6 N T11E54
 VESTED RIGHT NO. 54-3
 DALE BOSSE
 Drawn by: Gregory C. Johnston
 Gregory C. Johnston
 Natural Resources Engineer II
 Water Rights Division, DENR
 2/3/93



ALL IN SECTION 11-T90N-R49W:

NW 1/4 NE 1/4 = 37 acres
 SW 1/4 NE 1/4 = 38 acres
 NE 1/4 NE 1/4 = 14 acres
 SE 1/4 NE 1/4 = 37 acres
Total = 126 acres

90-49

543



Location	Sec.	Twp.	Rge.	Acres
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	11	90N	49W	39.5
NW $\frac{1}{4}$ " "	"	"	"	38
SW $\frac{1}{4}$ " "	"	"	"	14
SE $\frac{1}{4}$ " "	"	"	"	39
Total				130.5

SURVEYOR'S CERTIFICATE

I, W. R. EDDINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, No. 298, STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE DOUGLAS BOSSE IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA, WAS MADE UNDER MY DIRECTION BY CARL C. WEISZ, AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 12th DAY OF August, 1949, A. D.

W. R. Eddington
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
H. H. Bennett, Chief
Aug. 11, 1949
REGION FIVE
LINCOLN, NEBR.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 12th DAY OF August, 1949, A. D.

Madeline Fillmore
NOTARY PUBLIC



54-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: DALE BOSSE, 32840 481ST AVE, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 54-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 54-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 54-3 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 24, 2006**, 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.

54-3



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4732

Your item was delivered at 1:44 pm on January 25, 2006 in ELK POINT, SD 57025. The item was signed for by D BOSSE.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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Preserving the Trust

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4732

DALE BOSSE
32840 481ST AVE
ELK POINT SD 57025

ng.

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

CHECK ONE (POSTAL USE ONLY)

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

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2006

Dale Bosse
32840 481st Ave
Elk Point SD 57025

Dear Mr. Bosse:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 54-3, 518-3, 2117-3, 3249-3, 3364-3 and 5184-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We have also received the "Notice of Transfer of Ownership" form and filing fee from you for transferring Water Right No. 518-3. The transfer has been completed. Water Right No. 518-3 formerly listed in the name of Douglas Bosse is now listed in your name.

Enclosed is your Receipt No. 02275 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure



54-3
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 16, 2015

NOTICE

TO: DALE BOSSE, 17016 280TH ST, WESTFIELD, IA 51062

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 518-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 54-3 & 5184-3 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 4, 2015** 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) 54-3 & 5184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 518-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: KENNY CHICOINE, 48042 329TH ST, JEFFERSON SD 57038

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.

54-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 2, 2015

54-3
518-3
5184-3

Dale Bosse
17016 280th St
Westfield IA 51062

Dear Mr. Bosse:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 54-3, 518-3 and 5184-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Kenny Chicoine

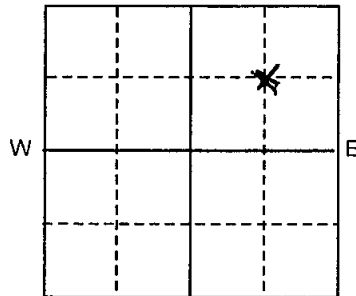
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location center 1/4 NE 1/4 Sec 11 Twp 90N Rg 49WWell Owner: Dale BosseCounty Union

North

Please mark well location with an "X"



Well Completion Date

11/12/15

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>sch40</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>85</u> FT	<u>28</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>		Lb/gal	<u>0</u> Ft	<u>65</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pressure Grouted

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16" Inches Length 30 Feet
 Material PVC
 Slot Size 10/60" Set From 85 Feet to 115 Feet
 Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH Tablets☐ No, Why Not?

Lab to which water quality sample sent for analysis

Business Name:

Address: 17016 280th St.City, State, Zip: Westfield, Ia. 51062

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>3</u>
<u>Brown Clay</u>	<u>3</u>	<u>15</u>
<u>Sand w/ clay layers</u>	<u>15</u>	<u>65</u>
<u>Sand + Gravel w/</u>	<u>65</u>	<u>115</u>
<u>cobble @ 73', 115'</u>		

STATIC WATER LEVEL

14' 9"

FEET

If flowing: closed in pressure

PSI

GPM flow through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

33' 9" Ft. After 1 Hrs. pumped 1000 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 GPM

REMARKS

This is a replacement well for Permit # 54-3Missouri: Elk PointThis well was drilled under license # 763 and this report is true and accurate.Drilling firm: Salmon Well Co.

Signature of License Representative:

Scott Salmon

Signature of Well Owner or Equitable Property Holder:

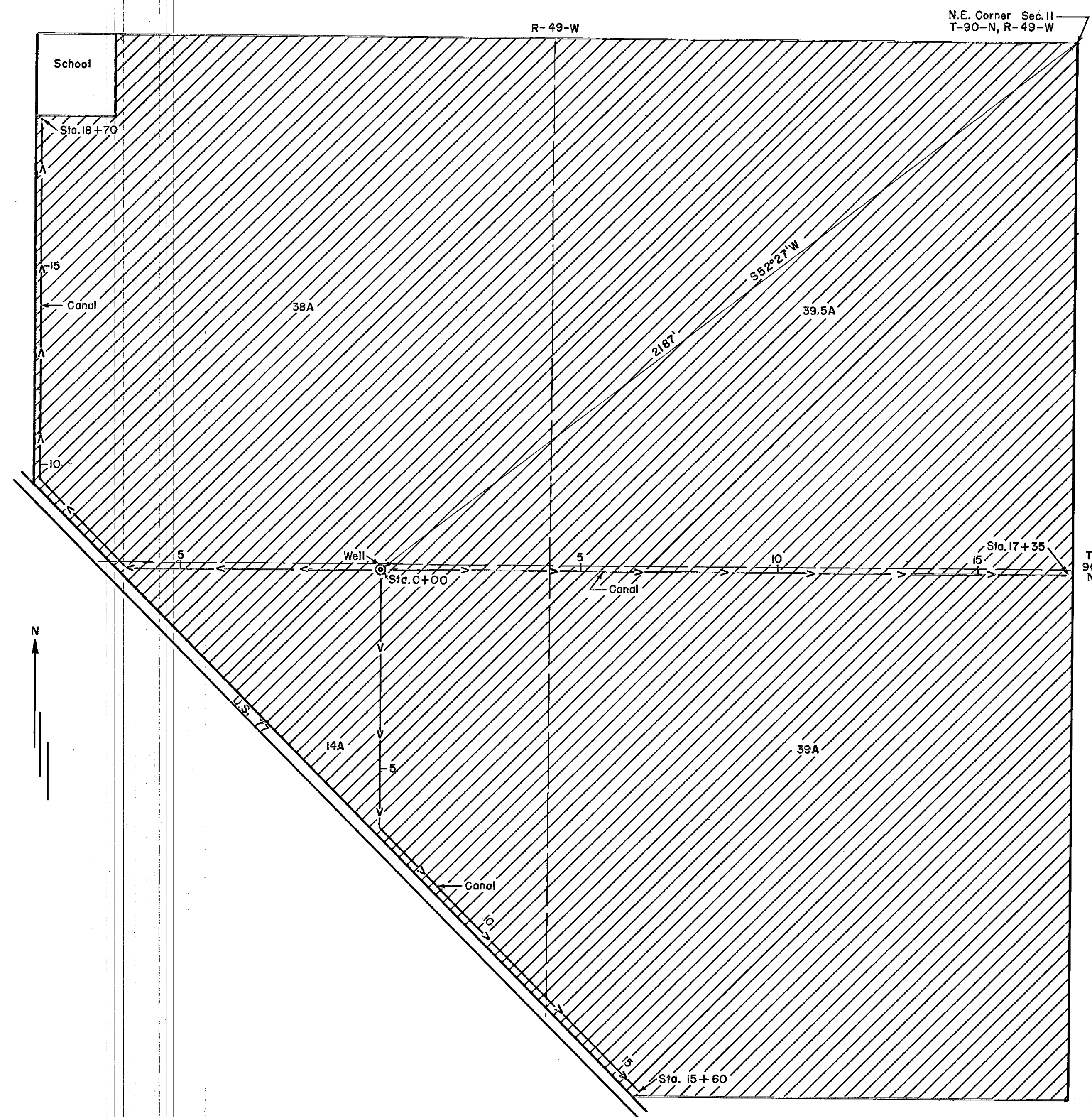
Dale Bosse

RECEIVED

DEC - 7 2015

Date: 11/10/15

WATER RIGHTS PROGRAM



Scale: 1" = 200'

 Land to be irrigated.

Location	Sec.	Twp.	Rge.	Acres
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	11	90N	49W	39.5
NW $\frac{1}{4}$ " "	"	"	"	38
SW $\frac{1}{4}$ " "	"	"	"	14
SE $\frac{1}{4}$ " "	"	"	"	39
Total				130.5

SURVEYOR'S CERTIFICATE

I, W. R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, NO. 298, STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE DOUGLAS BOSSE IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA, WAS MADE UNDER MY DIRECTION BY CARL O. WEISZ, AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 12th DAY OF August, 1949, A. D.

W. R. Edginton
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 12th DAY OF August, 1949, A. D.

Madeline Fillman
NOTARY PUBLIC

May 20 37-3
(1000 ft. 54-3)
8-72

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
H. H. Bennett, Chief
Aug. 11, 1949
REGION FIVE
LINCOLN, NEBRASKA

DOUGLAS BOSSE
Union County
South Dakota