

Considered: _____

WATER PERMIT NO. 5422-3

Ph# 489-2266
MAP No. _____

Name of Applicant Larry Alverson

Post Office Address RR 1 Box 55 Chester, SD 57016

Amount of Water Claimed 2.2 Total Acres 210

Source of Water Supply 2 wells (groundwater)

Water to be used for irrigation County Lake

About 2 miles W of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/27/90 Fee # 275 Remarks _____
2/23/90

Corrected Application Received 3/27/90 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 4/30/90 APPROVED / CONDITIONAL (Circle one)

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

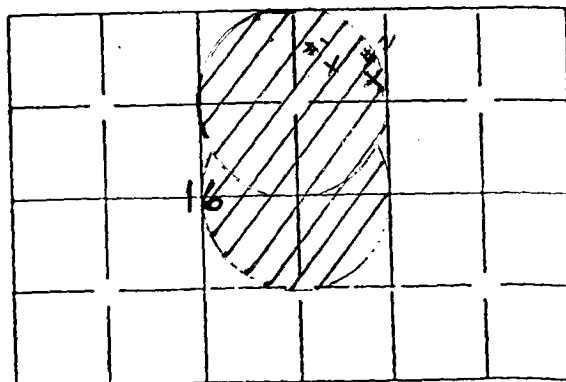
Diversion Point well #1 2850'S 1200'W of NE corner

Section 16-T105W-R51W Well #2 3100'South

+ 100'W of NE corner Section 16-T105N-R51W

Land to be Irrigated NE 1/4, N 1/2 SE 1/4 of Section

16-T105N-R51W



Well Log: Driller Lacey Licensed YES X NO _____

Depth of Well 57' REMARKS _____

Type of Map Aerial PREPARED BY Gary Keter SCS Reviewed and the Number

assigned on 3/28/90 By Eric Hamlund

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 5422-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Madison Daily Leader Box 348 57042

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 Larry Alverson Phone No. 489-2266
Post Office Address RR1 Box 55 Chester State SD Zip Code 57016
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 2.2 Total acres irrigated 210.00
3. Source of Water supply 2 Wells
4. Location of point of diversion Well #1 - 2850' South & 1200 West of NE Corner
Well #2 - 3100' South & 700' West of NE Corner Sec 16 - 105 N
51 W (NE & SE 1/4 Section 16-T105N-R51W) County Lake
5. Counties where water will be used Lake
6. Annual period during which water is to be used Apr - Oct
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 1/4 of NE 1/4	35 35
NE 1/4 of NE 1/4	35 35
SW 1/4 of NE 1/4	35 35
SE 1/4 of NE 1/4	35 35

Land Description	No. Acres Irr.
NW 1/4 of SE 1/4	30 35
NE 1/4 of SE 1/4	30 35

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)
9. Crops to be Irrigated: Corn Beans hay wheat oats
10. Give a description of proposed project. (Attach sheet if more space is needed)
Towable Center Pivot with Two wells

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 Lake ss

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

Signed Larry Alverson
23rd day of February 1990
Beth Kessler
Notary Public

Subscribed and sworn to before me this

my commission expires Aug. 31, 1990

**SOUTH DAKOTA
WATER PERMIT No. 5422-3 FOR IRRIGATION**

Date of first receipt of application February 26, 1990.

Date Soil/Water Compatibility Permit received April 30, 1990.

Date of return to applicant for corrections, amendments or changes March 22, 1990.

Date of receipt of corrected application March 27, 1990.

The Water Management Board approved Water Permit Application No. 5422-3 on May 24, 1990 for Larry Alverson, RR. 1 Box 55, Chester, SD 57016 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. 5422-3 appropriates 2.2 cubic feet of water per second from two wells (Big Sioux - North Skunk Creek Aquifer) 57 feet deep to irrigate 210 acres. The wells are to be located in the NE1/4 SE1/4 of Section 16 T105N-R51W. The land to be irrigated is located in the NE1/4, N1/2 SE1/4 of Section 16 T105N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 - October 31.
3. The date from which applicant may claim right is February 26, 1990.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 1999.
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. The wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hated
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

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Test Drilling
Irrigation Supplies

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Trent, South Dakota 57065
Telephone 428-5686 or 428-5979

Pumps
Water Specialists
Water Source Heat Pumps

2-10-90

GENTLEMEN:

HEVE AVE LOGS ON 2 TEST HOLES
DRILLED 2-8-90 FOR LARRY ALVESEN IN THE
S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ 16 105N-51W, CHESTER TWP,
LAKE CO, SOUTH DAKOTA.

BOTH HOLES ARE BASICALLY THE SAME:

0-2' TOPSOIL
2-32' RED GRAVEL / S.W.L 31-32'
32-57' FINE GREY SAND

Thanks

Jim Lacey





April 5, 1990

Water Rights Division
Ron Duvall
Joe Foss Building
Pierre, SD 57501

Dear Ron:

The application for my irrigation water permit appears to have been temporarily delayed concerning the soils part of the review. As it stands now, Jim Stueckel will be here to look at my land on the 16th of April.

To insure that the permit procedure is not delayed any further, I am requesting that you advertise prior to receiving the information from the soils committee.

Thank You,

Larry Alverson

RECEIPT

412107

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 27, 1990RECEIVED OF Larry Alverson, RR #1 Box 55, Chester, SD 57016

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

Fee for Application for Permit No. <u>5422-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	275	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	275 00

By

Galen Hatch (ms)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4473

WR#

OWNERS NAME: ALVERSON, LARRY OWNERS ADDRESS: RFD 1, Box 55
Chester, South Dakota 57016

COUNTY LAND LOCATED IN: Lake PHONE: 489-2266

LEGAL DESCRIPTION: (2) ☒ Well ☐ Surface
1. LOCATION: #1 Well - 2850' South & 1200' West of NE Corner Section 16-T105N-R51W
Depth: #2 Well - 3100' South & 100' West of NE Corner Section 16-T105N-R51W

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>	<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>		
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 16-T105N-R51W</u>	<u>35</u>		

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

3. CROPS TO BE IRRIGATED: Corn, Beans, Hay, Wheat, Oats

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0062 7. ADJUSTED (SAR): 1.43
5. SALINITY (EC X 10⁶): 1000 8. PERCENT SODIUM: 11.61
6. SODIUM (SAR): 0.58

Requirements:



[Signature]
Director, Division of Conservation

April 18, 1990

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Revised by Gary J. Kuhn SET
Soil Conservation Service
Madison, SD
256-257

NOT TO SCALE



T77.6 T219

15R

53.9

37.9

37.9

1130ft X

T78.4 T223
78.4

T136.6 TMD

16

16

T174
17.3
HEL

72.5

11.1

T173

13.8

5422-3

105-51

T72.8
T226

T178

NC

15R

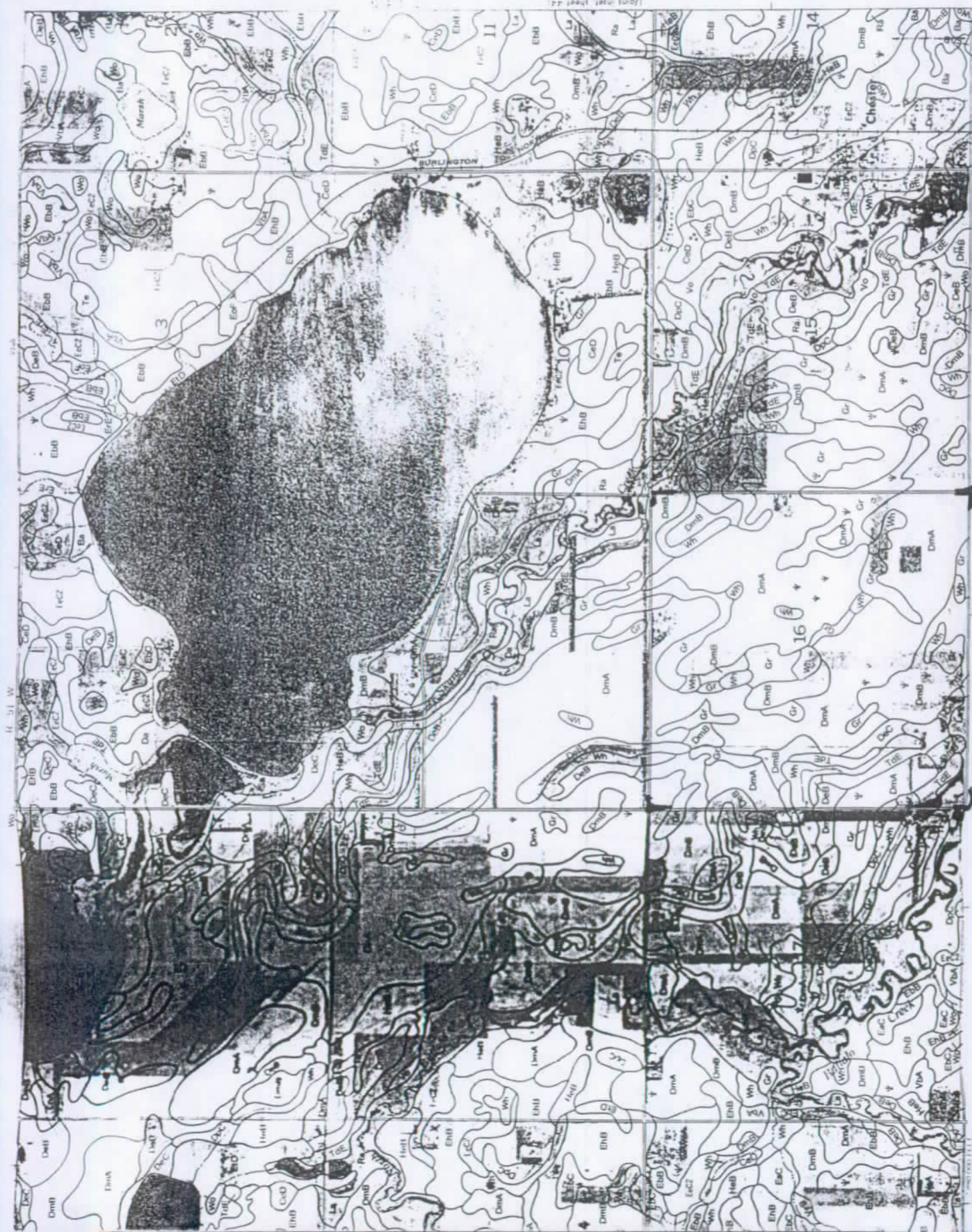
93.3

93.3



19.6

T226



REPORT ON APPLICATION NO. 5422-3
LARRY ALVERSON
MARCH 29, 1990

Water Permit Application No. 5422-3, Ron Alverson, proposes to irrigate 210 acres in section 16, T105N, R51W with 2.2 cfs of water from two wells located 2850 feet south and 1200 feet west of the north east corner of section 16 and 3100 feet south and 700 feet west of the north east corner of section 16 T105N R51W. The wells will be approximately 57 feet deep.

Hydrology and Geology

Application No. 5422-3 proposes to withdraw 2.2 cfs of water from the Big Sioux Aquifer North Skunk Creek management unit (BS:NSC).

The BS:NSC is a glacial outwash aquifer consisting of poorly sorted sandy gravel northwest of Lake Madison to well sorted sand and gravels southeast of Lake Madison (Adolphson and Ellis, 1965)

The aquifer is hydraulically connected to Lakes Herman, Madison, and Brant. Recharge to the aquifer is obtained from direct infiltration of precipitation and snowmelt (Hansen, 1986). Recharge estimates vary from 2 to 5.6 inches (Hedges and others, 1983).

The Division of Water Rights monitors six observation wells in the BS:NSC aquifer. A review of the hydrographs for these wells indicates a rise and fall of the water levels in response to climatic changes with no net change in the amount of water in storage.

Existing Permits and Water Use

The following is a list of existing water rights on file that withdraw water from BS:NSC aquifer.

<u>Permit</u>	<u>Use</u>	<u>CFS</u>	<u>Acres</u>	<u>Owner</u>
371-3	Mun	0.31		City of Madison
372-3	Mun	0.26		City of Madison
611-3	Irr	2.23	194	Lawrence & Darlene Kappenman
747-3	FU	6.41		City of Madison
1079-3	Mun	2.70		City of Madison
1268-3	Irr	0.90	143	Ray Wenk
1328-3	Irr	2.50	176	Charles Alverson
1453-3	Mun	0.78		City of Madison
1604-3	Mun	1.22		City of Madison
2987-3	Irr	2.28	160	Larry Alverson
3048-3	Irr	6.85	480	Lester Anderson
3072-3	Irr	9.08	636	Lester Anderson
3385-3	Irr	2.28	160	Dennis Brown

3407-3	Irr	0.17	12	Virgil Schoeberl
4133-3	Irr	1.14	80	Charles Alverson
4311-3	Irr	2.00	140	Darrell Muller
4360-3	Irr	2.10	156	Darrell Muller
4361-3	Irr	3.60	255	Darrell Muller
4367-3	RWS	3.00		Kingbrook RWS
4453-3	Irr	2.00	144	Alan Brown
4499-3	RWS	0.33		Chester Sanitary District
4943-3	RWS	0.50		Big Sioux Community RWS
4960-3	Irr	2.85	200	Ronald Alverson
5065-3	Com	0.10		Marv's Beach Resort
5151-3	Irr	1.57	100	Charles Alverson
5373-3	Irr	0.80	56	Ron Alverson

Based on water permit appropriations allowing irrigation at either 2 acre-feet/acre or 3 acre-feet/acre depending on the permit and allowing municipal and rural water permits to pump continuously at permitted rates, there is 19,444 acre-feet of water appropriated from this aquifer. The average reported water use for irrigation for the last four years of record is approximately 900 acre feet. At the present time municipal and rural water permits actually use only 50% of the water permitted or 5665 acre-feet. This shows that of the 19556 acre feet appropriated only 6565 acre feet are being utilized (34% of appropriated).

There is an estimated 240,000 acre feet of recoverable water in storage (Hansen, 1986). Using 240,000 acre feet available the percentage appropriated is 8% of the recoverable water and usages is 3% of the recoverable water.

As previously discussed recharge varies from 2 to 5.6 inches over the aquifer. Using 48 mi² of areal extent (Hansen, 1986) there are 5120 acre feet to 14,335 acre feet of recharge to the aquifer. The recharge rate will depend on evapotranspiration, precipitation and water use. With the hydraulic connection to the lakes, additional withdrawals from the aquifer will induce addition recharge.

Conclusions

1. Water Permit Application No. 5422-3, ^{Larry}~~Ron~~ Alverson, proposes to irrigate 210 acres in section 16, T105N R51W from two wells located in section 16, T105N R51W.
2. Water will be withdrawn from the Big Sioux Aquifer North Skunk Creek management unit.
3. Observation wells exist and are being monitored in the Big Sioux Aquifer, North Skunk Creek management unit.

4. Prior water rights exist that withdraw water from the same aquifer as No. 5422-3.
5. Existing water rights should not be adversely affected by this application.
6. Unappropriated water is available for water permit application No. 5422-3.

Gale N. Selken

Gale N. Selken P.E.
Natural Resources Engineer IV

References

- Adolphson, D.G. and Ellis, M.J., 1964 Basic Hydrogeologic Data, Skunk Creek-Lake Madison Drainage Basin, South Dakota: South Dakota Geological Survey Water Resources Report No. 3.
- Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota: US Geological Survey, Water-Resources Investigations Report 84-4209.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, For US Army Corps of Engineers, DWNR, SDGS, Vermillion SD 57069.
- South Dakota Department of Water and Natural Resources, water right permit files, irrigation questionnaire data, and observation well files, unpublished.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5422-3, Larry Alverson

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. 5422-3, Larry Alverson, RR 1, Box 55, Chester SD.

The Chief Engineer is recommending APPROVAL of Application No. 5422-3 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. The wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. 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 5, 1990

NOTE: This recommendation was prepared prior to receiving an approved Soil/Water Compatibility Application (SWCA) from the Department of Agriculture in order to avoid delaying Application No. 5422-3 until the July, 1990 Water Management Board meeting. Pursuant to General Rule 74:02:01:09, an approved SWCA must be received prior to a hearing being held on a water permit application. If your approved SWCA is not received prior to the May 23, 1990 hearing, then Application No. 5422-3 will need to be rescheduled for a later hearing date. Approval of the SWCA by the Department of Agriculture is also subject to review by the Conservation Commission. This note is to advise you that authorizing publication of the enclosed notice of hearing may **NOT** result in a hearing at the May 23, 1990 Water Management Board meeting due to the above described circumstances. In addition, once the application is advertised for hearing, the cost of publication will be an expense incurred if the SWCA is denied by the Department of Agriculture.



Department of Water & Natural Resources

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

April 13, 1990

Madison Daily Leader
Box 348
Madison, SD 57042

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5422-3 to be published twice. Please publish the first notice on or before April 19, 1990 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 Larry Alverson, RR #1, Box 55, Chester, SD 57016.

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,

Eric S. Gronlund

Eric S. Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric S. Gronlund
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 _____



Department of Water & Natural Resources

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

April 13, 1990

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

Larry Alverson
RR #1 Box 55
Chester, SD 57016

Dear Mr. Alverson:

Water Permit Application No. 5422-3 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 Madison Daily Leader printed at Madison. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. 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,

A handwritten signature in cursive script that reads "Eric S. Gronlund".

Eric S. Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: Please refer to note on the Chief Engineer's Recommendation prior to authorizing publication of this notice of hearing.

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5422-3 to Appropriate Water

Notice is given that Larry Alverson, RR #1 Box 55, Chester, SD 57016 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from two wells (Big Sioux - North Skunk Creek Aquifer) 57 feet deep to irrigate 210 acres. The wells are to be located in the NE1/4 SE1/4 of Section 16-T105N-R51W. The land to be irrigated is located in the NE1/4, N1/2 SE1/4 of Section 16-T105N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5422-3 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 the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 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 May 11, 1990. 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 May 11, 1990.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lake) ss.

I, Deanna D. Bergheim

certify that the attached printed Notice was taken
 from the Madison Daily Leader

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 Madison

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

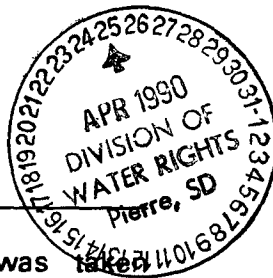
Tuesday April 17, 1990

Tuesday April 24, 1990

Deanna D. Bergheim
 (Signature)

Secretary
 (Title)

April 24, 1990
 (Date Signed)



NOTICE OF HEARING ON APPLICATION NO. 5422-3 TO APPROPRIATE WATER

Notice is given that Larry Alverson, RR No. 1, Box 55, Chester, S.D. 57016, has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from two wells (Big Sioux - North Skunk Creek Aquifer) 57 feet deep to irrigate 210 acres. The wells are to be located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 16-T105N-R51W. The land to be irrigated is located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16-T105N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5422-3 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 the Pelican Room, Ramkota Inn, Hwy. 212, Watertown, S.D. on May 23, 1990 at 10:00 a.m. The Chief Engineers 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 May 11, 1990. 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 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 of a delay must be received by May 11, 1990.

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.

Cost of Printing: 33.66



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Sept 15, 1990

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Larry Alverson Rt 1 Box 55 Chester, S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5422-3.

Water Permit No. 5422-3 states that the diversion system is to be constructed by May 24, 1985, and that the water it put to beneficial use by May 24, 1988.

The diversion system was completed on July 15, 1990.
Applying the water to beneficial use was completed on July 15, 1990.

You may schedule an inspection so that the Water License may be issued.

Larry Alverson
signature



Department of Water & Natural Resources

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

SEP 12 1990

Larry Alverson
RR #1 Box 55
Chester, SD 57016

Dear Mr. Alverson:

Enclosed is Water Permit No. 5422-3 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,

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

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

DEC 23 1993

5422A-3

Larry Alverson
RR 1, Box 55
Chester, SD 57016

Dear Mr. Alverson:

Enclosed is Water License No. 5422A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413701 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5422A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 5422-3 have been incorporated into this Water License No. 5422A-3.