

Considered: _____

WATER PERMIT NO. 5558-3

Phone: 913-345-2581

Name of Applicant: Larry Olson

Post Office Address: 7916 W 116th Terrace, Overland Park KS 66210

Amount of Water Claimed: 1.8 Total Acres: 140

Source of Water Supply: groundwater

Water to be used for: irrigation County: Moody

About 8 miles N, 5E of Flandreau

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 5-31-91 Fee: \$250 Remarks _____

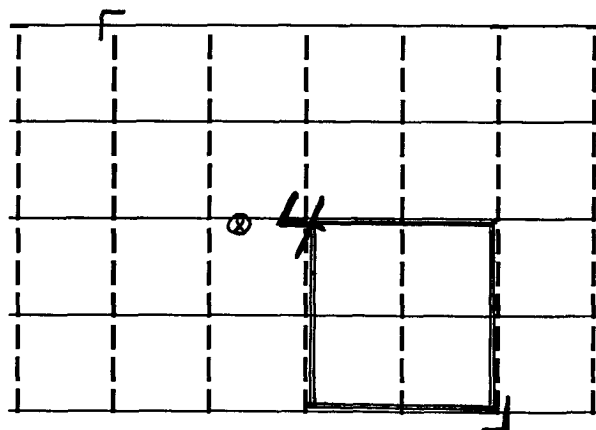
Corrected Application Received 6-7-91 Period of Annual Use April 1 - Oct 31

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

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

Diversion Point: NE 1/4 SW 1/4 Sec 4-T108N-R47W

Land to be Irrigated: SE 1/4 Sec 4-T108N-R47W



Well Log: Driller: Pullman Drilling Licensed YES X NO _____

Depth of Well: 63' REMARKS _____

Type of Map: aerial PREPARED BY: Joe Knippling Reviewed and the Number

Assigned on 6-13-91 By Karen Schlaak

(See instructions)

No. 5558-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Moody Co Enterprise, Box 71

Flandreau 57028 (Wed)

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 Larry Olson Phone No. 913-321-1122
- Post Office Address 7916 Wilbth Terrace Overland Park State KS Zip Code 66210
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.8 CFS Total acres irrigated 140
3. Source of Water supply Well
4. Location of point of diversion 1700' East & 2300' North of SW corner of SW 1/4 of Sect 4 - T108-N47W (NE 1/4 SW 1/4)
- County Moody
5. Counties where water will be used Moody
6. Annual period during which water is to be used Apr 1 - Oct 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Acreage described below is in Section 4, T108N, R47W

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

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn Beans Hay Small Grain
10. Give a description of proposed project. (Attach sheet if more space is needed)
- 1300' Center Pivot Fed by a well & Approved of 8" PVC Pipe



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

STATE OF SOUTH DAKOTA)
County of Brookings, ss

I, Larry Olson, 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 [Signature]

Subscribed and sworn to before me this 30th day of May 1991

Beth Kessler

Notary Public

My commission expires Aug. 31, 1995

SOUTH DAKOTA
WATER PERMIT No. 5558-3 FOR IRRIGATION

Date of first receipt of application May 31, 1991.

Date Soil/Water Compatibility Permit received June 25, 1991.

Date of return to applicant for corrections, amendments or changes June 3, 1991.

Date of receipt of corrected application June 7, 1991.

The Water Management Board approved Water Permit Application No. 5558-3 on October 1, 1991 for Larry Olson, 7916 W 116th Terrace, Overland Park KS 66210 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. 5558-3 appropriates 1.8 cubic feet of water per second from 1 well (Big Sioux Aurora Aquifer) 63 feet deep located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W.
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 May 31, 1991.
4. One-fifth of the construction is to be completed on or before April 1, 1993.
5. All construction is to be completed on or before October 1, 1996.
6. Water is to be put to beneficial use on or before October 1, 2000.
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 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.

(continued)

Water Permit No. 5558-3
Page 2

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

FEB 28 1992

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 63'
- b) Casing Type PVC Diameter 16" Thickness 3/8"
- c) Screen Type Stainless Diameter 16" Thickness 3/8"
- d) Gravel Pack Thickness 5" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 42'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1/2 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

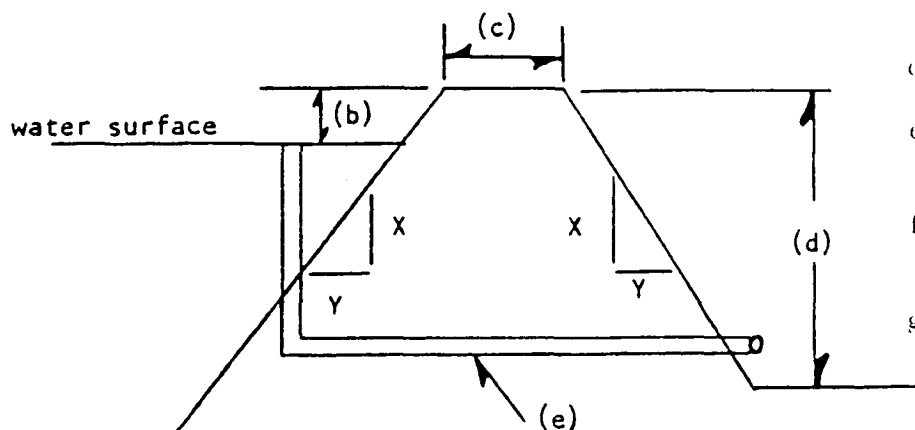
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



[Signature]
 Signature of Applicant

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2179-2

Applicant

Larry Olson
7916 W 116th Terrance
Overland Park, KS 66210

Petition of Opposition

James Stuefen
518 Beaver St.
Elkton, SD 57026

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

11-10-1978

90-1728

Name:	Olson, Larry	Date Rec'd	90-1728
Address:	7916 West 116th Terrace	Sample No.	90-1728
	Overland Park, KS 66210	Source	WELL
		Legal ID	100H47004

WATER ANALYSIS

Calcium (Ca)	79	ppm*	3.94	me/l**
Magnesium (Mg)	25	ppm	2.06	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	1	ppm	0.02	me/l
Sulfate (SO4)	29	ppm	0.53	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.11	me/l
Bicarbonate (HCO3)	278	ppm	4.56	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.10	ppm		
Hardness (EDTA as CaCO3)		ppm		4.63**
Total solids		ppm		
Total Cations			6.25	me/l
Total Anions			5.24	me/l
Alkalinity (Methyl Orange)	228	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	520	micromhos per cm @ 25 C		
Sodium Adsorption Ratio	0.15	Adjusted SAR	0.04	
Sodium	4.15	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.92			

Others:

*ppm=parts per million

**3.5 degrees per cent

**me/l=millequivalents per liter

COMMENTS:

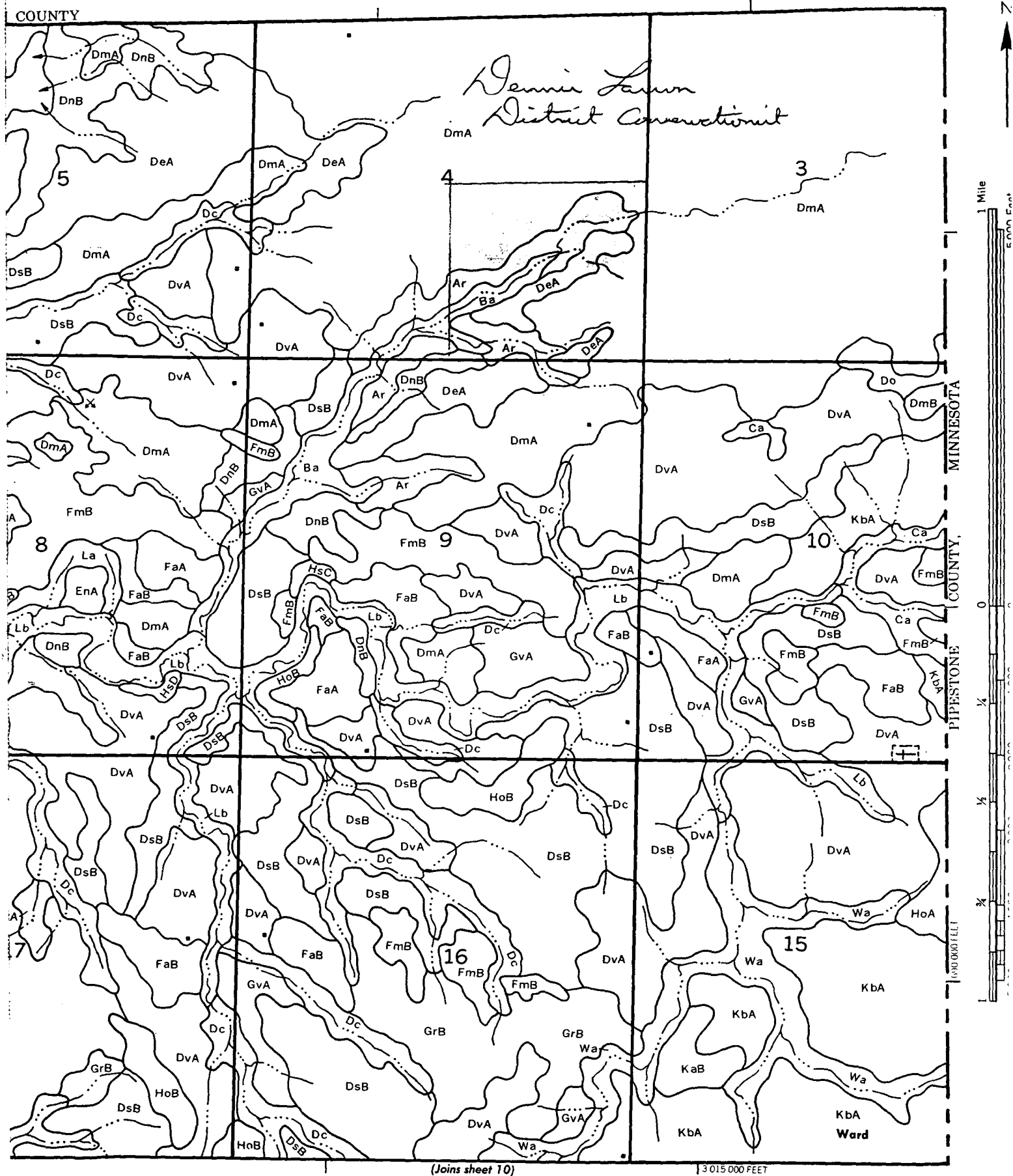
Analysis By: Charles Millan

Service Performed:	Total Cost:	\$ 15.00
	Amount Received:	0.00
Irrigation Analysis	Balance Due:	15.00

Make checks payable to: SDSU Water Quality Lab

Please write lab number on your check!

Lab No. 90-1728



PULLMAN DRILLING — DRILLERS LOG



Phone: 1-800-451-4884

Harry Olsen Farmers Implement JOB NAME	Elkton LOCATION	1-26-89 DATE	Rig No.	Raynie FOREMAN
--	--------------------	-----------------	---------	-------------------

DEPTH	TIME	REMARKS
20		0-3 Top Soil 3-20 Yellow Coarse Gravel
		20-38 Yellow Coarse Gravel 38-40 Silty Yellow Clay
		40-42 Silty Yellow Clay 42-60 Coarse Sand
		60-63 Coarse Gravel 63-68 Yellow Clay
		68-72 Blue Clay

Raynie Pullman

NE 1/4 of SW 1/4 Sect 4 T108N
R 47 W

Post-It™ brand fax transmittal memo 7671 # of pages 1	
To Tom	From Pullman Drilling
Co. Farmers Trp	Co. Raynie
Dept.	Phone # 883-4532
Fax # 692-6153	Fax # 883-4533

EMARKS:



SE 1/4

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412694

Pierre, May 31, 19 91

RECEIVED OF Farmers Implement & Irrigation, Inc., P.O. Box 29, Brookings, SD 57006

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

Fee for Application for Permit No. <u>5558-3</u> to Appropriate Water, to construct works and to put water to beneficial use	25000
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	25000

By John Hatch (PF)
Chief Engineer



South Dakota State University
Brookings, South Dakota 57007

November 26, 1990

Water Resources Research Institute
Telephone 605-688-4910

Olson, Larry
7916 West 116th Terrace
Overland Park, KS 66210

Dear Mr. Olson:

Enclosed is a copy of the analysis of your water sample which you submitted to us for testing. We have identified the source of your water as taken from a well located in the SE 1/4 of Section 04 T108N R47W. We have assigned it lab number 90-1728.

Your water, as represented by this sample, is classified as a "medium salinity, low sodium hazard" for irrigation usage. The main ions in this water are calcium (Ca) and bicarbonate (HCO_3). I have plotted your approximate water quality in red on the outside back cover of the enclosed pamphlet (AES 13). The range in the sodium hazard from 0.15 to 0.34 is dependent upon the leaching fraction that may result if irrigation water is applied. The higher sodium hazard is associated with no leaching, and the lower sodium hazard is associated with normal leaching fractions (0.03-0.05). The leaching fraction is defined as the amount of water lost below the root zone annually divided by the total amount received into the soil profile.

This water can be used for irrigation purposes for most normal soils which have adequate internal drainage. This means that if the water table is greater than 10 feet below ground surface the majority of the year and there are no tight impermeable layers within the root zone which may create a perched water table, the salts (ions) that do exist in the water will be able to be leached downward below the root zone where they do little or no harm to growing crops. The probability for soil salinization from this water is low when used on soils with good subsurface drainage.

The boron level for this water (0.10 ppm) poses a low toxicity level for most normal crops in this area. I have enclosed a sheet that tells the boron toxicity levels for major crops.

I am forwarding a copy of this letter and water analysis to the Division of Conservation in Pierre for their information and/or action.

If you have further questions regarding this water analysis, please do not hesitate to call or write.

Sincerely,

A handwritten signature in cursive script that reads "John H. Bischoff".

John H. Bischoff, Research Engineer
Water Resources Institute

Enclosures
cc: Division of Conservation



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



GREAT FACES. GREAT PLACES.
June 3, 1991

Tom Pierce
Farmers Implement and Irrigation
East Hwy. 14 Bypass
Brookings SD 57006

Dear Mr. Pierce:

In regard to the water permit application for Larry Olson received on May 31, 1991, the following information needs to be clarified in order to process your application.

1. On the map, outline the lands to be irrigated and mark the location of the diversion point.
2. Please indicate the legal description (quarter-quarter, section, township and range) of the wells on the drillers log.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon return of the map and drillers log, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4616

WR#

OWNERS NAME: OLSON, LARRY

OWNERS ADDRESS: 7916 W 116TH TERRACE

OVERLAND PARK, KANSAS 66210

COUNTY LAND LOCATED IN: MOODY PHONE: (913) 345-2581

LEGAL DESCRIPTION:

☒ Well☐ Surface1. LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T108N-R47W

Depth:

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T108N-R47W	35		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T108N-R47W	35		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T108N-R47W	35		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T108N-R47W	35		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, HAY, SMALL GRAIN

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1728

7. ADJUSTED (SAR): 0.34

5. SALINITY (EC X 10⁶): 530

8. PERCENT SODIUM: 4.15

6. SODIUM (SAR): 0.15

Requirements:

The areas mapped as Baltic silty clay loam (Ba) and the associated drainage shall remain in permanent vegetation to address wetness and erosion hazards.

The areas mapped as Arlo loam (Ar) is subject to a season high water table, which may become perched under irrigation. On the long term, a form of artificial drainage may be necessary; i.e., tile drainage. Adequate drainage shall be provided, as deemed necessary.

Please be advised, we do not consider the 1985 or 1990 Swampbuster and Wetland provisions. Before undertaking any drainage project, contact your local SCS and ASCS offices.

~~XXX~~ APPROVED
____ DISAPPROVED
____ WAIVER

~~XXX~~ REQUIREMENTS

[Signature]
Director, Division of Conservation

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

JUNE 17, 1991
Date

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

Well Owner: JAMES STOKTON
Name: JAMES STOKTON
Address: ELATION, S.D.

County Alfalfa SE 1/4 NE 1/4 Sec. 9 Twp. 19N Rg. 47W

☐ Domestic ☐ Municipal ☐ Test
☒ Irrigation ☐ Industrial ☐ Stock
Holes

☐ Forward Rotary ☒ Bored ☐ Jetted
☐ Reverse Rotary ☒ Cable ☐ Other

Diameter of Hole 14"
Depth _____
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open	<u>NO</u>
Was a well screen installed	<u>YES</u>
Describe Well Screen	
Diameter <u>16"</u>	Material <u>LC5</u>
Slot size <u>100</u>	
Was well gravel packed	<u>YES</u>
Was well grouted	<u>NO</u>
Was water sample taken	<u>NO</u>

Static water level 124 below land surface
If flowing: closed in pressure PSI
rate of flow GPM

☐ Valve ☐ Reducers ☐ Other

☒ Pumped _____
☐ Bailed Describe: _____
☐ Other _____

ft. After		Hrs. pumped		GPM
24	11	11	450	11
11	11	11	11	11

[illegible]

(Use Back if Necessary)

Date Completed: 12-5-80

Driller: Ed L. Anderson III
Driller's or Firm's Name License NO.

PO296 Trent, SD
Address

Signed By

Date _____

REPORT ON APPLICATION NO. 5558-3
for Larry Olson
July 15, 1991

Application No. 5558-3 proposes to appropriate 1.8 cfs from one well approximately 63 feet deep located in the NE 1/4 SW 1/4 of section 4 to irrigate 140 acres located in the SE 1/4 of section 4; all in T108N R47W in Moody County.

AQUIFER - BIG SIOUX AURORA (BS-A)

The Big Sioux Aurora is a Pliocene outwash (sand and gravel) under predominantly unconfined (water table) conditions. The Big Sioux aquifer underlies 540 square miles and contains an estimated 2.0 million acre feet of water in storage in Brookings County (Hamilton, 1989) and underlies 58 square miles and contains an estimated 163,000 acre feet of water in storage in Moody County (Hansen, 1986). This portion of the aquifer (where this application is located) is isolated from the main part of the Big Sioux aquifer in Moody County and is considered a part of the Big Sioux Aurora management unit for purposes of this report. Groundwater moves from east to west (from Minnesota into South Dakota) and then moves either west northwest into Brookings County or south southwest into Moody County. Recharge occurs locally by direct infiltration into the aquifer from rainfall and snowmelt and by water movement down gradient.

The Division of Water Rights measures one observation well (BG-78H) in this immediate area and this well is located approximately 1/2 mile north of this proposed application. Water levels for this well show good response to climatic conditions, that is, rising during wet years due to recharge and gradually declining during dry years. The water level record for this well indicates a total maximum fluctuation between highest and lowest records of 6.9 feet. In general the annual change in water levels ranges between 1 and 2 feet unless recharge occurs to bring water levels up. The water level record indicates pumping has very little effect on the aquifer and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

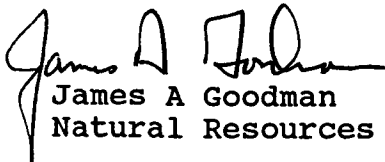
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing diversions within the same section as this application. These are Water Right No. 658-3 and Water Permit No. 2332-3 which use the same well and Water Permit No. 4877-3. This application requests a diversion which would be approximately 1/4 mile from each of the existing wells. Interference is not expected to be a problem. Drawdown caused by pumping in aquifers like the Big Sioux generally are not significant and do not extend very far from an individual production well. The observation well, BG-78H, is located within 1/2 mile of this site and that record does not indicate significant drawdown is occurring. There are six other irrigation permits/rights (2574-3, 3496-3, 4523-3, 3185-3, 4295-3 and 4332-3) which are within 2 miles of this application.

CONCLUSIONS

1. Water is available from the Big Sioux Aurora aquifer.

2. Interference is not expected to be a problem. This diversion point is approximately 1/4 mile of two existing diversions. There may be drawdown created by this pumping which affects those other wells, however, this should not adversely affect those wells.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The observation well record indicates the aquifer is capable of sustaining additional withdrawals.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.
- Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS WRI 84-4209, USGS, Huron, SD, 57350.
- Water Rights, 1991, Observation Well Records for Big Sioux Aquifer in Brookings and Moody Counties, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5558-3, Larry Olson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5558-3, Larry Olson, 7916 W 116th Terrace, Overland Park, KS 66210.

The Chief Engineer is recommending APPROVAL of Application No. 5558-3 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
July 22, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and 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.

July 24, 1991

Larry Olson
7916 W 116th Terrace
Overland Park, KS 66210

Dear Mr. Olson:

Water Permit Application No. 5558-3 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 Moody County Enterprise printed at Flandreau, 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,

Karen Schlaak
for

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.

cc: Tom Pierce, Farmers Implement and Irrigation, E Hwy 14 Bypass, Brookings, SD 57006

Instruction to Newspaper - Publish first Notice on July 31, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5558-3 to Appropriate Water

Notice is given that Larry Olson, 7916 W 116th Terrace, Overland Park, KS 66210 has filed an application for a water permit to appropriate 1.8 cubic feet of water per second from 1 well (Big Sioux Aurora Aquifer) 63 feet deep located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5558-3 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 August 19, 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.

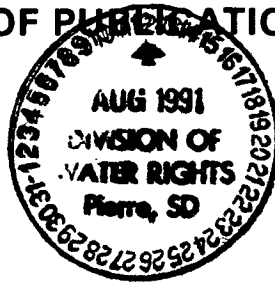
For purposes of publishing 1) the notice of hearing on Application No. 5558-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 August 28, 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 August 19, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Moody) ss.



I, Angela Nibbelink

certify that the attached printed Notice was taken
 from the Moody County Enterprise

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 Flandreau

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

July 30, 1991

August 6, 1991

Angela Nibbelink
 (Signature)

Bookkeeper

(Title)

August 6, 1991

(Date Signed)

Cost of Printing: 49.79

NOTICE OF HEARING on Application No. 5558-3 to Appropriate Water

Notice is given that Larry Olson, 7916 W 116th Terrace, Overland Park, KS 66210 has filed an application for a water permit to appropriate 1.8 cubic feet of water per second from 1 well (Big Sioux Aurora Aquifer) 63 feet deep located in the NE 1/4 SW 1/4 Section 4 to irrigate 140 acres located in the SE 1/4 Section 4; all in T108N-R47W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5558-3 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 August 19, 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. 5558-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 August 28, 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 August 19, 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.
(July 30-August 6, 1991)



Elkton, S. Dak.
Aug. 12, 1991

Dear John Hatch, Chief Engineer

I'm Opposing the permit for Larry Olson,
Application No. 5558-3.

I have trouble getting enough water for
my pivot ever since a permit was granted for
the S.W. 1/4 of Section 4 in T108N-R47W in Moody County

Yours truly
James Stuefen

James Stuefen

518 Beaver St.

Elkton, S. Dak.

57026



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 13, 1991

NOTICE

TO: Larry Olson
7916 West 116th Terrance
Overland Park, Kansas 66210
and Parties of Record (see attached sheet)

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

SUBJECT: Rescheduling of Hearing for Water Permit Application No.
5558-3

A petition on Water Permit Application No. 5558-3 has been filed by James Stuefen. A copy of the petition is attached. The hearing before the Water Management Board will no longer be held on August 28, 1991.

The Water Management Board will now consider Water Permit Application No. 5558-3 at their October 1 & 2, 1991, tentatively scheduled to be held in Pierre. Future notice of the date, time and place of this hearing will be provided to all parties of record.

Please contact Eric Gronlund, staff engineer at (605) 773-3352, if you have any questions.

cc: Diane Best, Assistant Attorney General
Tom Pierce, Farmers Implement and Irrigation, E Hwy 14 Bypass
Brookings, SD 57006

attachment

CERTIFICATION

I hereby certify that on August 13, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing for Water Permit Application No. 5558-3 addressed as stated below:

Larry Olson, 7916 West 116th Terrance, Overland Park, KS 66210.

Tom Pierce, Farmers Implement and Irrigation, East Hwy. 14 Bypass,
Brookings, SD 57006.

Parties of Record:

James Stuefen, 518 Beaver St., Elkton, SD 57026.

Sent Inter-office To:

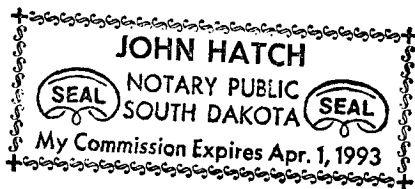
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of August, 1991.



John Bates
Notary Public

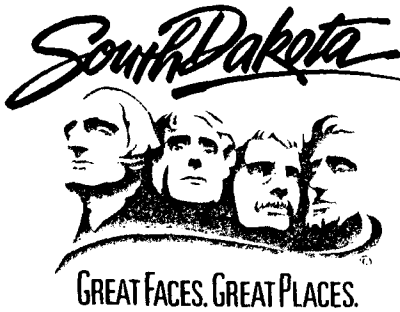


Elkton, S. Dak.
Aug 19, 1991

Dear Chief Engineer-

I was wondering if you could move
the Larry Olson water permit hearing to the
Dec. meeting as Oct. meeting is at harvest time.

Yours truly,
James Stuepn
515 Beaver St.
Elkton, S. Dak.
57026



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1991

James Stuefen
518 Beaver Street
Elkton, SD 57026

Dear Mr. Stuefen:

I am writing in response to your request for a continuance of the hearing on Water Permit Application No. 5558-3 and your petition of opposition to this application. The notice of hearing published for two consecutive weeks in the Moody County Enterprise stated that if the application was opposed, the August 28, 1991 hearing date will be rescheduled for a regularly scheduled Board meeting. The next regularly scheduled Water Management Board meeting is October 1 and 2, 1991 in Sioux Falls SD.

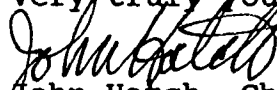
Although you may not get enough water for your irrigation, we do not believe this to be due to irrigation drawdowns in your area. Water level measurements from an observation well which is closer to other irrigation wells than your well does not indicate significant drawdown. We do not believe that approval of Application No. 5558-3 will adversely impact your ability to obtain water from the aquifer.

I do not believe a continuance of the hearing on Water Permit Application No. 5558-3 until the December 4 and 5, 1991 Board meeting is warranted for two reasons. First, the granting of a continuance until the December meeting could delay the issuance of Mr. Olson's permit, if approved, until March of 1992 which may effect the construction of his system for the 1992 irrigation season. Also, since the hearing is to be held in Sioux Falls, the travel distance for the parties is significantly less.

The Water Management Board will consider Water Permit Application No. 5558-3 on October 1, 1991 at 9:30 am in the Embassy Rooms 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls SD.

If you have any questions regarding the upcoming hearing, please contact Eric Gronlund at 605 773-3352.

Very truly yours


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

cc: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1991

NOTICE

TO: Larry Olson
7916 West 116th Terrance
Overland Park, KS 66210
and Parties of Record (see attached list)

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

SUBJECT: Rescheduling of Hearing on Water Permit Application No.
5558-3

The Water Management Board will consider Water Permit Application No. 5558-3 on October 1, 1991 at 9:30 am in the Meeting Room, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the notice of hearing published July 30, 1991 and August 6, 1991 in the Moody County Enterprise will still apply at this hearing. If you have any questions regarding the location of the Board meeting or the water permit application, please contact Eric Gronlund at 773-3352.

cc: Diane Best, Assistant Attorney General
Tom Pierce, Farmers Implement and Irrigation, E Hwy. 14 Bypass
Brookings, SD 57006

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescheduling of Hearing on Water Permit Application No. 5558-3 addressed as stated below:

Larry Olson, 7916 West 116th Terrance, Overland Park, KS 66210.

Tom Pierce, Farmers Implement and Irrigation, E. Hwy. 14 Bypass,
Brookings, SD 57006.

James Stuefen, 518 Beaver St., Elkton, SD 57026.

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

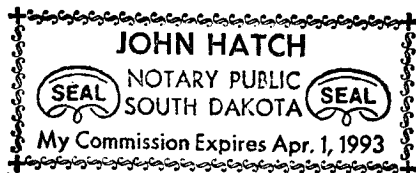
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of August 30, 1991.

John H. Bates
Notary Public





Elkton, S. Dak.
Aug. 29, 1991

Dear Mr. Greenland:

I was wondering if you could move
Larry Olesen's water permit hearing from the October meeting
to the December meeting on count of Harvest time.

yours truly
James Stuefer
518 Beaver Street
Elkton, S. Dak.
57026



FEB 28 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Larry Olson
7916 W 116th Terrace
Overland Parks, KS 66210

Dear Mr. Olson:

Enclosed is Water Permit No. 5558-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 10, 1998

Permit No. 5558A-3

Larry Olson
4505 Magnolia
Sioux Falls, SD 57104

Dear Mr. Olson:

The investigation of your water use system was conducted on August 11, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 4877-3, 5558-3 and 5558A-3. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 4877-3 and 5558-3 will be incorporated into 5558A-3.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 1999

5558A-3

Larry Olson
4505 Magnolia
Sioux Falls, SD 57103

Dear Mr. Olson:

Enclosed is Water License No. 5558A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415918 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. 5558A-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 Nos. 4877-3 and 5558-3 have been incorporated into this Water License No. 5558A-3.