

Considered: _____

WATER PERMIT NO. 5695-3

Phone: 446-3342

Name of Applicant: Terry J Gaspar

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

Amount of Water Claimed: no add'l Total Acres: 10.9 add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Lake

About 1/2 miles of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 6-4-92 Fee: \$150 Remarks add'l acreage

on Permit No. 5496-3

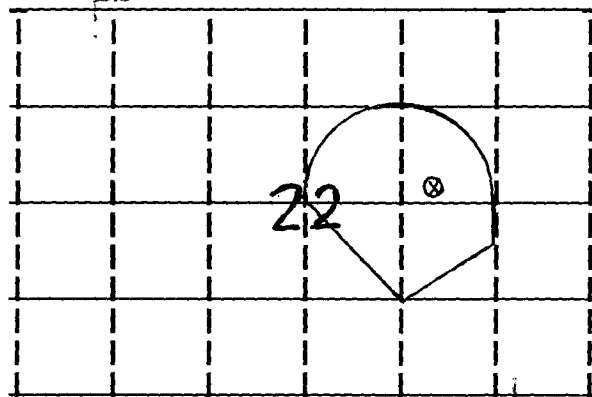
Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 8-4-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NE 1/4 Sec 22-T105N-R51W

Land to be Irrigated: _____



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

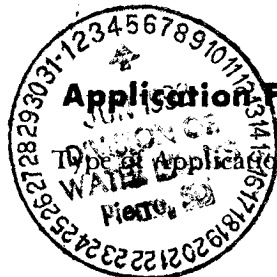
Depth of Well: 43' REMARKS _____

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

Assigned on 8-5-92 By Karen Schlaak

No. 5695-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Madison Daily Leader, P.O. Box 348

(See instructions)



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

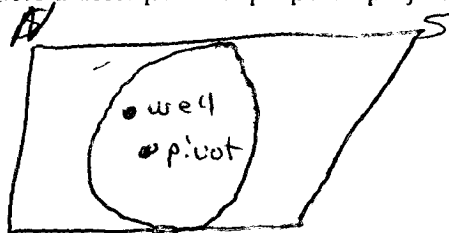
1. Name of Applicant Terry J. Gaspar Phone No. 605-446-3342
 Post Office Address RD1 Box 86 Colton State S. Dak Zip Code 57018
(Street, RR or Box) (City)
 2. Amount of water claimed (c.f.s.) no add'l Total acres irrigated 120.9 (10.9 acres add'l)
 3. Source of Water supply Big Sioux aquifer
 4. Location of point of diversion SE 1/4 NE 1/4 Sec 22-T105N-R51W
 _____ County Lake CO
 5. Counties where water will be used Lake CO
 6. Annual period during which water is to be used April thru Oct 31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW 1/4 NE 1/4 Sec 22-T105N-R51W	34 (4)
SE 1/4 NE 1/4	34 (9)
NW 1/4 SE 1/4	19 (-6)
NE 1/4 SE 1/4	33.9 (3.9)

Land Description	No. Acres Irr.
SW 1/4 NE 1/4 Sec 22-T105N-R51W	34 (4)
SE 1/4 NE 1/4	34 (9)
NW 1/4 SE 1/4	19 (-6)
NE 1/4 SE 1/4	33.9 (3.9)

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: L Gun: _____ Other: _____
 9. Crops to be Irrigated: Corn pasture hay beans oats
 10. Give a description of proposed project. (Attach sheet if more space is needed)



10.9 additional acres to Water Permit
No. 5496-3

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 Lake) ss

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

Signed Terry J. Gaspar

Subscribed and sworn to before me this 3rd day of June 19 92

[Signature]
Notary Public
my commission expires 3/16/97.

**SOUTH DAKOTA
WATER PERMIT NO. 5695-3**

Date of first receipt of application June 4, 1992.

Date Soil/Water Compatibility Permit received August 4, 1992.

Date of return to applicant for corrections, amendments or changes June 29, 1992.

Date of receipt of corrected application July 22, 1992.

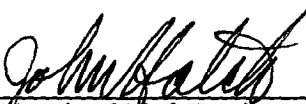
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5695-3 to Terry J. Gaspar, RR 1, Box 86, Colton SD 57018 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5695-3 irrigates 10.9 additional acres. Water Permit No. 5496-3 appropriates 1.57 cubic feet of water per second (cfs) from one well (Big Sioux Aquifer:North Skunk Creek Management Unit) 50 feet deep located in the SE 1/4 NE 1/4 Section 22 to irrigate 110 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 22; all in T105N-R51W. This permit is to irrigate 10.9 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 22-T105N-R51W from the existing well. This permit does not authorize any increase in the 1.57 cfs 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 June 4, 1992.
4. The date of approval of Permit No. 5695-3 is December 2, 1992.
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: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 17 1993

date

10-85

Date _____

202122 202129
JUL 1992

1992 NOT TO SCALE

34876170
1992

Lake

105-51

16R

18.1

Past

150.8

67.8

13.0

Past

9.9

9.9

8.0

6.20

22

32.8

18.6

120.9

Corn

120.9

Corn

40

2.1

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

These acres of
corn measured
120.9

Delois
Ald Office
6/1/92

9.9
120.9
2.1
17.9
150.8
acres

ACR

17.9

Crop Res

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

17.9

5695-3

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
DIVISION OF
Conservation
WATER RIGHTS
Pierre, SD

Office Use Only

~~4720~~ 4720

WR#

OWNERS NAME: GASPAR, TERRY J.

OWNERS ADDRESS: RR 1 BOX 86

COLTON, SD 57018

COUNTY LAND LOCATED IN: Lake PHONE: 446-3342

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22-T105N-R51W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>34.0</u>		
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>34.0</u>		
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>19.0</u>		
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ 22-T105N-R51W</u>	<u>33.9</u>		

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

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

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1525

7. ADJUSTED (SAR): 0.74

5. SALINITY (EC X 10⁶): 650

8. PERCENT SODIUM: 8.03

6. SODIUM (SAR): 0.32

Requirements:

A buffer strip, 10 feet in width along the western property line shall not be irrigated. (Buffalo slough and Marsh area.)

The marsh area found in the Northeast corner of the project shall not be irrigated.

[Signature]

Director, Division of Conservation

JULY 31, 1992

Date

XX APPROVED
____ DISAPPROVED
____ WAIVER

XX REQUIREMENTS

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413266

Pierre, June 26, 1992

RECEIVED OF Terry Gaspar, RR 1 PO Box 86, Colton, SD 57018

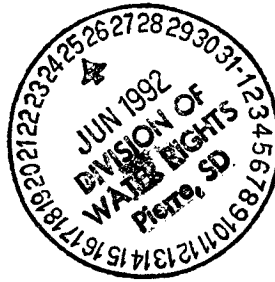
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>56953</u> 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 H. Haldeman
Chief Engineer

June 24, 1992



Mr. Eric Gronlund
Water Rights Division
DWNR, Foss Building
Pierre, South Dakota 57501

CERT., RETURN RECEIPT REQUESTED

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

Dear Eric:

As per our telephone conversation of June 19, 1992, enclosed herewith please find an ASCS map delineating the current acreage irrigated. Please note that said map identifies the amount of land to be irrigated as 120.9 acres and that the map has been signed by an ASCS official, which I believe, comports with your instructions in your letter dated June 11, 1992.

Also enclosed please find a check #0431 payable to the Water Rights Division from Mr. Gaspar in the amount of \$150.00 as said amount represents the added irrigated acreage filing fee.

Please note that I have attached the above-mentioned map to the roughly outlined map that you forwarded to me along with a 1991 map also signed by the above-stated ASCS official.

If you require any further information from my client, kindly advise.

Very Truly Yours,

/s/ Cynthia J. Ahrendt
Cynthia J. Ahrendt

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

cja/cde
encl:
cc:tg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 1992

Cynthia J. Ahrendt
PO Box 88451
Sioux Falls SD 57105

Dear Ms. Ahrendt:

Enclosed is the aerial photo submitted for the water permit application for Terry Gaspar. On the map, please outline the entire 120.9 acres to be irrigated with a colored pencil.

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 receipt of the above, 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

enclosure



July 21, 1992

Mr. Eric Gronlund
Water Rights Division
DWNR, Foss Building
Pierre, South Dakota 57501

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

Dear Eric:

Enclosed please find the original ASCS map with the 120.9 acres to
be irrigated colored in, by Mr. Gaspar, with yellow pencil.

Please contact me as to whether this map is satisfactory or not.
If it is, please let me know the next step I should attend to.

Thank you for your attention to this matter. If you have any
questions, please advise.

Very Truly Yours,

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

cja/cde

encl:

cc:tg

Report on Application No. 5695-3
Terry Gaspar
September 28, 1992

Water Permit No. 5496-3 appropriates 1.57 cubic feet per second(cfs) of water from one well (Big Sioux Aquifer: North Skunk Creek Management Unit) 50 deep located in the SE1/4 NE1/4 Section 22 to irrigate 110 acres located in the S1/2 NE1/4 and N1/2 SE1/4 of Section 22: all in T105N-R51W. Application 5695-3 is to irrigate 10.9 additional acres located in the S1/2 NE1/4, N1/2 SE1/4 Section 22-T105N-R51W from the existing well. This application, if approved, does not authorize any increase in the 1.57 cfs diversion rate.

Aquifer - Big Sioux- North Skunk Creek (BS-NSC)

The North Skunk Creek is a glacial aquifer consisting of a poorly sorted, sandy gravel northwest of Lake Madison and grades into a well sorted sand and gravel southeast of Lake Madison (Ellis and Adolphson, 1965). The aquifer is under unconfined (water table) conditions in most areas; however, in some areas, the aquifer is overlain by glacial till and is under confined (artesian) conditions. The aquifer underlies approximately 48 square miles (30,720 acres) and contains an estimated 196,000 acre-feet of water in storage in Lake and Moody Counties (Hansen, 1986). The average estimated recharge is 3.1 inches per year (Hedges, 1982) or 7936 acre-feet per year for the BS-NSC Unit. Fluctuations in observation well levels and lake levels indicate that Lakes Madison, Herman and Brant are hydraulically connected to the aquifer (Hansen, 1986) and may recharge the aquifer or cause discharge from the aquifer depending upon seasonal lake levels. In addition, recharge to the aquifer occurs from infiltration of precipitation and melting snow.

The Division of Water Rights monitors 7 observation wells completed into the North Skunk Creek Management Unit in Lake and Moody Counties. The hydrographs of these wells (attached to report) indicate that water levels rise in spring to early summer in response to snowmelt and increased rainfall and decline in late summer to fall in response to the effects of reduced recharge, increased evapotranspiration and pumpage. It is not apparent based on measurements from the observation wells in the North Skunk Creek Management Unit that the aquifer is experiencing any long-term water level declines due to current development within the aquifer.

Existing Water Rights

Currently there are 34 water permits/rights (including No. 5689-3) authorized to appropriate water from the BS-NSC unit in Lake and Moody Counties (Water Rights Division, 1992). The water

rights/permits issued include 18 irrigation, 6 municipal, 3 rural water system, 2 commercial/industrial, 1 domestic, 1 institutional and 3 future use. Water rights/permits to appropriate water from the Big Sioux - North Skunk Creek Aquifer represent a total combined diversion rate of 60.6 cubic feet of water per second (cfs). Commercial and municipal permits/rights, for which no pumping records are available, assuming up to 60% of the full time pumping amount, may divert up to 209 acre-feet per year. Actual annual use by the city of Madison, Kingbrook Rural Water Systems and Big Sioux Community Water totals 1275 acre-feet. Irrigation rights/permits authorize irrigation of 3438 acres (the maximum total diversion allowed by law is - 2 acre-feet per acre per year for permits/rights approved after June 30, 1978, and 3 acre-feet per year for prior permits/rights). Actual reported irrigation use has been:

Pumpage Reported (1991) from the Management Unit in Lake and Moody Counties = 1198.7 acre-feet.

Future use permits reserve 2822 acre-feet.

Actual use, estimated use, plus the acre feet reserved for future use total - 209 acre-feet (Commercial and Municipal with no pumping records) + 1275 acre-feet (City of Madison, Kingbrook Rural Water and Big Sioux Community Water) + 1199 acre-feet (irrigation) + 2822 (Future Use reserves) = 5505 acre-feet

The diversion point for Application No. 5695-3 is located approximately one-quarter mile west of two diversion points under Water Right No. 616-3 held by Darlene Kappenman. There have been no complaints of interference due to pumping from nearby irrigators with each other or with other nearby adequate domestic well owners.

Conclusions:

- 1) Water is available from the BS-NSC Unit. The estimated and actual uses plus total reserved water is 5505 acre-feet, and the estimated recharge is 7396 acre-feet in the BS-NSC. In addition, there appears to be no significant drawdown within the aquifer based on readings from 7 observation wells in the BS-NSC Management Unit.
- 2) Interference is not a problem - existing water rights will not be unlawfully impaired.
- 3) It is a beneficial use of water.

- 4) This well was constructed in 1991 and is in accordance with SD Well Construction Standards.

Gregory C Johnston;

Gregory C. Johnston
Natural Resources Engineer

Approved by:

James A Goodman

James A. Goodman, P.E.
Natural Resources Engineer IV

BIBLIOGRAPHY

Ellis, M.J., Adolphson, D.G., 1965, Hydrogeology of the glacial drift in the Skunk Creek-Lake Madison drainage basin, southeastern South Dakota. U.S. Geological Survey Hydrologic Investigations Atlas HA -311.

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

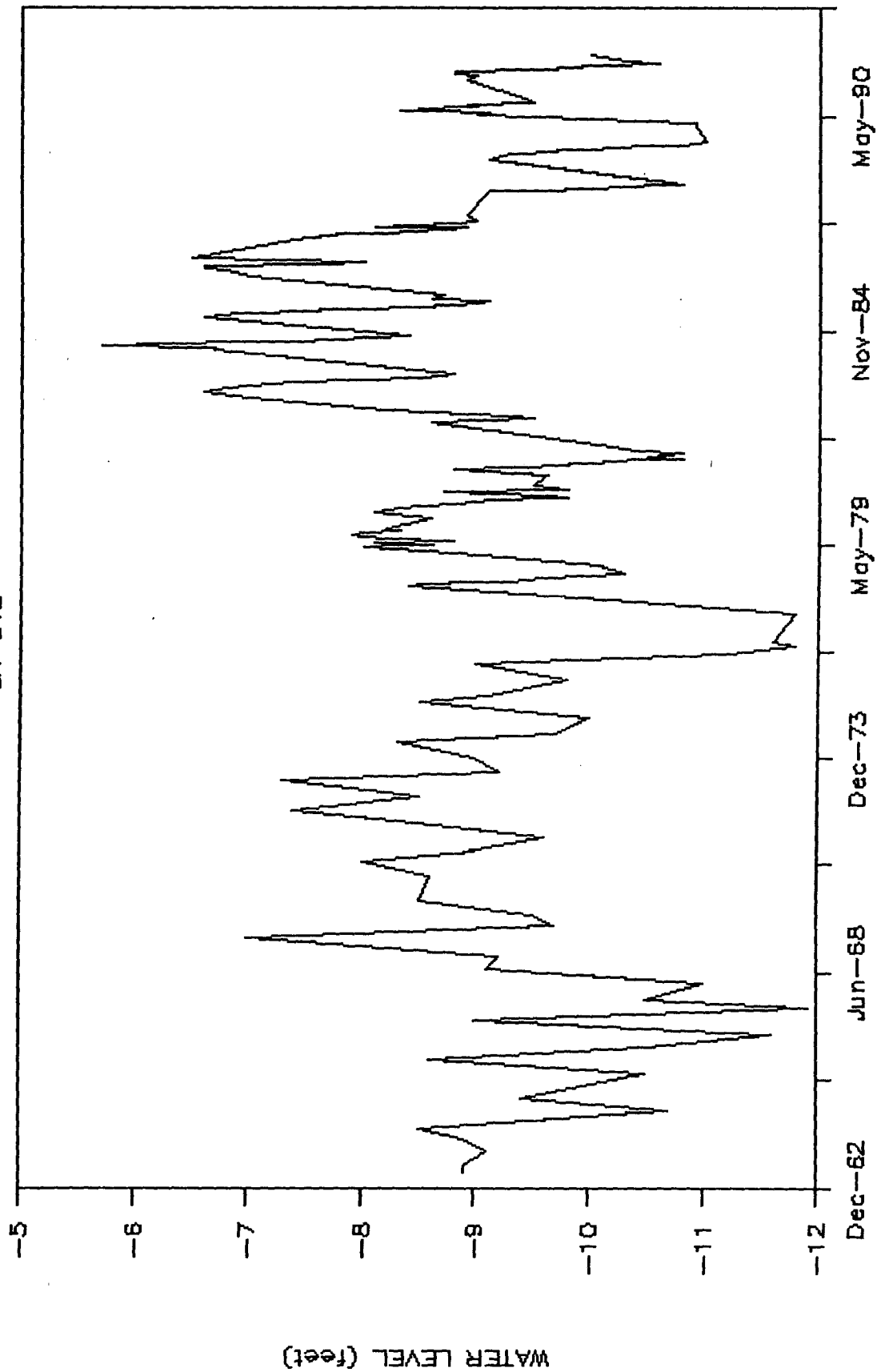
Hedges, L.S., Et al., 1982, Evaluation of Groundwater Resources of Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, DENR, SDGS, Vermillion, SD 57069

Water Rights Division, 1992, Observation Well Files, DENR, Division of Water Rights, Joe Foss Building, Pierre, South Dakota.

Water Rights Division, 1992, 1991 Irrigation Summary by County, Division of Water Rights, Joe Foss Building, Pierre, South Dakota.

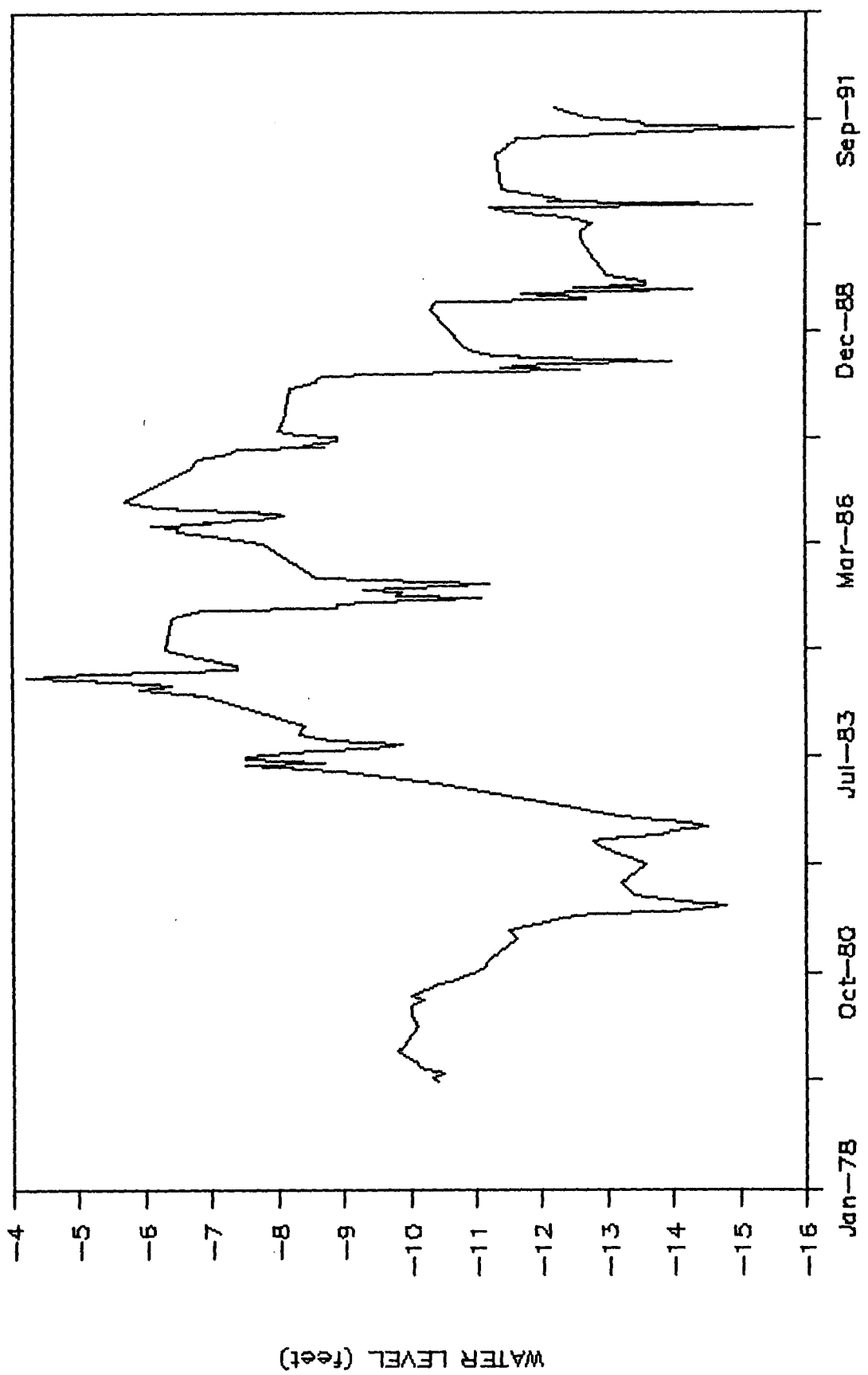
WATER RIGHTS OBSERVATION WELL

LK-81B



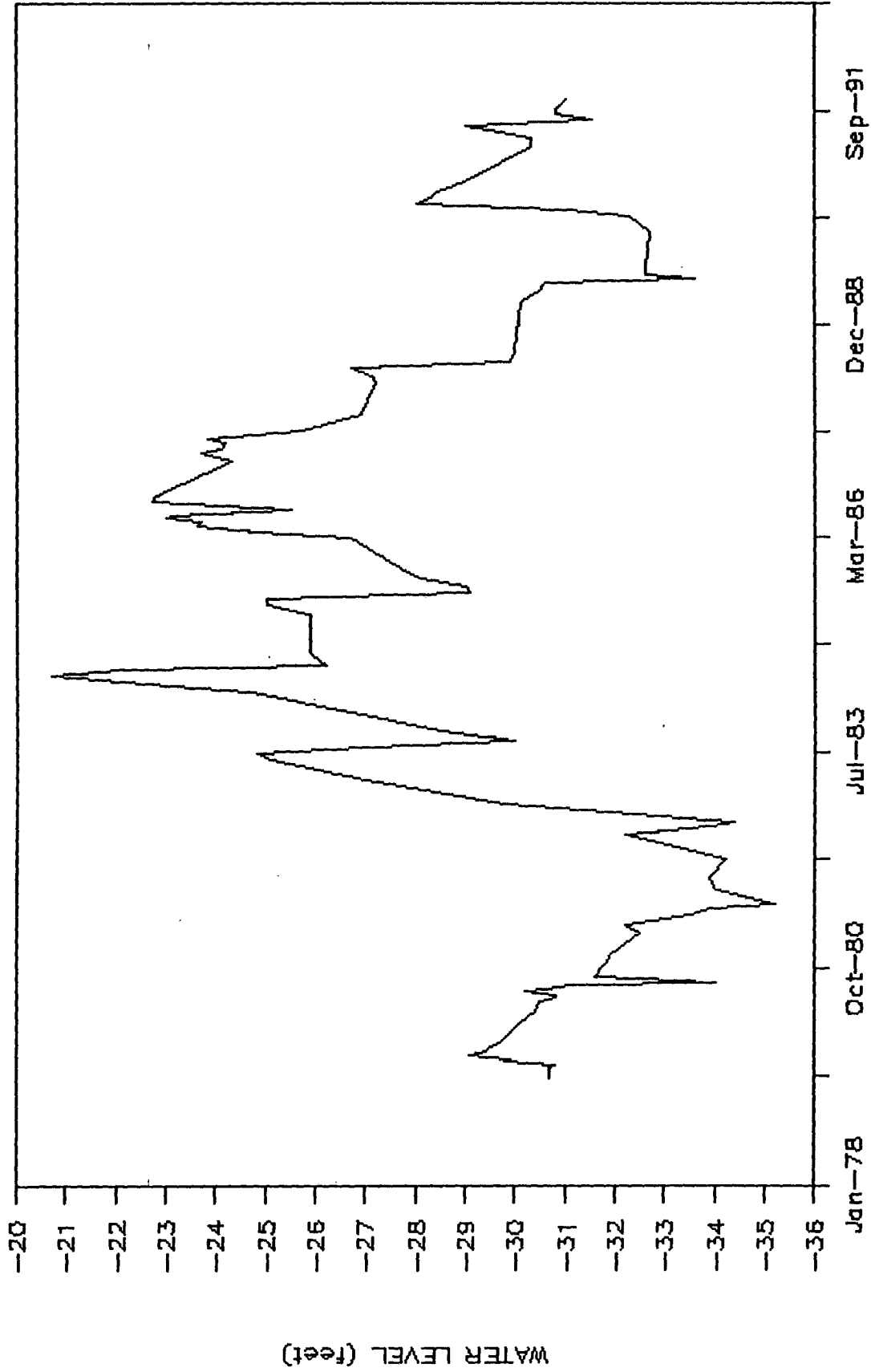
WATER RIGHTS OBSERVATION WELL

LK79A



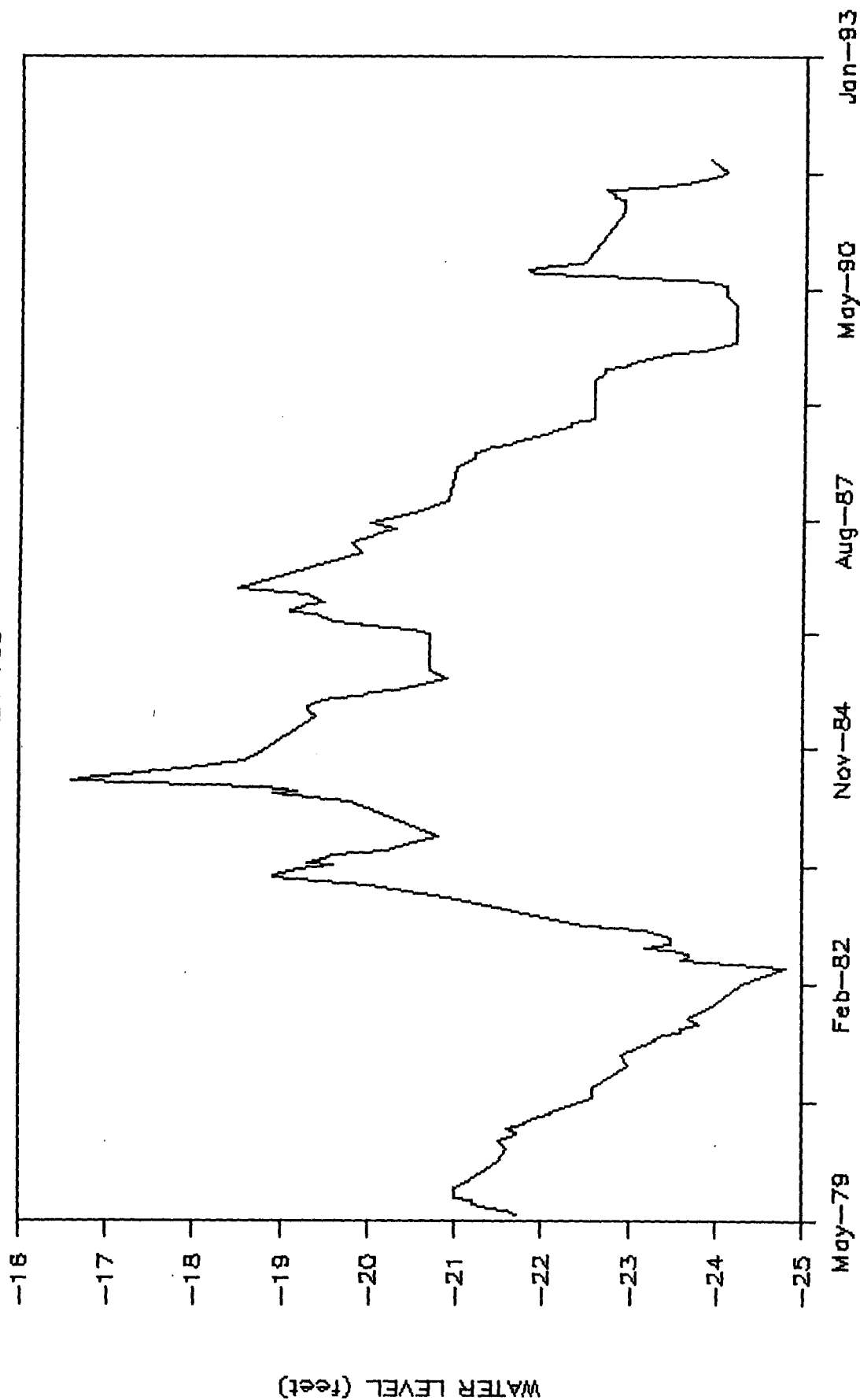
WATER RIGHTS OBSERVATION WELL

LK79E



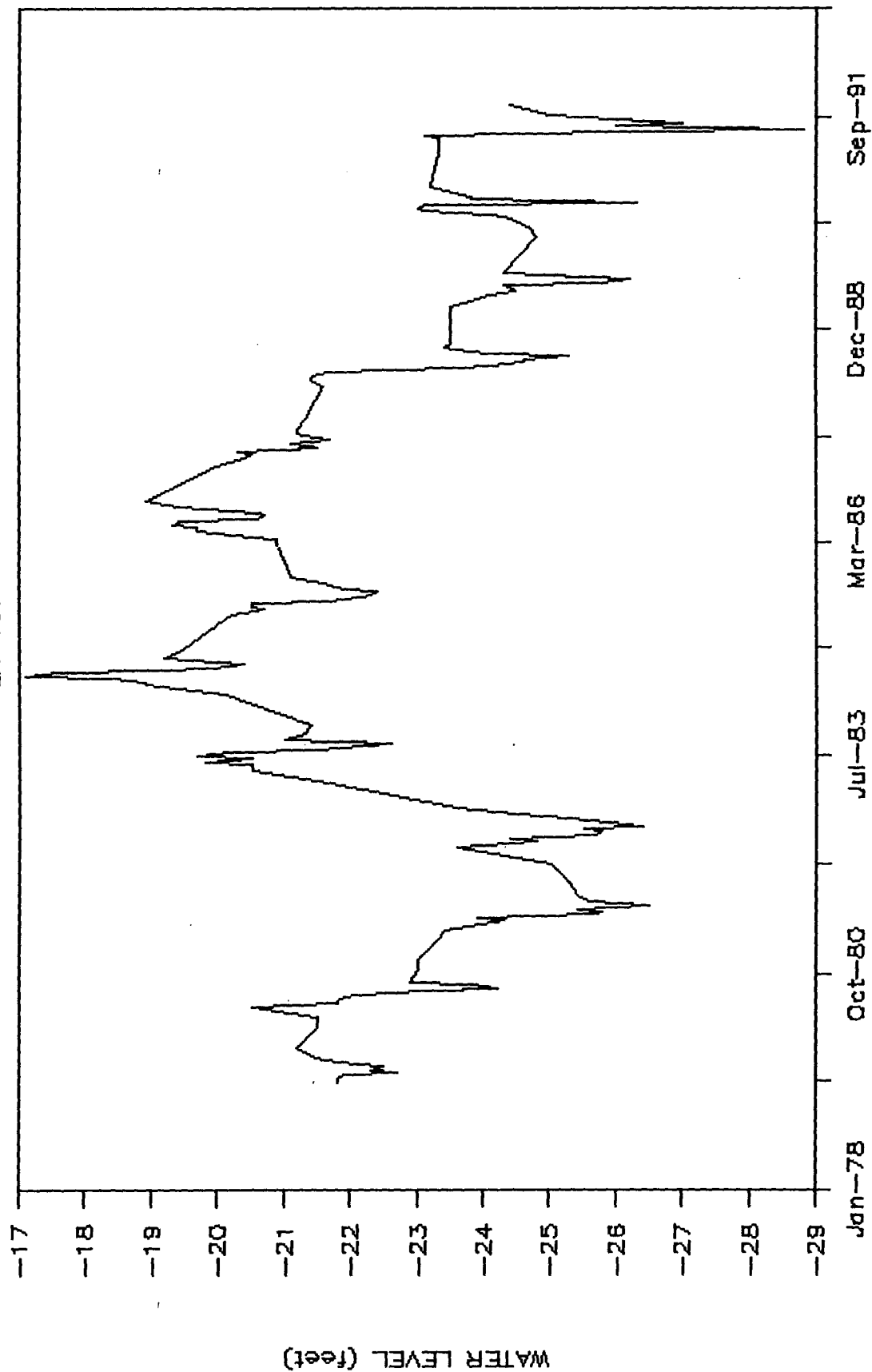
WATER RIGHTS OBSERVATION WELL

LK-78D



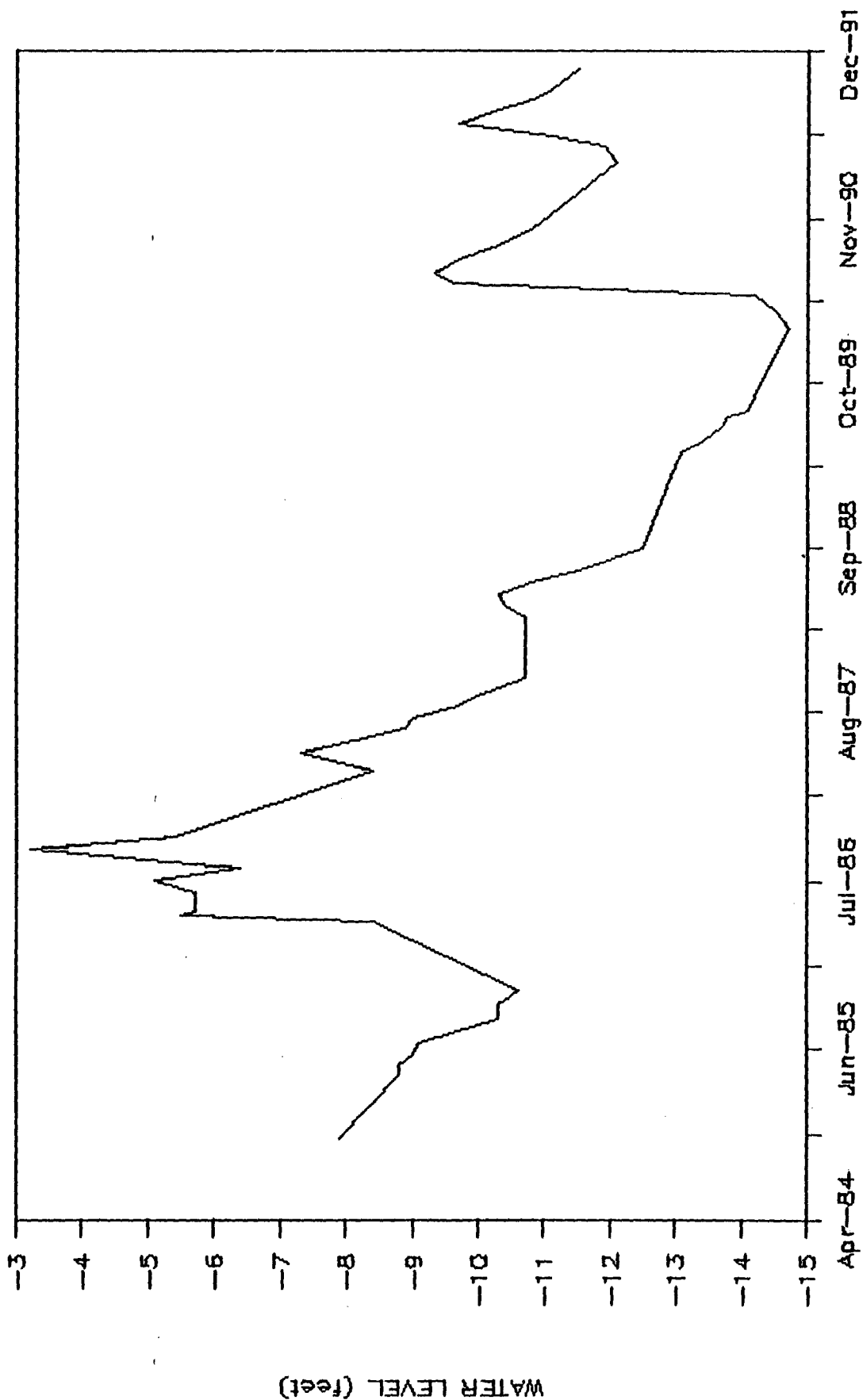
WATER RIGHTS OBSERVATION WELL

LK-79C



WATER RIGHTS OBSERVATION WELL

LK84B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5695-3, Terry J. Gaspar

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. 5695-3, Terry J. Gaspar, RR 1 Box 86, Colton, SD 57018.

The Chief Engineer is recommending APPROVAL of Application No. 5695-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is 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
October 1, 1992



**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.

October 30, 1992

Terry J Gaspar
RR 1 Box 86
Colton, SD 57018

Dear Mr. Gaspar:

Water Permit Application No. 5695-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Madison Daily Leader printed at Madison, SD (Ph # 256-4555). 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.

cc: Cynthia J. Ahrendt, PO Box 88451, Sioux Falls, SD 57105



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1992

Madison Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5695-3 to be published twice. Please publish the first notice on November 5, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Terry Gaspar, RR 1 Box 86, Colton, SD 57018 (Ph # 446-3342).

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
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 November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5695-3 to Appropriate Water
and Amend Water Permit No. 5496-3

Notice is given that Terry J. Gaspar, RR 1 Box 86, Colton, SD 57018 has filed an application for a water permit to irrigate 10.9 additional acres. Water Permit No. 5496-3 appropriates 1.57 cubic feet of water per second (cfs) from one well (Big Sioux Aquifer:North Skunk Creek Management Unit) 50 feet deep located in the SE 1/4 NE 1/4 Section 22 to irrigate 110 acres located in the S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 22; all in T105N-R51W. This application is to irrigate 10.9 additional acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 22-T105N-R51W from the existing well. This application, if approved, does not authorize any increase in the 1.57 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5695-3 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 November 23, 1992. 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 at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, 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 December 2, 1992, 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 November 23, 1992.

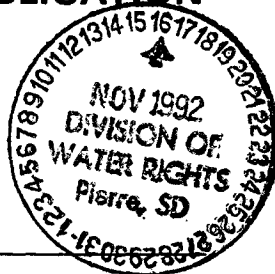
Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Thursday, Nov. 5 & 12

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lake) ss.



I, Deanna D. Bergheim

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

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

_____ City _____ of _____ Madison

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

Thursday, November 5, 1992

Thursday, November 12, 1992

Deanna D. Bergheim
 (Signature)

Secretary
 (Title)

11-12-92
 (Date Signed)

Cost of Printing: 52.07

Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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 thru 74:02:01:15.

ROBERT E. ROBERTS
 Secretary, Department of

51 Environment and Natural Resources.

NOTICE OF HEARING
ON APPLICATION NO. 5695-3
TO APPROPRIATE WATER AND AMEND
WATER PERMIT NO. 5496-3

Notice is given that Terry J. Gaspar, RR 1 Box 86, Colton, SD 57018 has filed an application for a water permit to irrigate 10.9 additional acres. Water Permit No. 5496-3 appropriates 1.57 cubic feet of water per second (cfs) from one well (Big Sioux Aquifer: North Skunk Creek Management Unit) 50 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22 to irrigate 110 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22; all in T105N-R51W. This application is to irrigate 10.9 additional acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22-T105N-R51W from the existing well. This application, if approved, does not authorize any increase in the 1.57 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5695-3 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 of 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 November 23, 1992. 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 at 10:00 a.m., December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, 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 December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the City Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

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 State Supreme Court as provided by law.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 1992

Terry Gaspar
RR 1, Box 86
Colton SD 57018

Dear Mr. Gaspar:

Enclosed is your check for \$150.00. A review of our records found the filing fee of \$150.00 for your water permit application was received June 26, 1992. You should have received Receipt No. 413266 for \$150.00, with the information concerning the publication notice for Water Permit No. 5695-3.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

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

Dear Mr. Gaspar:

Enclosed is Water Permit No. 5695-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

Permit No. 5496-3 and 5695-3
Big Sioux River - Water District

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

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

I have this day, 7-30-96 made a thorough examination of the water use system constructed by Terry Gaspar of Rr 1 Box 86, Colton SD 57018 holder of Permit Nos. 5496-3 and 5695-3, bearing the priority of January 11, 1991 and June 4, 1992 authorizing the diversion of 1.57 cu. ft. per second of the waters of Big Sioux Aquifer - North Skunk Creek management unit for irrigation purposes, in Lake County.

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

A. Works used to divert the water:

One well 43 feet deep with 32 feet of 12 inch pvc casing and 11 feet of pvc screen; 3-stage submersible Berkeley pump, model no. 8T30-600, 8 inch, 700 gpm capacity; Berkeley motor model no. B65666, 30 hp.

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

8 feet of 10 inch aluminum; 10 feet of 6 inch cast iron; 590 feet of 6 inch pvc pipe.

C. Works used to apply water to beneficial use:

Valley 6000 center pivot 1100 feet long with 6 towers and an extending arm and end gun, 700 gpm capacity.

The system is in the following condition good. The point of diversion is located 600 feet west and 2440 feet south of the NE $\frac{1}{4}$ corner Section 22, T105N, R51W in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22. The works are capable of diverting and conveying to the place of use 1.57 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 22, T105N, R51W:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 29 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 26 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres

comprising a total of 110 acres of land and the license should be issued for 1.57 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

9-9-96
Date

REPORT ON INSPECTION OF PERMIT NO. 5496-3 and 5695-3

DATE OF INSPECTION: 7-30-96

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Terry Gaspar, RR1 Box 86, Colton SD 57018

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: 600' west and 2440' south of the NE corner of Section 22, T105N, R51W in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22.

WELL INFORMATION:

- 1) Well Drilling Firm: Lacy
- 2) No. of Wells 1
- 3) Depth(s) 43 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 12 inches
- 2) Length 32 feet
- 3) Type c1200 pvc

Screen:

- 1) Type pvc
- 2) Length 11 feet
- 3) Static water level 7 feet

Pump:

- 1) Make Berkeley submersible
- 2) Model 8T30-600
- 3) Size 8"
- 4) Capacity 700 GPM

Motor:

- 1) Make Berkeley submersible
- 2) Model No. B65666
- 3) Horsepower rating 30 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 10 inches 3) Length 8 feet
- 1) Type cast iron 2) Size 6 inches 3) Length 10 feet
- 1) Type pvc 2) Size 6 inches 3) Length 590 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 6000
- 2) Overall length 1100 feet
- 3) Number of towers 6
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 700 GPM

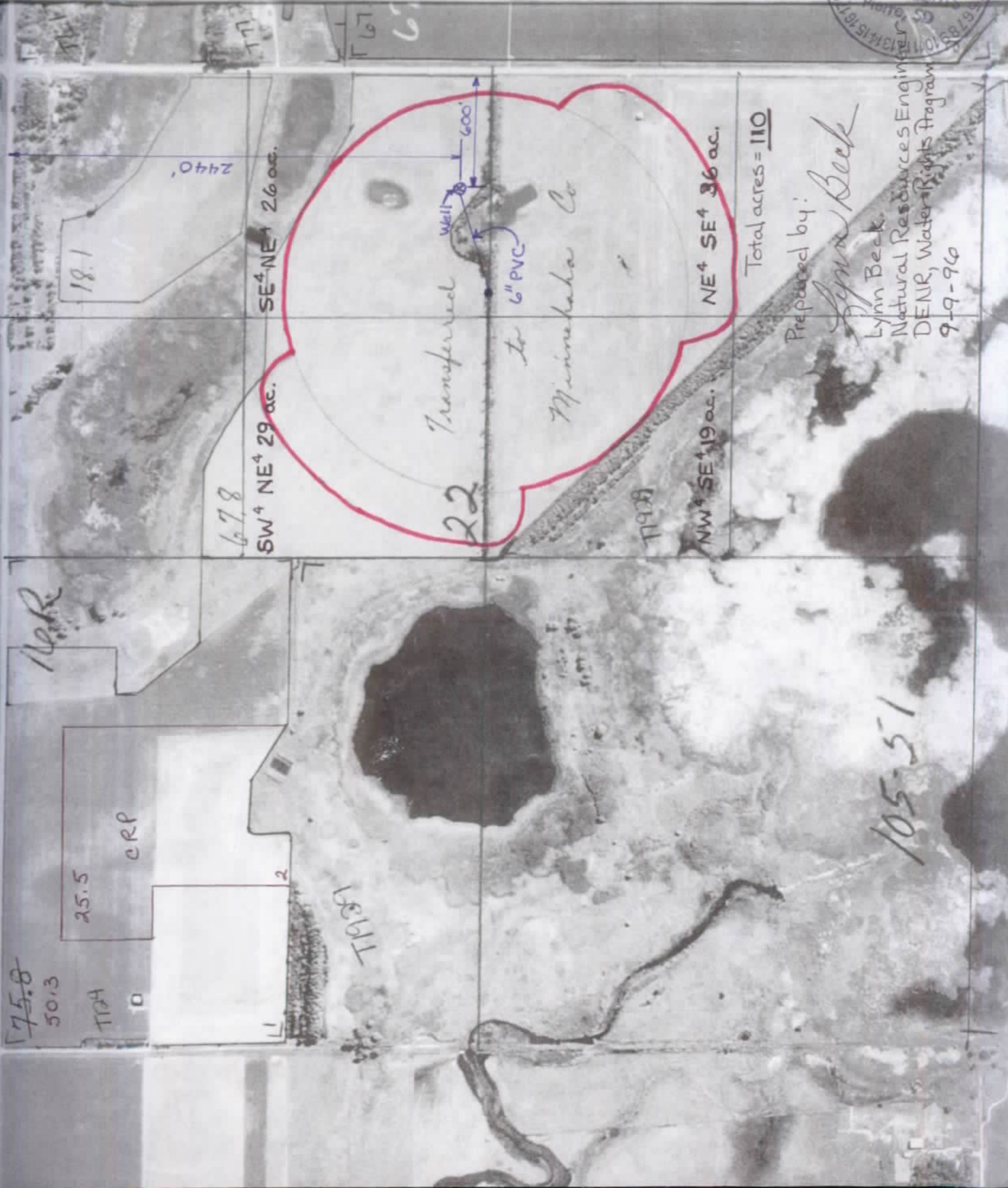
CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

NOT TO SCALE



Total acres = 110

Prepared by:

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
9-9-96

105-51

5695-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5695-3

(1) Terry Gaspar, 46419 244th St., Colton SD 57018-5130 made Application No. 5695-3, June 4, 1992 for a water permit to divert no additional water, Lake County, South Dakota for irrigation purposes. Permit No. 5695-3, with a priority date of June 4, 1992 was approved December 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

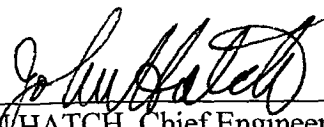
The acreage developed falls within the area permitted under Water Permit No. 5496-3. A priority date of January 11, 1991 (established by No. 5496-3) is retained for the entire project. The applicable portions of Water Permit No. 5496-3 are incorporated into Water License No. 5695-3.

(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 1.57 cubic feet of water per second for beneficial use. The location of the diversion point is 600 feet west and 2,440 feet south of the northeast corner of Section 22-T105N-R51W (SE 1/4 NE 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:

Section 22-T105N-R51W	SW 1/4 NE 1/4	29 acres
	SE 1/4 NE 1/4	26 acres
	NW 1/4 SE 1/4	19 acres
	NE 1/4 SE 1/4	36 acres
	Total	110 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terry Gaspar, 46419 244th St., Colton SD 57018-5130 the holder and/or owner of Incorporated Water Permit No. 5695-3 is issued a license to appropriate water, the right to use 1.57 cubic feet of water per second from groundwater (one well) with a priority date of January 11, 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. 5695-3 and subject to South Dakota State Law.


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

OCT 15 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1996

Permit No. 5695-3

Terry Gaspar
RR 1, Box 86
Colton, SD 57018

Dear Mr. Gaspar:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5496-3 and 5695-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5496-3 will be incorporated into 5695-3.

Statutes require that we charge a \$50.00 fee for the inspection 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.

RECEIPT

415115

Division of Water Rights

South Dakota Department of Environment and Natural Resources

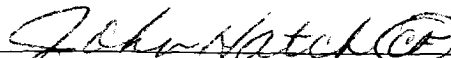
Pierre, _____ September 24, 19 96

RECEIVED OF Terry Gaspar, 46419 244th St., Colton, SD 57018

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>5695-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1996

5695-3

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

Dear Mr. Gaspar:

Enclosed is Water License No. 5695-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415115 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5695-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

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