

Considered: _____

WATER PERMIT NO. 5568-3

Phone: _____

Name of Applicant: Richard Jessen

Post Office Address: RR 1, Box 81, Tulare SD 57476

Amount of Water Claimed: no add'l (1.72) Total Acres: 15 add'l (122 total)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Spink

About 6 miles West of Tulare

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 5-13-91 Fee: \$150.00 Remarks add'l acreage

on Vested Right No. 136-3

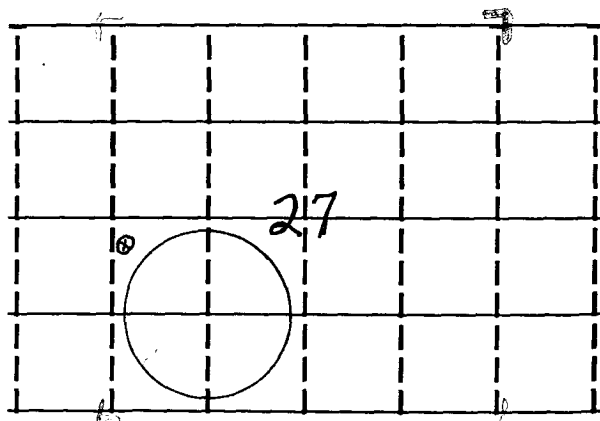
Corrected Application Received _____ Period of Annual Use April 1- October 31

WATER QUALITY APPROVAL RECEIVED 7-30-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SW 1/4 Sec 27-T115N-R65W

Land to be Irrigated: SW 1/4 Sec 27-T115N-R65W



Well Log: Driller: not available Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Tom Brandner Reviewed and the Number

Assigned on 7-30-91 By Karen Schlaak

(See instructions)

No. 5568-3 Hydrologic Unit 10160009
Basin James River
Newspaper The Redfield Press, Box 440

Redfield (Wed)

Application For Soil/Water Compatibility Permit and Permit To Appropriately 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 See VR No. 136-3

1. Name of Applicant Richard Jessen Phone No. _____

Post Office Address RR1, Box 81 Tulare State SD 57476
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 15 add'l (122 total)

3. Source of Water supply ground water

4. Location of point of diversion 400 feet S 19° E from the W 1/4 corner of
Section 27, T15N, R65W (NW 1/4 SW 1/4)

County Spink

5. Counties where water will be used Spink

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Total acres irrigated

Land Description	No. Acres Irr.
<u>NW 1/4 SW 1/4, Sec 27-T15N-R65W</u>	<u>30</u>
<u>NE 1/4 SW 1/4, " " "</u>	<u>30</u>
<u>SW 1/4 SW 1/4, " " "</u>	<u>31</u>
<u>SE 1/4 SW 1/4, " " "</u>	<u>31</u>

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: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)
This application is to add 15 acres in the SW 1/4, Sec 27, T15N, R65W
to the 107 acres that are authorized by Vested Right Claim No.
136-3

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 SPINK)^{ss}

I, Richard Jessen, 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 Richard Jessen

GALEN G. GILLETTE
NOTARY PUBLIC - SOUTH DAKOTA
SPINK COUNTY
My Commission Expires Aug. 29, 1995

Subscribed and sworn to before me this 8 day of May 19 91

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5568-3 FOR IRRIGATION**

Date of first receipt of application May 13, 1991.

Date Soil/Water Compatibility Permit received July 30, 1991.

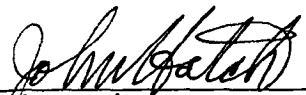
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5568-3 to Richard Jessen, RR 1, Box 81, Tulare SD 57476 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5568-3 appropriates water to irrigate 15 additional acres. Vested Right Claim No. 136-3 appropriates 1.72 cubic feet of water per second from one well located in the NW 1/4 SW 1/4 to irrigate 107 acres located in the SW 1/4; all in Section 27-T115N-R65W. This permit irrigates 15 additional acres around the perimeter of the pivot located in the SW 1/4 Section 27-T115N-R65W. This permit does not authorize any increase in the diversion rate.
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 July 30, 1991.
4. The date of approval of Permit No. 5568-3 is October 15, 1991.
5. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

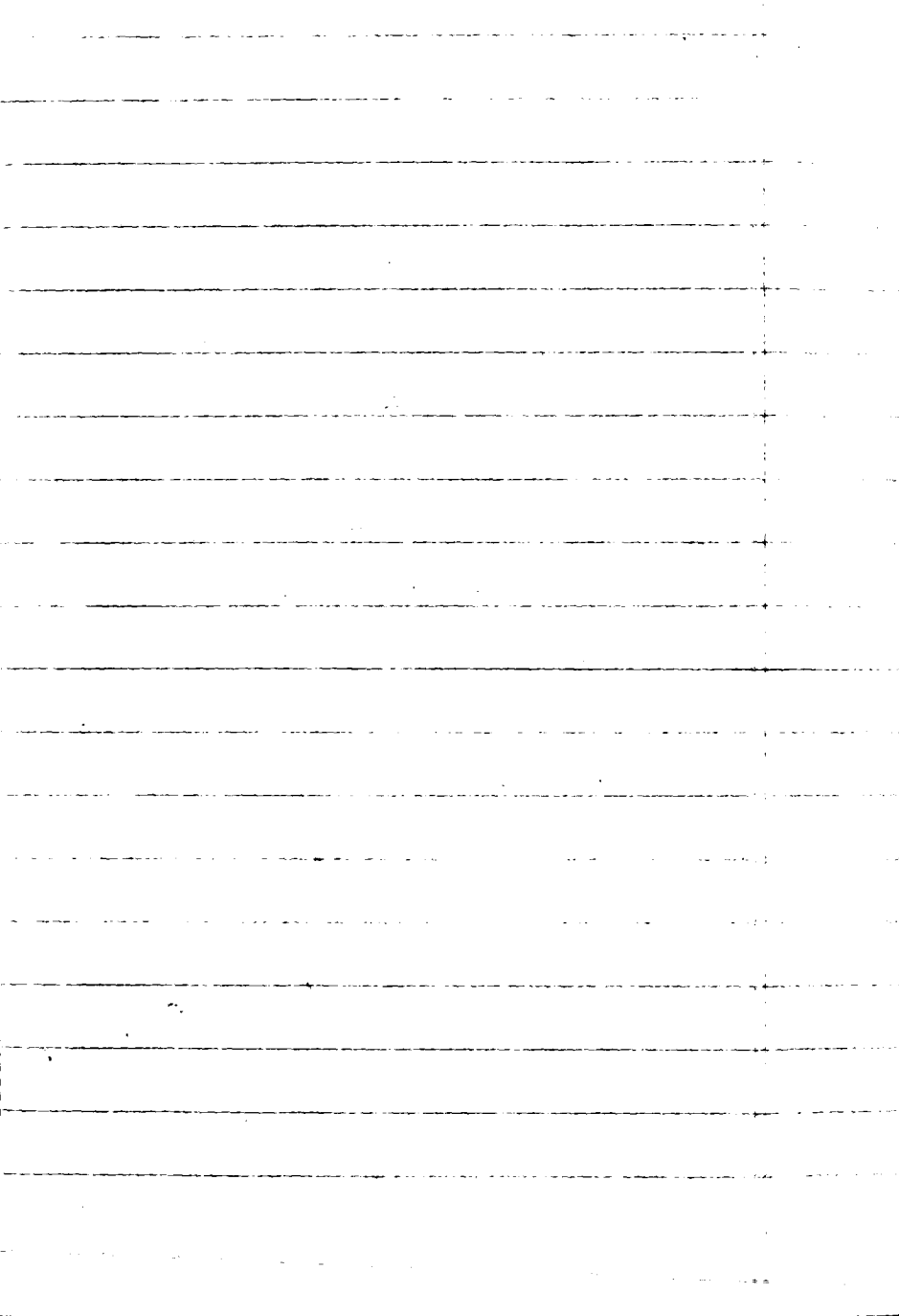
By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 6 1992
date

10-6-86

Mr. Jessen stated that he was told at least verbally that he could transfer some irrigated lands from Sec. 28 to Sec. 27 when the center pivot was constructed. He didn't have any papers to support this but he thought that his father may. There are no documents in the office about this.

Tom Brandner



Water Rights Division - DWR
Conversation or File Documentation

File No. 136-3

NAME OF PERSON OR FILE: Richard Jessen

ADDRESS: R.R. 1, Box 81, Tulare, S.D. COUNTY Spink

DATE: 10-6-86 TELEPHONE 472-2408

RE: Inspection of permit violation, too much irrigated for permit

COMMENTS:

Ivan Knox and I spoke with Mr. Jessen about his Permit No. 136-3 allowing only 109 ^{irrigated} acres on his licence for the SW $\frac{1}{4}$ of Sec. 27, T115N, R65W. The air photo from SCS indicated 131.6 acres irrigated from his center pivot, but Mr. Jessen stated his pivot covers only 122 acres, that it was one tower and one pipe length short of a full $\frac{1}{4}$ section pivot. From our observation it appeared that he was correct, that the pivot would not cover a whole section.

He stated that verbally or by permit they transferred $\approx$ 24 acres from Sec. 28 to Sec. 27 when the pivot was put on line. Pivot was put there between 1974 and 1976, they couldn't remember exactly when. He didn't have any papers saying that the permit acreage was transferred, but thought that his dad might. He wanted to know if he could maybe switch off his end gun to bring his acreage down. (Right now the end gun can't be switched off because of a broken part... according to his son.) I said we would get back to him the following week to see if he had found any verifying papers.

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: Tom Branden

Conversation or File Documentation

NAME OF PERSON OR FILE: Richard JessenADDRESS: RR1, Box 81, Tulare, SD 57476 COUNTY SpinkDATE: 7-25-89 TELEPHONE (605) 472-2408RE: Status of VR Claim 136-3

COMMENTS:

On July 25, 1989 I spoke with Richard Jessen and inspected his Vested Right Claim No. 136-3 on the SE $\frac{1}{4}$ of Sec. 28 & SW $\frac{1}{4}$ of Section 27, T115N, R65W. In 1986, portions of the permit that were located in ~~the~~ Section 28 were transferred to new ownership and the permit split. A total of 0.50 cfs of the 2.22 cfs on the original Vested Right license were transferred to 136-3B leaving 1.72 cfs remaining on the ^{No.} 136-3 Permit.

An inspection of VR 136-3 revealed that a center pivot was being operated on the SW $\frac{1}{4}$ of Section 27 and that it covered 122 acres as below:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 Acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 31 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 Acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 31 Acres

The well location is the same as on the original licence and the pump & motor are the same. The Vested right can be validated for 122 acres in the SW $\frac{1}{4}$ of Section 27, T115N, R65W for the 1.72 cfs remaining on Vested Right No. 136-3.

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.



Department of Water & Natural Resources

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

September 11, 1989

Richard Jessen
RR 1, Box 81
Tulare SD 57476

RE: Vested Water Right Claim No. 136-3

Dear Mr. Jessen:

Vested Water Right Claim No. 136-3 was filed on November 30, 1955. The claim was recognized for the irrigation of 67 acres in the SE 1/4 of Section 28 and 107 acres in the SW 1/4 of Section 27, all in T115N, R65W.

An inspection by Tom Brandner, Engineer, Division of Water Rights, found that you are irrigating 122 acres in the SW 1/4 of Section 27, T115N, R65W. Since the claim was recognized for irrigation of 107 acres in this quarter section, you will need to file a water permit application for the 15 acres in excess of the 107 acres.

Enclosed are partially completed application forms to add the 15 acres. Please complete the blank spaces, sign the forms in the presence of a notary and return the forms with a fee of \$150.00. You will also need to send a water sample to the Water Quality Lab as outlined in the instruction sheet.

At the present time, you have the legal right to irrigate 107 acres. Vested Water Right Claim No. 136-3 can be validated for just the 107 acres. If I can answer any questions, please contact me.

Sincerely,

DELVIN D. BROSZ, P.E.
Hydrologist
605 773-3362

enclosures





PABST

PABST LIGHT

ANDEKER

OLDE ENGLISH "800"

Brown Distributing, Inc.

514 Fifth Street East
Redfield, South Dakota

57469
Phone 472-0987



SCHMIDT

SCHMIDT LIGHT

OLD STYLE

SPECIAL EXPORT

BLATZ

SELECT

the water sample will be
sent after the 20th of June
when P.E.A. hooks up the
electric line to the motor

Richard Jesona

Thanks for trying one of ours

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412666

Pierre, _____

May 13, 19 91

RECEIVED OF Richard Jessen, RR 1, Box 81, Tulare, SD 57476

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

Fee for Application for Permit No. 5568-3 to Appropriate Water, to construct works and to put water to beneficial use _____

150 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

150 00

By

John Hatch (CF)

Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4633

WR#

OWNERS NAME: RICHARD JESSEN OWNERS ADDRESS: RR 1, BOX 81
TULARE, SD 57476

COUNTY LAND LOCATED IN: SPINK PHONE: _____

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: SW $\frac{1}{4}$ 27-T115N-R65W

Depth: _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T115N-R65W	30		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T115N-R65W	30		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T115N-R65W	31		
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T115N-R65W	31		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0317

7. ADJUSTED (SAR): 3.61

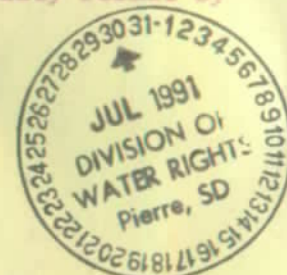
5. SALINITY (EC X 10⁶): 1650

8. PERCENT SODIUM: 18.46

6. SODIUM (SAR): 1.31

Requirements:

Maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.



XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

JULY 24, 1991

Date

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Richard Jessen
RR 1, Box 81
Tulare SD 57476

Dear Mr. Jessen:

On September 11, 1988, you were sent applications forms for a permit to appropriate water based on an inspection of Vested Water Right Claim No. 136-3, by Tom Brandner, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. The following is also required in order to process the application:

1. An application fee of \$150.00 must be submitted.
2. A water sample must be submitted to the Water Quality Laboratory (see Item No. 4 of the attached instruction sheet).
3. A soils map is required of the land irrigated in order to proceed with the Soil/Water Compatibility permit.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Vested Right Claim No. 136-3 can not be validated until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application forms or contacting me by June 1, 1991.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures

REPORT ON APPLICATION NO. 5568-3
for Richard Jessen
August 23, 1991

Application No. 5568-3 proposes to irrigate 15 additional acres. Vested Right claim No. 136-3 appropriates 1.72 cfs from one well approximately 68 feet deep located in the NW 1/4 SW 1/4 to irrigate 107 acres located in the SW 1/4; all located in section 27, T115N R65W in Spink County. This application is to irrigate 15 additional acres around the perimeter of the pivot located in the SW 1/4 of section 27. This application, if approved, does not authorize any increase in the diversion rate.

AQUIFER - TULARE WESTERN-SPINK (T-WS)

The Tulare Western Spink is a buried glacial outwash (sand and gravel) under predominantly confined (artesian) conditions. The Tulare Western Spink underlies 72,300 acres and contains an estimated 270,930 acre feet of recoverable water in Spink County (Hedges, 1982). The aquifer extends into Hand County to the west and into Beadle County to the south.

The Division of Water Rights monitors 4 observation wells (SP-63D, SP-800, SP-80P and SP-63E) that are located within 2 miles of this application. Water levels for these wells show good response to pumping and to climatic conditions, that is, rising during wet years and gradually declining during dry years. The observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are other irrigation permits in this area. The closest well to this site is about 1/2 mile to the north. Drawdown created by pumping can be expected from these wells. Interference is not expected to be adverse (Brandner, 1986). These wells have been in use with no reported problems. A nearby domestic well complaint was investigated and it was determined that the domestic well would not be protected because of improper construction.

CONCLUSIONS

1. Water is available from the Tulare Western Spink aquifer.
2. Interference is not expected to be adverse.
3. This application requests an additional 15 acres of land. No additional diversion rate is authorized by this application.

4. The well used for this application is very old and may not be a dependable source of water.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Brandner, T., 1986, Report on Permit Application No. 136B-3 for Federal Land Bank, SD DENR, Division of Water Rights, Pierre, SD, 57501.

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for Tulare Western Spink Aquifer, Spink County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5568-3, Richard Jessen

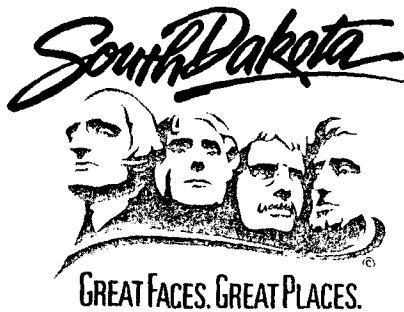
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5568-3, Richard Jessen, RR 1 Box 81, Tulare, SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 5568-3 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 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.
2. 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
August 28, 1991



**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.

August 29, 1991

Richard Jessen
RR 1 Box 81
Tulare, SD 57476

Dear Mr. Jessen:

Water Permit Application No. 5568-3 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 Redfield Press printed at Redfield, 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
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.



August 29, 1991

The Redfield Press
Box 440
Redfield, SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5568-3 to be published twice. Please publish the first notice on September 4, 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 Richard Jessen, RR 1 Box 81, Tulare, SD 57476.

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 September 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5568-3 to Appropriate Water
and to Amend Vested Water Right Claim No. 136-3

Notice is given that Richard Jessen, RR 1 Box 81, Tulare, SD 57476 has filed an application for a water permit to appropriate water to irrigate 15 additional acres. Vested Right Claim No. 136-3 appropriates 1.72 cubic feet of water per second from one well located in the NW 1/4 SW 1/4 to irrigate 107 acres located in the SW 1/4; all in Section 27-T115N-R65W. This application is to irrigate 15 additional acres around the perimeter of the pivot located in the SW 1/4 Section 27-T115N-R65W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5568-3 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 September 23, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. 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. The October 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 September 23, 1991.

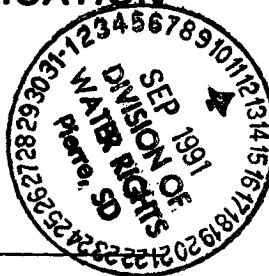
Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the 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.

Form 8 - Proof of Publication

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Spink) ss.



I, Margaret Mundstach

certify that the attached printed Notice was taken
 from the Redfield Press

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 Redfield

State of South Dakota

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

September 4, 1991

September 11, 1991

Margaret Mundstach
 (Signature)

Bookkeeper
 (Title)

September 11, 1991
 (Date Signed)

Cost of Printing: \$44.82

NOTICE OF HEARING
 ON APPLICATION NO. 5568-3
 TO APPROPRIATE WATER
 AND TO AMEND VESTED
 WATER RIGHT CLAIM NO. 136-3

Notice is given that Richard Jensen, RR 1, Box 81, Tulare, SD 57476 has filed an application for a water permit to appropriate water to irrigate 15 additional acres. Vested Right Claim No. 136-3 appropriates 1.72 cubic feet of water per second from one well located in the NW1/4 SW1/4 to irrigate 107 acres located in the SW1/4; all in Section 27-T115N-R65W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5568-3 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 the 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 September 23, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 a.m., Embassy 1 and 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. 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. The October 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 September 23, 1991.

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.

(September 4, 11)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1991

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

Richard Jessen
RR 1, Box 81
Tulare SD 57476

Dear Mr. Jessen:

I am writing to advise you that the legal notice of hearing published in the Redfield Press for Water Permit Application No. 5568-3 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. We failed to receive a copy of the first notice in time to make the correction for the second publication. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Redfield Press printed at Redfield SD.

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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered.

Sincerely,

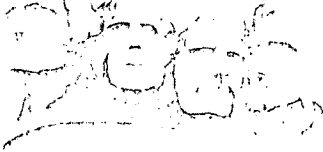
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: The Redfield Press

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.

South Dakota



GREAT FACES. GREAT PLACES.

September 11, 1991

The Redfield Press
Box 440
Redfield SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5568-3 to be published twice. Please publish the first notice on September 18, 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 Richard Jessen, RR 1, Box 81, Tulare SD 57476.

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 September 18, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5568-3 to Appropriate Water
and to Amend Vested Water Right Claim No. 136-3

Notice is given that Richard Jessen, RR 1 Box 81, Tulare, SD 57476 has filed an application for a water permit to appropriate water to irrigate 15 additional acres. Vested Right Claim No. 136-3 appropriates 1.72 cubic feet of water per second from one well located in the NW 1/4 SW 1/4 to irrigate 107 acres located in the SW 1/4; all in Section 27-T115N-R65W. This application is to irrigate 15 additional acres around the perimeter of the pivot located in the SW 1/4 Section 27-T115N-R65W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5568-3 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 October 7, 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. 5568-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 15, 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 October 15, 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 October 15, 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 October 7, 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.



AUG 6 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Richard Jessen
RR 1 Box 81
Tulare, SD 57476

Dear Mr. Jessen:

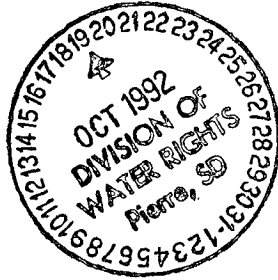
Enclosed is Water Permit No. 5568-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 5568-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Richard Jessen
RR 1, Box 81
Tulare, SD 57476

Dear Mr. Jessen:

On August 6, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5568-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5568-3

Richard Jessen
RR 1, Box 81
Tulare, SD 57476

4a. Article Number

P 906 559 950

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

10-15-92

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413477

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 20, 19 92

RECEIVED OF Richard Jessen, RR 1 Box 81, Tulare, SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5563-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Spink)

I, Margaret Mundstuck

certify that the attached printed Notice was taken
 from the Redfield Press

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 Redfield

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

September 18, 1991

September 25, 1991

Margaret Mundstuck
 (Signature)

Bookkeeper
 (Title)

September 25, 1991
 (Date Signed)

Cost of Printing: NC



No. 65
 NOTICE OF HEARING on Application No.
 5568-3 to Appropriate Water and to Amend
 Vested Water Right Claim No. 136-3

Notice is given that Richard Jensen, RR 1
 Box 81, Tulare, SD 57476 has filed an
 application for a water permit to appropriate
 water to irrigate 15 additional acres. Vested
 Right Claim No. 136-3 appropriates 1.72 cubic
 feet of water per second from one well located in
 the NW 1/4 SW 1/4 to irrigate 107 acres located
 in the SW 1/4; all in Section 27-T115N-R65W.
 This application is to irrigate 15 additional acres
 around the perimeter of the pivot located in the
 SW 1/4 Section 27-T115N-R65W. This
 application, if approved, does not authorize any
 increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends APPROVAL of
 Application No. 5568-3 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 October 7, 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. 5568-3 and 2) the
 chief engineer's recommendation, a meeting at
 the Division of Water Rights office to hear this
 application is scheduled for October 15, 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 October
 15, 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 October 15, 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 October 7, 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.

(September 18, 25)

Permit No. 136-3/5568-3James River - Water District**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

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

A thorough examination was conducted of the water use system constructed by Richard Jessen (formerly owned by Hans Jessen) of RR #1 Box 81, Tulare, SD 57476 holder of Vested Right Claim No. 136-3, bearing the priority of December 12, 1953 authorizing the diversion of 1.72 cu. ft. per second of waters of groundwater (one well) for irrigation purposes, in Spink County. The inspection found an additional 15 acres being irrigated around the perimeter of the pivot. (Water Permit No. 5568-3 was obtained to cover the additional acreage)

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

A. Works used to divert the water:

(same as original examination or works for No. 136-3 - dated 1-22-58)
Jacuzzi Pump, spec. # T130A & Fig. #HC-127 Allis Power Unit; Sparling
Water Meter

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

1580 feet of 8" PVC pipe

C. Works used to apply water to beneficial use:

center pivot

The system is in the following condition good. The point of diversion is located 400 feet S 19 degrees 38 minutes E of the W 1/4 corner Section 27, T115N, R65W (NW 1/4 SW 1/4). The works are capable of diverting and conveying to the place of use 1.72 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T115N, R65W Section 27	NW 1/4 SW 1/4	30 acres
	NE 1/4 SW 1/4	30 acres
	SE 1/4 SW 1/4	31 acres
	SW 1/4 SW 1/4	31 acres

comprising a total of 122 acres of land and the license should be issued for 1.72 cfs. Applicable permit qualifications have been complied with.

Priority dates: December 12, 1953 for 107 acres

July 30, 1991 for 15 acres around perimeter of center pivot

The above system was inspected by Thomas Brandner on July 25, 1989. I compiled this inspection report based upon a file documentation report written 7-25-89 by Tom Brandner, the map prepared from his inspection, Water Permit No. 5568-3 and the validation of Vested Right No. 136-3.

Genny McMath

Genny McMath, NR Analyst

June 24, 1993.

NOT TO SCALE

25.4
T1408
2

115.6

579-90L

D-3

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T938
6

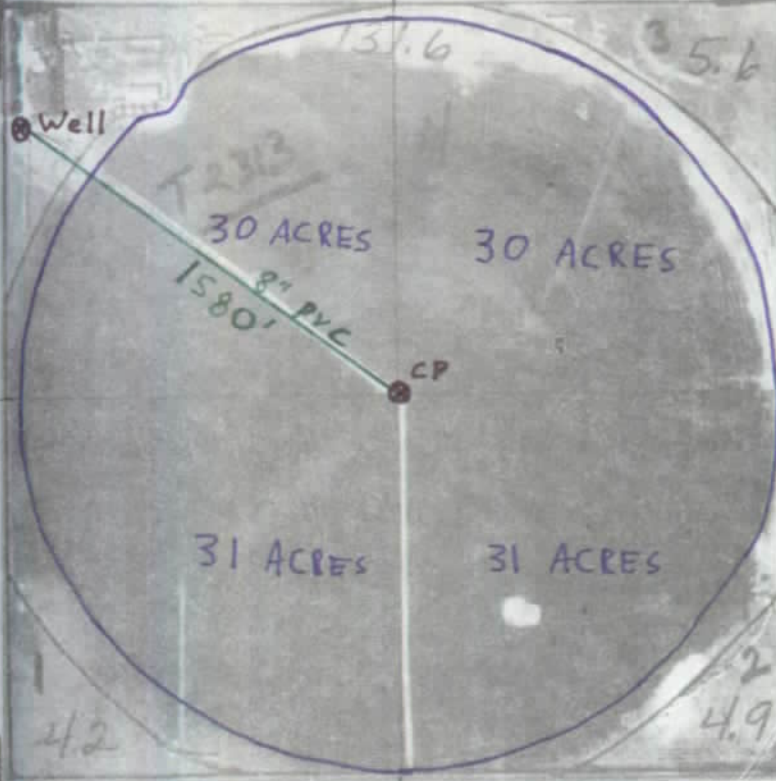
14 slides

2
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3



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115^{NC}-65

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5

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10

Thomas M. Brander

7-25-89

37.6

79.6

T939

5568-3 T9553

579-90L

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 5568-3 FOR IRRIGATION

(1) Richard Jessen, of RR #1 Box 81, Tulare, SD 57476 made Application No. 5568-3, May 13, 1991 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one existing well), Spink County, South Dakota for irrigation purposes. Permit No. 5568-3, with a priority date of July 30, 1991 was approved October 15, 1991.

A July 25, 1989 inspection of the water use system described in Vested Right Claim No. 136-3 was conducted for the purposes of validating the claim. The inspection found 15 acres (around perimeter of the center pivot) being irrigated that were not included in the original claim. Water Permit No. 5568-3 authorizes irrigation of the additional land but does not authorize an increase in the diversion rate.

Vested Right Claim No. 136-3 was validated by the Water Management Board on March 3, 1993 for diversion of 1.72 cfs and irrigation of 107 acres. The applicable portions of Vested Right No. 136-3 are incorporated into this Water License No. 5568-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.72 cubic feet of water per second for beneficial use. The location of the diversion point is 400 feet south, 19 degrees 38 minutes east of the W 1/4 corner Section 27, T115N, R65W (NW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T115N, R65W	Section 27	NW 1/4 SW 1/4	30 acres
		NE 1/4 SW 1/4	30 acres
		SE 1/4 SW 1/4	31 acres
		SW 1/4 SW 1/4	31 acres
		Total	122 acres

Priority dates: December 12, 1953 for 107 acres
July 30, 1991 for 15 acres (around perimeter of pivot)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Jessen of RR #1 Box 81, Tulare, SD 57476 the holder and/or owner of Incorporated Water Permit No. 5568-3 is issued a license to appropriate water, the right to use 1.72 cubic feet of water per second from groundwater (one well) with priority dates of December 12, 1953 and July 30, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5568-3 and subject to South Dakota State Law.



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

SEP 20 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

Richard Jessen
RR 1, Box 26
Tulare SD 57476

Dear Mr. Jessen:

The Water Management Board has validated the enclosed Vested Water Right No. 136-3. This validation gives legal status to the claim and is the final document for your vested right. Also, enclosed is Water License No. 5568-3. The applicable portions of Vested Right No. 136-3 were incorporated into Water License No. 5568-3.

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

Very truly yours,

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

enclosure



5568-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: RICHARD JESSEN, 18250 377TH AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5568-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5568-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5568-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RICHARD JESSEN
18250 377TH AVE
TULARE SD 57476

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Cathy Jessen

1-18-00

C. Signature

X Cathy Jessen

☐ Agent☒ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 464

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2000

5568-3

Richard Jessen
18250 377th Ave
Tulare, SD 57476

Dear Mr. Jessen:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 5568-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I have made a notation in the file to send future irrigation questionnaires to Brett Binger. If you should change renters in the future, please let me know so that I can update your file.

If you have any questions, please contact me.

Sincerely,

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

c: Brett Binger



January 16, 2002

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: BRETT BINGER, 38270 182ND ST, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3, 5568-3 & 6142-3, 472-3, 960-3 & 3053-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 472-3, 960-3 & 3053-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4897-3, 5568-3 & 6142-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4897-3, 5568-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3, 960-3 & 3053-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

5568-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BRETT BINGER
38270 182ND ST
TULARE SD 57476

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Brett Binger

B. Date of Delivery

1-17-02

C. Signature

X Brett Binger

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2.

7001 2510 0004 4797 6603

PS Form 3811

July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2002

Brett Binger
38270 182nd St
Tulare SD 57476

RE: Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



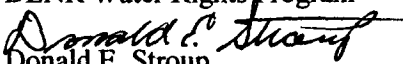
3568-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

Water Right No. 4545-3, Victor Kleinsasser, 40008 198th St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD (605)596-4391

Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782

Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD (605)266-2886

Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD (605)266-2548

No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD (605)472-2573

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD (605)635-6587

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD (605)596-4339

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD (605)596-4271

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD (605)226-0344

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 2514, Willard Wipf, 18371 403rd Ave., Frankfort, SD (605)266-2595

Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files



5568-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 15, 2005

Richard Jessen
37848 181st Street
Tulare SD 57476

Dear Mr. Jessen:

I am writing in regards to a well completion report submitted by Pullman Drilling for a well they drilled for you in July. The completion report indicates the well was drilled in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T115N, R65W. You currently hold Water Right No. 5568-3 appropriating water from a well completed in the Tulare:Western Spink Aquifer located in the SW $\frac{1}{4}$ Section 27 to irrigate 122 acres located in the SW $\frac{1}{4}$ Section 27, T15N, R65W.

If the well completion report is correct in identifying the location of the well, the well is located in the NW $\frac{1}{4}$ on land authorized for irrigation by Barbara Rogers (see Water Right No. 5301-3). I am writing to clarify exactly where the well is located and what land it is being used to irrigate.

Basically, I want to know 1) if the location of the well as described by the driller is correct, 2) whether the well was drilled as a replacement well for the original well, 3) what land the well is being used to irrigate, and 4) whether you have acquired the Ms. Roger's property.

If this is a replacement well there is a requirement that you file a request for authorization of a replacement well. If you have acquired the Roger's property there is a process to transfer the water right into your name.

Mr. Jessen, I tried unsuccessfully to call you to discuss this over the phone. Please contact me at your convenience so we can discuss the new well and what water right issues may be required. My phone number is (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

Location NW 1/4 ~~NW~~ 1/4 Sec 27 Twp 115 Rg 65

County Spink

North

Please mark well location with an "X"

W

E

1 Mile

Well Completion Date

7/1/2005

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes

☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	52.0	24.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	20.0 Ft
Cement	50			
Vol Clay	4		20.0 Ft	40.0 Ft

Describe grouting procedure

Line

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 15.0 Feet

Material Stainless Steel

Slot Size .057 Set From 52.0 Feet to 67.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Gravel

Describe packer(s) and location

@52

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Richard Jessen

Business Name:

Address: 37848 181st St

City, State, Zip: Tulare SD 57476

WELL LOG:	DEPTH	
	FORMATION	FROM TO
	Yellow Gravel	0 30
	Gray Sand/ Coal	30 34
	Med Gray Gravel	34 44
	Med To Coarse Gray Gravel	44 64
	Big Gravel	64 67

STATIC WATER LEVEL 22.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/ Air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8/30/05

No. 5568-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 5568-3, Richard Jessen

ADDRESS: 37848 181st Street, Tulare SD COUNTY: Spink

DATE: November, 2005 TELEPHONE:

RE: Well Completion Report

COMMENTS:

Mr. Jessen called in response to my November 15, 2005 letter regarding the location of the well he had drilled in July 2005. Mr. Jessen stated that the original well that supplied the center pivot in the SW ¼ of Section 27, T115N, R65W had failed. He indicated a new well was drilled 80 feet north of the old well. The well completion report submitted by Pullman Drilling incorrectly shows the well in the NW ¼ NW ¼ of Section 27. I told him that I would correct this on the well completion report and that since the well is a replacement well located in the same quarter-quarter that no additional water right permitting is required.

NAME: Eric Hummel

McMath, Genny

From: Susan Binger <bbinger@nrctv.com>
Sent: Tuesday, November 27, 2012 2:37 PM
To: McMath, Genny
Subject: Permits 960-3 and 472-3

Please change the address for permits 960-3 and 472-3 that are currently sent to Brett Binger. These should now go to Chad Binger, 18410 382nd Ave, Tulare, SD 57476. I have given him the forms to complete, along with the instructions and envelope. His phone number is 596-4295.

I submitted questionnaires via email for permits 6142-3 and 5568-3. These should be sent to Darin Binger in the future. His address is 37848 181st St, Tulare. He was over and completed the paper form and I submitted them for him, but he is now the sole owner/operator for these permits. (I also noted this info on the questionnaire before submitting.)

If you have any questions or need additional information, feel free to call my cell 605-460-1604 or email me.

Thank you,

Brett Binger



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 29, 2012

5568-3
6142-3

Darin Binger
37848 181st St
Tulare SD 57476

Dear Mr. Binger:

I am writing in regard to ownership of land described in Water Right No. 6142-3 and Partial Vested Water Right No. 5568-3. Enclosed is a copy of each one for your records.

Brett Binger notified us that ownership has changed and they should now be listed solely in your name. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

McMath, Genny

From: Susan Binger <bbinger@nrctv.com>
Sent: Thursday, November 29, 2012 4:23 PM
To: McMath, Genny
Subject: Re: Permits 960-3 and 472-3

I am having a terrible time getting Brett to reply to your email, so I will just do it myself!

Darin is OWNER for 6142-3. Darin is RENTER for 5568-3. (I will talk to him & have him disregard the transfer form you mailed him on that.) Chad is OWNER for 960-3. Chad is RENTER for 472-3. Eventually we will get this straightened out....thanks for your patience with us!

Susan

----- Original Message -----

From: McMath, Genny
To: Brett & Susan Binger
Sent: Thursday, November 29, 2012 7:30 AM
Subject: RE: Permits 960-3 and 472-3

Brett,
 I mailed transfer of ownership forms to Darin for 6142-3 and 5568-3. With reference to the 1st paragraph below, does Chad now "own" the land under 960-3 and 472A-3 or does he just manage it for all of you? If he owns it, then I'll mail transfer forms.....if he just manages it, I can just make the address change.

Genny
 605 773-5455

From: Susan Binger [<mailto:bbinger@nrctv.com>]
Sent: Tuesday, November 27, 2012 2:37 PM
To: McMath, Genny
Subject: Permits 960-3 and 472-3

Please change the address for permits 960-3 and 472-3 that are currently sent to Brett Binger. These should now go to Chad Binger, 18410 382nd Ave, Tulare, SD 57476. I have given him the forms to complete, along with the instructions and envelope. His phone number is 596-4295.

I submitted questionnaires via email for permits 6142-3 and 5568-3. These should be sent to Darin Binger in the future. His address is 37848 181st St, Tulare. He was over and completed the paper form and I submitted them for him, but he is now the sole owner/operator for these permits. (I also noted this info on the questionnaire before submitting.)

If you have any questions or need additional information, feel free to call my cell 605-460-1604 or email me.

Thank you,

Brett Binger

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2629/5426 - Release Date: 11/29/12