

Considered: _____

WATER PERMIT NO. 5496-3

Phone: 605 446-3342

Name of Applicant: Terry Gasper

Post Office Address: RR 1, Box 86, Colton SD 57018

Amount of Water Claimed: 1.57 cfs Total Acres: 110

Source of Water Supply: groundwater

Water to be used for: irrigation County: Lake

About 1/2 S miles _____ of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 10-13-90 Fee: \$225.00 Remarks _____

Corrected Application Received 10/23/90 Period of Annual Use Apr-Oct

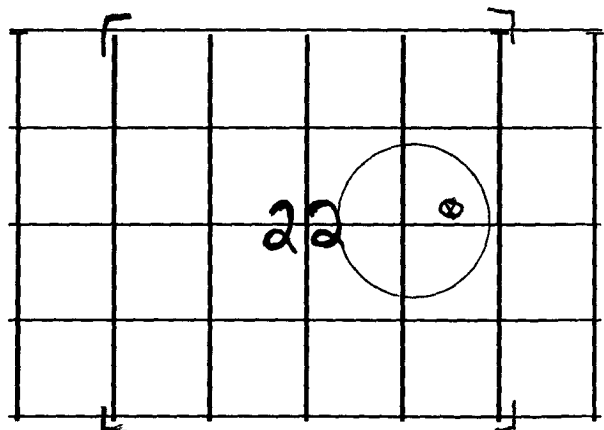
WATER QUALITY APPROVAL RECEIVED 1-11-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NE 1/4 22-105-51

Land to be Irrigated: S 1/2 NE 1/4 &

N 1/2 SE 1/4 22-105-51



Well Log: Driller: Jim Lacey Licensed YES X NO _____

Depth of Well: 50' REMARKS _____

Type of Map: aerial PREPARED BY: Doris Schumacher, ASCS Reviewed and the Number

Assigned on 1-11-91 By Karen Schlaak

(See instructions)

No. 5496-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Madison Daily Leader, PO Box 348

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 _____
1. Name of Applicant Terry Gaspar Phone No. 605-446-3342
- Post Office Address RR1 Box 86 Colton State SD Zip Code 57018
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.57 Total acres irrigated 110
3. Source of Water supply Well
4. Location of point of diversion 2250' South & 600' West of the NE Corner
of Sec 22 - T105N - R51W (SE 1/4 NE 1/4)
- County Lake
5. Counties where water will be used Lake
6. Annual period during which water is to be used Apr - Oct 31
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.
SE 1/4 of NE 1/4 Sec 22, T105N, R51W	30
NW 1/4 of NE 1/4	25
NE 1/4 of SE 1/4	30
NW 1/4 of SE 1/4	25

Land Description	No. Acres Irr.

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 Wheat Hay OATS
10. Give a description of proposed project. (Attach sheet if more space is needed)
1100' Center Pivot with approx 500' of under ground pipe
from a well 500' East of Pivot

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, Terry Gaspar, 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 Terry Gaspar
Subscribed and sworn to before me this 19th day of October 1990
Beth Kussler

Notary Public

My commission expires Aug. 31, 1995.

SOUTH DAKOTA
WATER PERMIT No. 5496-3 FOR IRRIGATION

Date of first receipt of application October 3, 1990.

Date Soil/Water Compatibility Permit received January 11, 1991.

Date of return to applicant for corrections, amendments or changes October 5, 1990.

Date of receipt of corrected application October 23, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5496-3 to Terry Gaspar, RR 1, Box 86, Colton SD 57018 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. 5496-3 appropriates 1.57 cubic feet of water per second from one well (Big Sioux Aquifer North Skunk Creek Management Unit) 50 feet deep to be located in the SE 1/4 NE 1/4 Section 22-T105N-R51W to irrigate 110 acres located in the S 1/2 NE 1/4, and N 1/2 SE 1/4 of Section 22-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 January 11, 1991.
4. The date of approval of Permit No. 5496-3 is May 1, 1991.
5. One-fifth of the construction is to be completed on or before November 1, 1993.
6. All construction is to be completed on or before May 1, 1996.
7. Water is to be put to beneficial use on or before May 1, 2000.
8. 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. The well 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.
3. 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 Environment and Natural Resources

SEP 4 1991

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 50'
- b) Casing Type Steel Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Diameter 12" Thickness 3/8"
- d) Gravel Pack Thickness 5" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 35'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 1/2 mi.

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

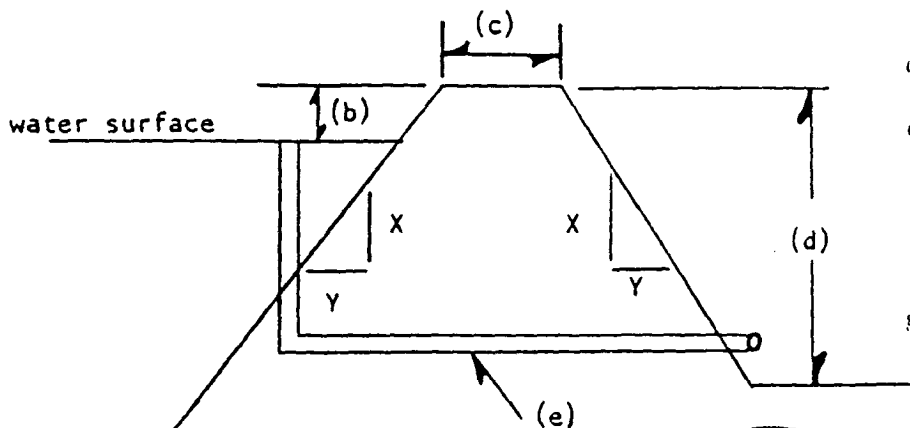
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Tony Lopez
Signature of Applicant



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 10 inch Depth 45 ft
- b) Casing Type Plastic 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) 15 ft
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 15 ft

2. Dugout Information Estimates

- a) Surface Dimensions 40 by 60 Depths 10 ft estimate
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams None

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 _____

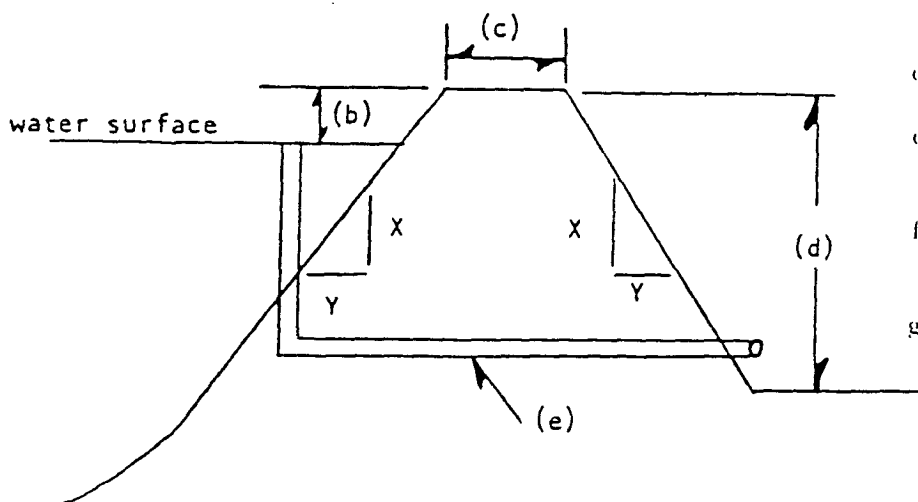
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

1990

105-51

OCT 1990
ION OF
ER RIGHTS
PITK, SD

16R

Doris Schumacher
CED
AGCS

67.8

18.1

22

Fence

2574 ft Pivot

Well

37.8

1-1100
+0112

$$\frac{1}{2} \cdot 657$$

30

Beans
12.1

A.C.R.
22.9

Protonomers
of 6 towers

308

30-40 psi

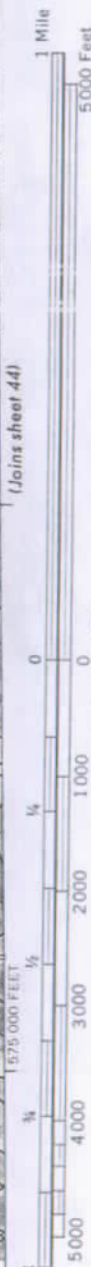
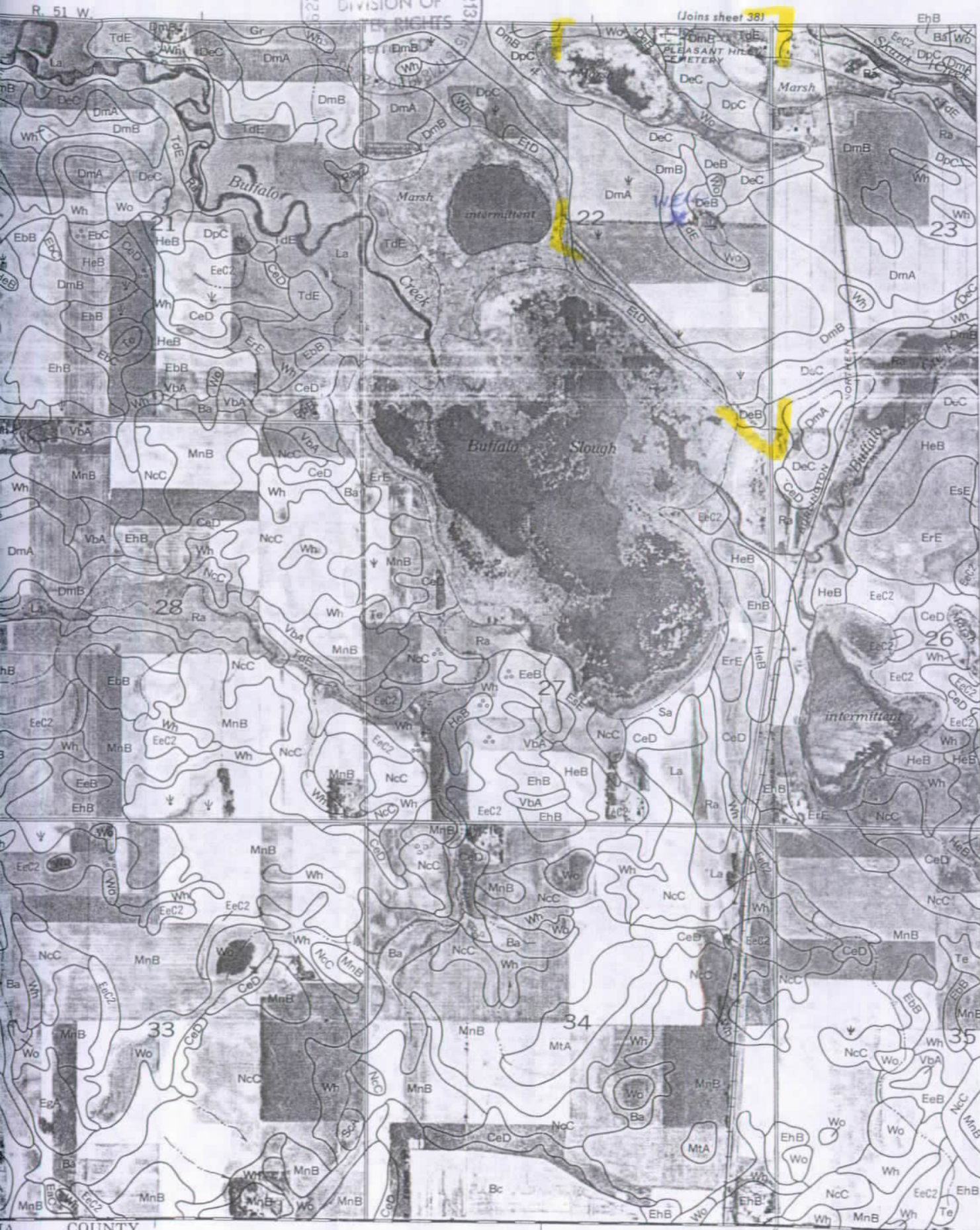
3 of
± 201, 3 of ± 176 + 54' over
+ ~ 100' more and gun w/ 600

① T-3035

2728293031-123456789101123456789
OCT 1990
DIVISION OF
P. RIGHTS

Darlyn Threabold
Soil Conservationist

43



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412399

Pierre, October 24, 1990

RECEIVED OF Terry J. Gaspar, RR #1 box 86, Colton SD 57018

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

Fee for Application for Permit No. <u>5496-3</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

Chief Engineer

John Hatch



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

October 5, 1990

Terry J. Gaspar
RR. 1, Box 86
Cotton, SD 57018

Dear Mr. Gaspar:

As per our phone conversation, I am returning your water permit application. I have transposed the information from your initial application along with the information you provided to me over the phone onto the enclosed application form. Please review this information to ensure that it is accurate. The following items must also be addressed.

1. The application must be signed and then notarized.
2. An application filing fee of \$225 must be submitted. I am returning the \$50 check you initial submitted.
3. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.
4. Form 2A must be completed for the well information.
5. A water sample must be sent to the Water Quality Laboratory in accordance with the instruction sheet.

Finally, as I discussed with you, the Soil Water Compatibility Permit must be received by the Water Rights Division prior to processing the permit to appropriate water. Upon receipt of a completed application, I will proceed with processing your water permit application.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.

In Water Since 1946

LACEY WELL DRILLING

Wells
Test Drilling
Irrigation Supplies

Box 796
Trent, South Dakota 57065
Telephone 428-5686 or 428-5979

Pumps
Water Specialists
Water Source Heat Pumps

DAVE,

10-15-90

Log of test hole drilled for
TERRY GASPAN in the S~~W~~ of NE4
22 105-51 roughly on the south
line 1000' west of the road

0-49' SAND + GRAVEL

35-49 is fairly coarse
material and gravel is 9-10'

Jim Lacey



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4551

WR#

OWNERS NAME: TERRY GASPAR OWNERS ADDRESS: RR 1 BOX 86
COLTON SD 57018

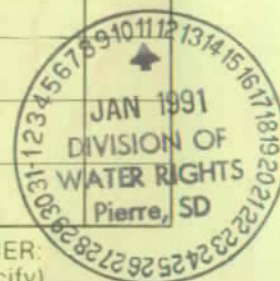
COUNTY LAND LOCATED IN: LAKE PHONE: 446-3342

LEGAL DESCRIPTION: ☒ Well ☐ Surface

1. LOCATION 2250' South & 600' West of the NE Corner of 22-T105N-R51W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>30</u>		
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>25</u>		
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>30</u>		
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>25</u>		



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

3. CROPS TO BE IRRIGATED: CORN, BEANS, WHEAT, HAY, OATS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1525 7. ADJUSTED (SAR): 0.74
5. SALINITY (EC X 10⁶): 650 8. PERCENT SODIUM: 8.03
6. SODIUM (SAR): 0.32

Requirements:

The area mapped as Talmo-Delmont loams, 6-21 percent slope (TdE) are subject to excessive steep slopes and are not suited to cultivated crops. This area shall remain in permanent vegetation and shall be restricted from irrigation on slopes greater than 9%.

A buffer strip shall not be irrigated along the western edge of the project (Buffalo slough and marsh) and the Northeast corner of the project area (marsh).



Director, Division of Conservation

January 7, 1991

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

REPORT ON APPLICATION NO. 5496-3
TERRY GASPAR
February 14, 1991

Water Permit Application No. 5496-3 proposes to appropriate 1.57 cubic feet per second of water from one well 50 feet deep located in the SE 1/4 NE 1/4 Section 22 T105N R51W to irrigate 110 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 of Section 22 T105N R51W.

Hydrology and Geology

Application No. 5496-3 proposes to withdraw 1.57 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 Lake 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 well 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. (Hydrographs attached).

Existing Permits and Water Use

The following is a list of existing water permit 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
5422-3	Irr	2.2	210	Ron Alverson
5429-3	Irr	2.2	116	Richard Harms

Based on water permit/right 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 19,676 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 percent of the water permitted or 5665 acre-feet. This shows that of the 19,676 acre-feet appropriated only 6565 acre-feet are being utilized (33 percent 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 percent of the recoverable water and usages is 3 percent 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 additional recharge.

Conclusions

1. Water Permit Application No. 5496-3, Terry Gaspar, proposes to irrigate 110 acres in Section 22, T105N R51W from one well located in Section 22, 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. 5496-3.
5. Existing water rights should not be adversely affected by this application.

6. Unappropriated water is available for Water Permit Application No. 5496-3.

Gale N. Selken

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

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.

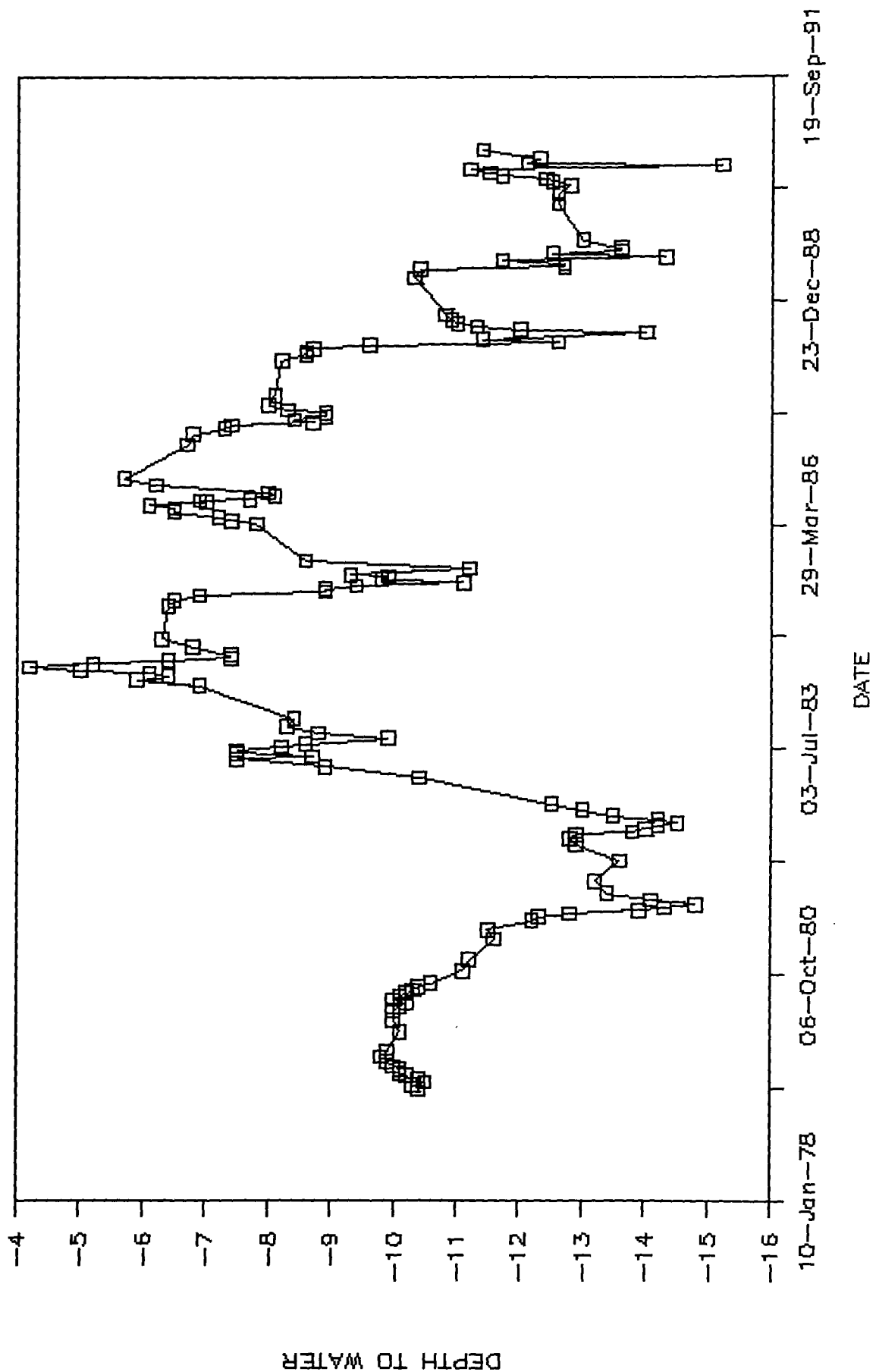
Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota: US Geological Survey, Water-Resources Investigations Report 84-4209.

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.

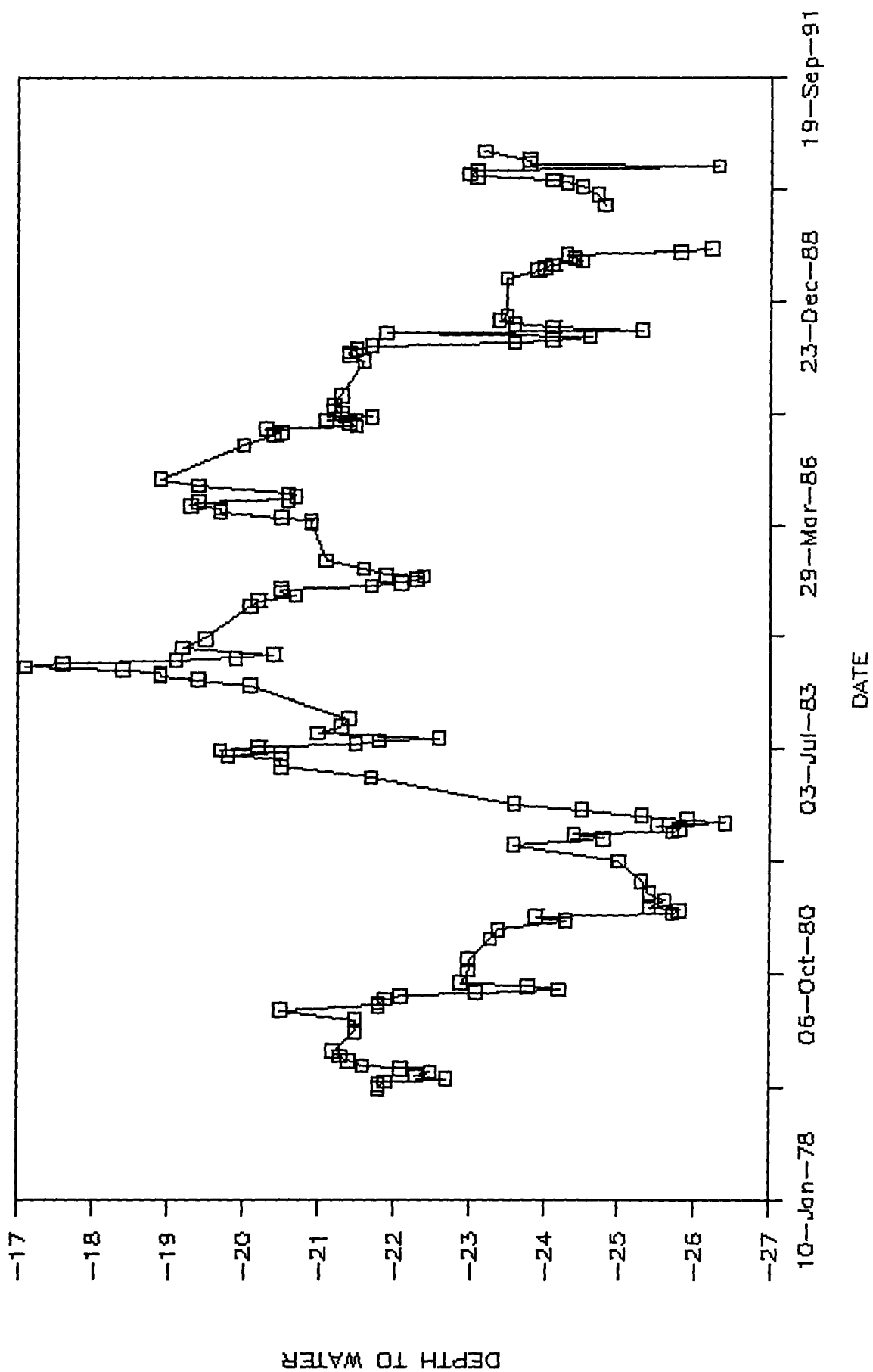
OBSERVATION WELLS

LK79A



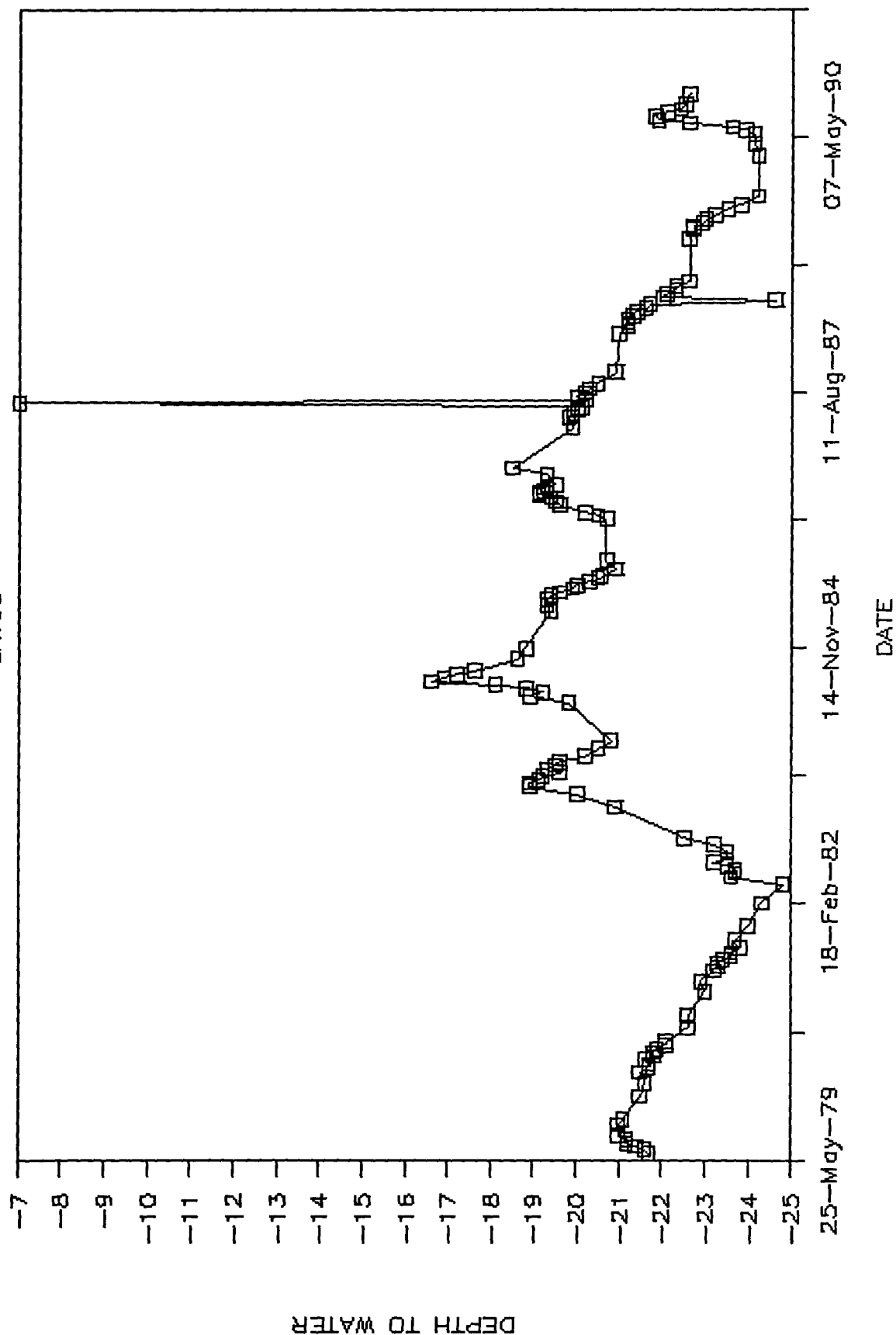
OBSERVATION WELLS

LK79C



OBSERVATION WELLS

LK79D

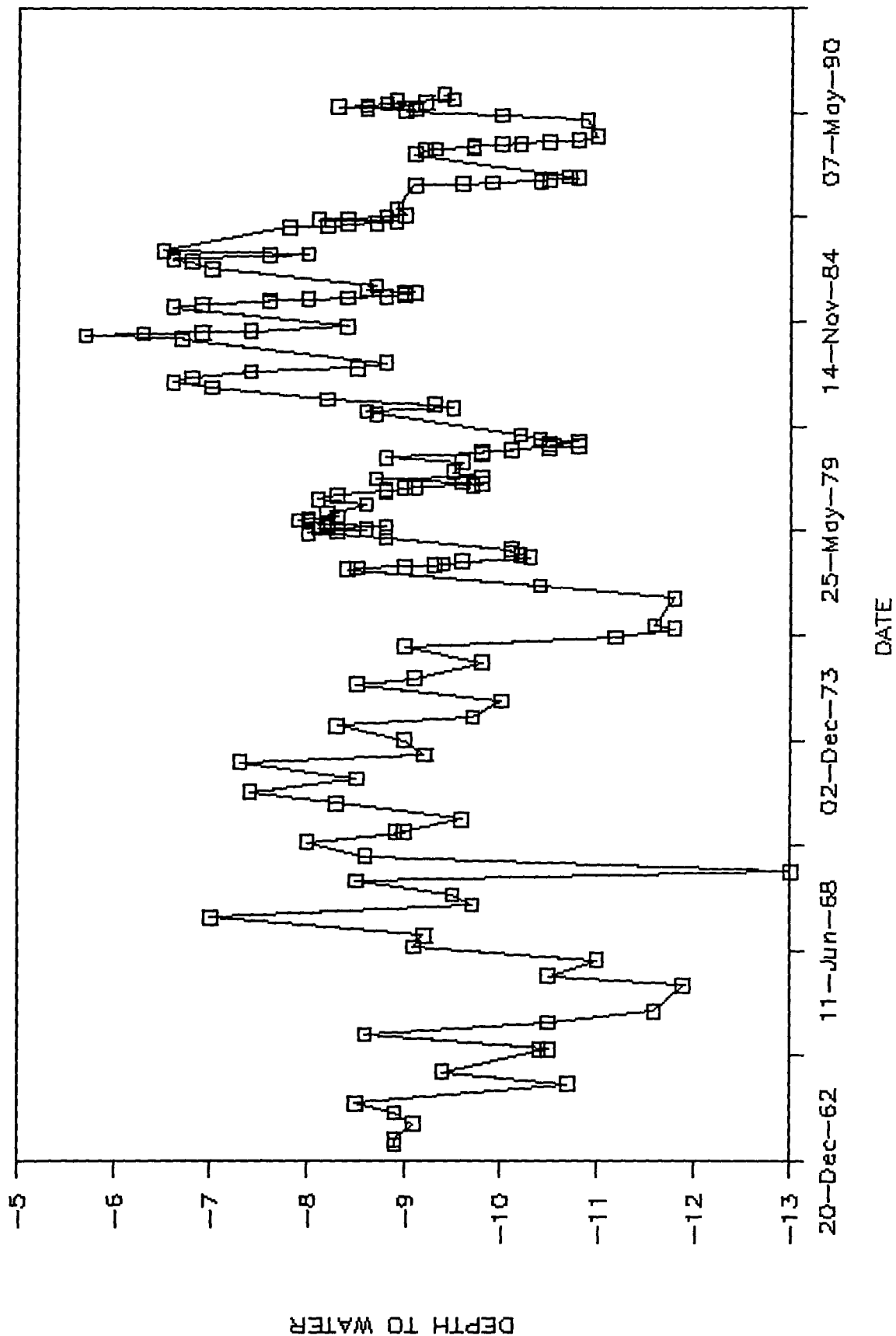


UK79E



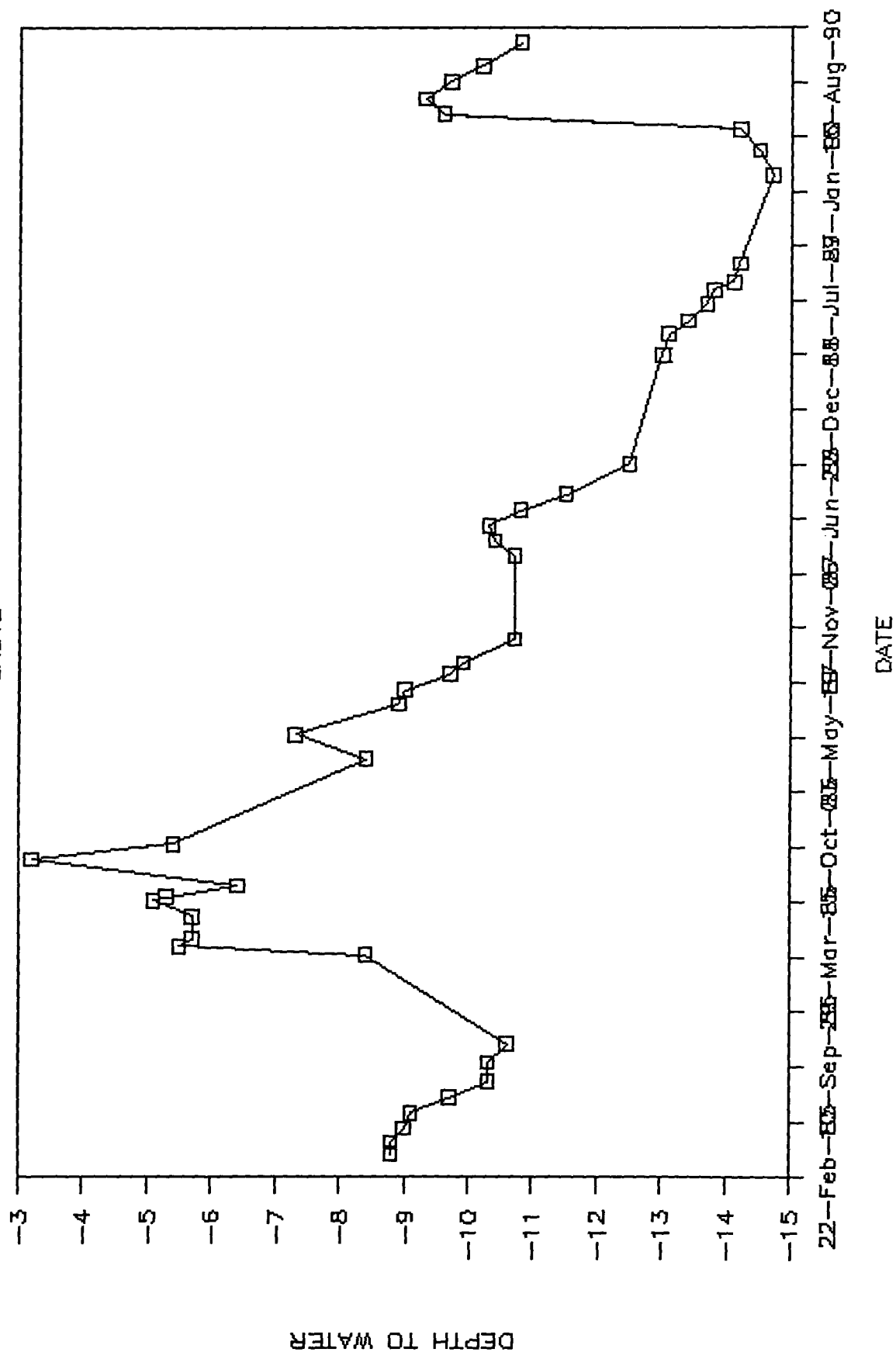
OBSERVATION WELLS

LK81B



OBSERVATION WELLS

LK84B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5496-3, Terry Gaspar

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. 5496-3, Terry Gaspar, RR 1, Box 86, Colton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5496-3 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 well 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 15, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 27, 1991

Terry Gaspar
RR 1 Box 86
Colton, SD 57018

Dear Mr. Gaspar:

Water Permit Application No. 5496-3 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, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 27, 1991

Madison Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5496-3 to be published twice. Please publish the first notice on April 3, 1991, 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 Terry Gaspar, RR 1, Box 86, Colton, SD 57018.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric 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 _____

Instruction to Newspaper - Publish first Notice on April 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5496-3 to Appropriate Water

Notice is given that Terry Gaspar, RR 1, Box 86, Colton SD 57018 has filed an application for a water permit to appropriate 1.57 cubic feet of water per second from one well (Big Sioux Aquifer North Skunk Creek Management Unit) 50 feet deep to be located in the SE 1/4 NE 1/4 Section 22-T105N-R51W to irrigate 110 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 of Section 22-T105N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5496-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5496-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

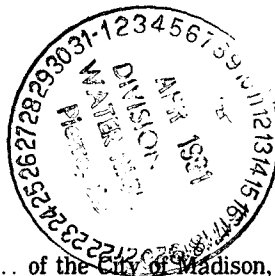
This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Lake

ss.



Deanna Bergheim

of the City of Madison,

County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Merrill D. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Notice of Hearing on Application No. 5496-3

to Appropriate Water

printed copy of which hereunto attached, was printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

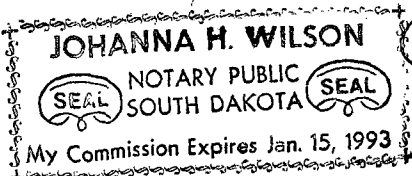
On Wednesday, the 3rd day of April, 19 91;
 On Wednesday, the 10th day of April, 19 91;
 On _____, the _____ day of _____, 19 _____;
 On _____, the _____ day of _____, 19 _____;
 On _____, the _____ day of _____, 19 _____;
 On _____, the _____ day of _____, 19 _____;
 On _____, the _____ day of _____, 19 _____;
 On _____, the _____ day of _____, 19 _____;
 On 43.43, the _____ day of _____, 19 _____;

That \$ _____ being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Deanna Bergheim
 10th

Subscribed and sworn to before me this _____ day of

April, 19 91



Johanna H. Wilson
 Notary Public, Lake County, South Dakota.

Wed., April 3, 10

NOTICE OF HEARING ON APPLICATION NO. 5496-3 TO APPROPRIATE WATER

Notice is given that Terry Gaspar, RR 1, Box 86, Colton, SD 57018 has filed an application for a water permit to appropriate 1.57 cubic feet of water per second from one well (Big Sioux Aquifer North Skunk Creek Management Unit) 50 feet deep to be located in the SE¼ NE¼ Section 22-T105N-R51W to irrigate 110 acres located in the S½ NE¼, N½ SE¼ of Section 22-T105N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5496-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A Petition filed by either an interested person or the applicant must be filed by April 22, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5496-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

Publication Fees _____ \$

Notary Fees _____ \$

Total _____ \$

Received Payment,

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16, 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; 45-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



GREAT FACES. GREAT PLACES.

SEP 4 1991

Terry Gaspar
RR 1 Box 86
Colton, SD 57018

Dear Mr. Gaspar:

Enclosed is Water Permit No. 5496-3 authorizing construction of 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.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-8-91TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Terry Gaspar Colton S. Dak RR1 Box 86 57018
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. 5496-3.

Water Permit No. 5496-3 states that the diversion system is to be constructed by May 1st 1991, and that the water it put to beneficial use by April 1st 1991.

The diversion system was completed on May 1st 1991.
Applying the water to beneficial use was completed on Sept 1st.

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

Terry Gaspar
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 1991

Doug Day
Department of Game, Fish & Parks
410 East Elm Avenue
Flandreau, SD 57028

Dear Mr. Day:

Enclosed is the information you requested regarding Water Permit No. 5496-3 held by Terry Gaspar.

If I may be of any further assistance, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure



DEPARTMENT OF GAME, FISH AND PARKS

DOUGLAS DAY
WILDLIFE CONSERVATION OFFICER
410 EAST ELM AVE.
FLANDREAU, SD 57028



GREAT FACES. GREAT PLACES.

12/17/91

DEAR MR. GRONLUND:

I WOULD LIKE TO OFFICIALLY REQUEST AN ON-SITE INSPECTION OF THE
WATER PERMIT NO. 5496-3 held BY TERRY GASPAR TO DETERMINE
COMPLIANCE WITH THE PERMIT.

THANK YOU

DOUGLAS C. DAY, WILDLIFE CONSERVATION OFFICER



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 19, 1991

Douglas Day, Conservation Officer
Department of Game, Fish and Parks
410 East Elm Ave.
Flandreau, SD 57028

Dear Mr. Day:

I have received your request for an inspection of Water Permit No. 5496-3 held by Terry Gaspar. This office will schedule an inspection by a staff engineer to determine if the works were constructed in compliance with the permit and state water rights law. At the same time staff from the Division of Conservation will conduct an inspection to determine Mr. Gaspar's compliance with the requirements of the Soil/Water Compatibility Permit.

I will be coordinating with the Division of Conservation on a date to conduct the on-site inspection. We have initially discussed conducting the inspection in January if the weather cooperates. You will be contacted when a date for inspection is finalized.

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

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

cc: Jim Stukel, Division of Conservation

File No. 5496-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Terry Gaspar

ADDRESS: RR1 Box 86 Colton, SD 57018 COUNTY: Lake

DATE: 1/13/92 TELEPHONE: 605/446-3342

RE: Notification of Inspection of Permit No. 5496-3

COMMENTS:

Called Mr. Terry Gaspar and told him that Jim Stukel, Peter Jahrus and I would be coming to inspect the system and lands being irrigated under Permit No. 5496-3. Mr. Gaspar inquired if anyone had complained about his irrigation and told him we had received a letter requesting an inspection of his land being irrigated from Doug Day a Conservation Officer in Lake County. I explained that this was standard procedure and Mr. Gaspar said he was irrigating some land over his property line with his pivot.

I explained the purpose of our inspection and our need to document the lands being irrigated and the system used to obtain the water license. Set a time of 10-10:30AM on Wed. January 15, 1991. Mr. Gaspar will be there to show us around.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

File No. 5496-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Terry Gaspar

ADDRESS: RR1 Box 86 Colton, SD 57018 COUNTY: Lake

DATE: 1/21/92 TELEPHONE: 605/446-3342

RE: Documentation of inspection of Permit No. 5496-3

COMMENTS:

Inspected lands irrigated under No. 5496-3 by Terry Gaspar in Section 22-105N-51W, Lake County, SD. Attached is a map of the acreages irrigated under the center pivot system on Section 22. Both the total acres irrigated and the acres irrigated within each quarter-quarter section in Section 22 are in compliance with No. 5496-3.

1.2 acres are being irrigated over the GF&P property line in the NW1/4 SE1/4 of Section 22. These acres are out of the permit boundaries set by the original application map. In addition, approximately 80 cedar trees within a 325' line along the shelter belt in the NW1/4 SE1/4 in Section 22 have been topped to a height of approximately 10-15'.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division

Meeting 1/27/92

Attendance:

Greg Johnston
Pete Johrgaard
Jim Stuhl
Niane Best
Eric Gronlund
Gale N Selken
David McGuigan
Norma Job

Dept.
Water Rights
Ag.

Atty. Gen.

DENR

DENR

S.D. GFD

DENR

**NOTICE OF INTENTION TO CANCEL SOIL AND WATER COMPATIBILITY PERMIT
4551, PURSUANT TO SDCL §46-5-6.5**

TO: TERRY GASPAR, RR 1 BOX 86, COLTON SD 57018

The South Dakota Department of Agriculture has reviewed your Soil and Water Compatibility Permit # 4551 and its records. It found that the the irrigation project is in violation of the permit requirements.

Pursuant to SDCL §46-5-6.5, the Department of Agriculture may cancel a Soil-Water Compatibility Permit if a Water Permit is not approved, if a Water Permit is cancelled, or if there is a violation of the Soil and Water Compatibility Permit requirements.

Based on the Department's records, it appears that

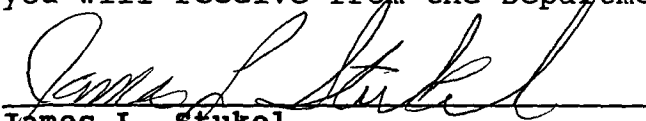
_____ the corresponding water permit was not approved.

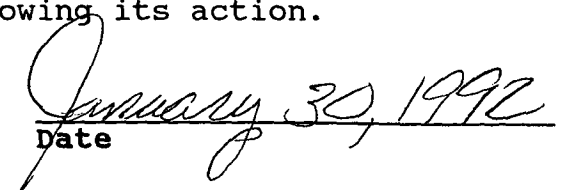
_____ the corresponding water permit was cancelled.

 X there (has/have) been (a) violation(s) of the soil-water compatibility requirements. (Specifically, the condition of the permit providing that no irrigation shall take place in the required buffer zone which lies between the land authorized for irrigation and the wetlands on adjacent property).

Therefore, the Department intends to cancel your Soil and Water Compatibility Permit. However, you can request an administrative hearing to determine whether your permit should, or should not, be cancelled. If you want to have a hearing on your permit, you must contact the South Dakota Department of Agriculture, Division of Conservation, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota 57501 (Telephone No. (605) 773-3259), on or before the 10th day following the date of this notice. You may use the petition furnished with this notice to request the hearing. If you contact us on or before the lapse of the ten-day period, a hearing date, time and place will be set. If you do not request a hearing, your Soil and Water Compatibility Permit will be cancelled.

Any action taken by the Department, which adversely affects you, whether or not you request the hearing referred to herein, is subject to review by the State Conservation Commission. In order to obtain such review; however, you must file a petition for reinstatement within thirty days of the date of the Notice of Cancellation, which you will receive from the Department following its action.


James L. Stukel
Natural Resource Program Scientist


Date

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF	)	ORDER
	)	APPROVING
Soil and Water Compatibility	)	STIPULATION
Permit #4551	)	
	)	

On March 31, 1992, the South Dakota Department of Agriculture, Division of Conservation (hereinafter "Division") and the permit holder involved in the above entitled proceeding, Terry Gaspar, appeared by and through their counsel and requested that this Office consider approval of a Stipulation in the above entitled matter. In reviewing the proposed Stipulation, I determined that I would approve a temporary suspension in the above-entitled matter if certain changes were made in the parties' agreement.

Consistent with my request of March 31, 1992, counsel for Mr. Gaspar filed a revised Stipulation. The Division then arranged for a teleconference hearing for consideration of the filed stipulation. At the teleconference hearing, the Division presented its position with regard to two issues in the filed stipulation.

Specifically, the Division asserts that Gaspar's proposal should be approved only if the following two conditions were imposed on the Stipulation:

1. The Division asserts that the time period set forth in Paragraph I for Division inspection should amended. The Division's position is that the statement "within 10 days or at a time the parties may agree" should be changed to "within 30 days or at a time the parties may agree." This issue is based on Division's need for advance scheduling during the springtime. It is expected that the inspection would be requested yet this spring.

2. The Division asserts that the reimbursement for costs included in Paragraph I of the proposed Stipulation should include allowance for meals in addition to mileage. Based on

the Division's assertions, it is estimated that this additional cost would be \$11.00 (this would be added to an estimated \$123.20 for mileage)

Having heard the parties' positions with regard to these issue, and having considered the proposed conditions, it is hereby

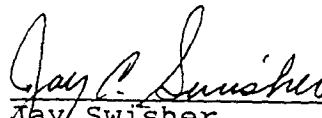
ORDERED, that Gaspar's proposal be and hereby is approved subject to the foregoing conditions proposed by the Division; and it is

FURTHER ORDERED, that, in the interests of developing a final resolution of this matter, the Stipulation and conditions are approved based on the representations of counsel and without further procedure in executing a Stipulation; and it is

FURTHER ORDERED, that the foregoing proposal and conditions are effective on and after the date of this Order; and it is

FURTHER ORDERED, that the terms of the Stipulation (subject to the above conditions) are hereby adopted as determinations of the Secretary of Agriculture and are to be enforced as though fully set forth herein, and it is

FURTHER ORDERED, that a contested case hearing will not be held in this matter unless the Stipulation and conditions approved above are not met.

 4/13/92
Jay Swisher
South Dakota Secretary of Agriculture
Anderson Building, Pierre, SD

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Terry Gaspar - Water Permit No. 5496-3

ADDRESS: RR 1, Box 86, Colton, SD 57018 COUNTY: Lake

DATE: 4/13/92 TELEPHONE: _____

RE: Phone call from Diane Best

COMMENTS:

Diane Best called me to inform me the Terry Gaspar's Soil Water Compatibility Permit has been suspended effective immediately by the Department of Agriculture until such time that he makes proper adjustments to his center pivot so that he's irrigating in compliance with his S/W Permit. A inspection by the Dept. of Agriculture will be required to ensure compliance prior to the suspension being lifted

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.

NAME: Eric Lundberg

**INSPECTION REPORT
PERMIT # 4551**

DATE: May 20, 1992
TIME: 09:20 AM

An inspection of permit # 4551 was conducted by the irrigation program staff per the ORDER OF STIPULATION ISSUED by the Secretary of Agriculture on April 13 1992.

Those present during the inspection:

Mr. T. Gaspar, Permit Holder
Cythia Ahrendt, Attorney For Mr. Gaspar
Peter Jahruas, DOA/DOC
James Stukel, DOA/DOC

CORRECTIVE ACTION TAKEN ON PERMIT #4551:

The end span of the center pivot had been removed and a 270' swing boom or corner boom was installed. The low pressure drop sprinklers on boom are equipped with automatic shut-offs to assure the buffer strip of 10 feet is observed. The system was tested to see if the tracking of the pivot met the requirements of the permit.

As part of these modification some incidental acreage was added.

STAFF RECOMMENDATION:

Based on the finding, the staff recommends that Permit # 4451 be reinstate by the Secretary of Agriculture upon the receipt of the per diem for the inspection. Also that the incidental acreage be addressed through the permitting process.

James L.Stukel , Natural Resource Program Scientist

May, 20TH 1992



DEPARTMENT OF AGRICULTURE

445 East Capitol Avenue
Pierre, South Dakota 57501-3188

DIVISIONS

Administration	(605) 773-3375
Conservation	773-3258
Forestry	773-3623
Regulatory Services	773-3724
FAX	773-5926

GREAT FACES. GREAT PLACES.

MAY 21, 1992

Cynthia Ahrendt
Attorney at Law
1804 S. Jefferson
Sioux Falls SD 57105

Re: In the matter of Soil and Water Compatibility Permit # 4551, Terry Gaspar.

Dear Ms. Ahrendt

Please find enclosed a copy of the inspection report which was based on our observations on the morning of May 20 TH, 1992. We have provided the Office of the Secretary with a copy of this report for his action on the Order signed April 13 TH 1992.

The expenses relative to the inspection are as follows:

Meals:	\$ 18	includes breakfast & lunch
Milage:	\$ 61.61	220 @ 0.28 per mile
	<u>61.61</u>	<u>220 @ 0.28 per mile</u>
TOTAL:	141.22	

PLEASE MAKE THE CHECK PAYABLE TO THE SOUTH DAKOTA DEPARTMENT OF AGRICULTURE.

Also, please find enclosed the necessary application forms needed to address the acreage question. Please feel free to contact us if you have any questions or Eric Gronlund of the Division of Water Rights, may also assist you.

Sincerely

James L. Stukel
Natural Resource Program Scientist

CC D. Best
R. Stone
E. Gronlund



June 2, 1992

Mr. Eric Gronlund
Water Rights Div.
DWNR, Foss Bldg.
Pierre, South Dakota 57501

RE: In the matter of Soil and Water Compatibility Permit #4551,
Terry Gaspar.

Dear Eric:

Enclosed please find an application sheet for the purpose of adding acreage to what Mr. Gaspar is irrigating at the present time. Also enclosed is a supplemental information sheet pertaining to the above-entitled matter.

If you have any questions, please advise.

Very Truly Yours,

/s/ Cynthia J. Ahrendt

Cynthia J. Ahrendt
P.O. Box 88451
Sioux Falls, South Dakota 57105
(605) 331-5895

cja/cde

encl:

cc: tg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Cynthia J. Ahrendt
P.O. Box 88451
Sioux Falls, SD 57105

RE: Water Permit Application for Terry Gaspar

Dear Ms. Ahrendt:

I am writing in regards to the water permit application you submitted for Terry Gaspar to add additional acreage to his existing permit. This application is incomplete for the following reasons: 1) the application filing fee of \$150 was not submitted; 2) a signed map outlining the area being irrigated was not submitted; 3) inconsistency in the application on the number of acres being irrigated (130 or 140 acres); and 4) failure to list under Item No. 7 acres being irrigated by the forty acre parcel.

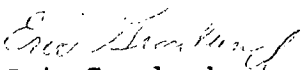
Jim Stukel from the Department of Agriculture indicated to me that Mr. Gaspar removed a 60 foot span of the center pivot in order to comply with the Soil Water Compatibility Permit but added a 270 foot boom arm that rotates out during a portion of the cycle. From this description I have sketched out the enclosed map of how I perceive the system to operate. If this map is an accurate reflection of the area being irrigated, then I calculate 110 acres are being irrigated. Since Mr. Gaspar's original Permit No. 5496-3 authorizes irrigation of 110 acres, the application for additional acres may not be unnecessary.

I would remind you that the enclosed map only roughly outlines the areas being irrigated and may be inaccurate. I would suggest that we delay processing the application until this office does a field inspection of the system. This inspection will determine the operation of the system so that an accurate map outlining the acres irrigated can be drawn. At that time, if an application for additional acres is necessary, we can assist Mr. Gaspar in properly completing an application.

Please let me know if this approach is satisfactory with your client. If so, I will have Greg Johnston, an engineer with the Water Rights Division, contact Mr. Gaspar to schedule an inspection.

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

Sincerely,


Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

cc: Jim Stukel, Division of Conservation



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1996

5695-3

Terry Gaspar
46419 244th St.
Colton, SD 57018-5130

Dear Mr. Gaspar:

Enclosed is Water License No. 5695-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415115 in the amount of \$50.00 which you paid for the investigation 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. 5695-3, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 5496-3 are incorporated into Water License No. 5695-3.