

WATER PERMIT NO. 5903-3

Name of Applicant: Eugene Mollet

Address: RR 1, Box 300, Jefferson SD 57038

Phone: 605 966-5781

Amount of Water Claimed: 1.78 cfs

Total Acres: 136 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System: NA

Location: 2 miles southwest of Jefferson

PRIORITY Date Received: 9-15-95

Fee: \$250.00

Corrected Application Received: 1-31-96

Period of Annual Use: April 1 - November 1

Remarks:

Diversion Point: center of NW 1/4 Sec 35-
T90N-R49W

Land to be Irrigated: NW 1/4 Sec 35-
T90N-R49W

Depth of Well: 109 feet

Well Driller: Wetmore Drilling

Remarks:

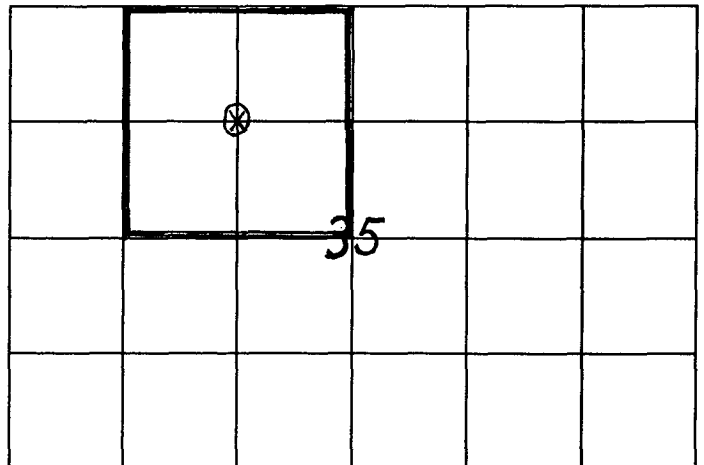
Type of Map: aerial

Prepared by: Ron Olsen

Reviewed and the Number Assigned on: 1-31-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 5903-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Elk Point Leader Courier, Elk Point, SD
(office use only)

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Eugene Mollet Phone 605-966-5781
(check one) Owner Tenant/lessee
Mailing Address RRT Box 300 Jefferson State So. Dak. 57038
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Ground Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well NW 1/4 Sec. 35 Twn. 90 Range 49
(center of) County Union
- County or counties where water will be used Union
- Annual period during which water is to be used Summer April 1 - November 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 - NW 1/4, 35-90-49</u>	<u>34</u>		
<u>NW 1/4 - NW 1/4 35-90-49</u>	<u>34</u>		
<u>SW 1/4 - NW 1/4 35-90-49</u>	<u>34</u>		
<u>SE 1/4 - NW 1/4 35-90-49</u>	<u>34</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

I own NW Quarter 35-90-49 with lease NE Quarter 35-90-49
with option to buy.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Union ^{SS}

I, Eugene Mollet, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed

Eugene Mollet

Subscribed and sworn to before me this

12th day of September

19 98

Sharon B. McGuire

11-14-02

Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 110'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 26'
- g) Distance to nearest existing domestic well:
On applicants property 4 mi. On property owned by others _____



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

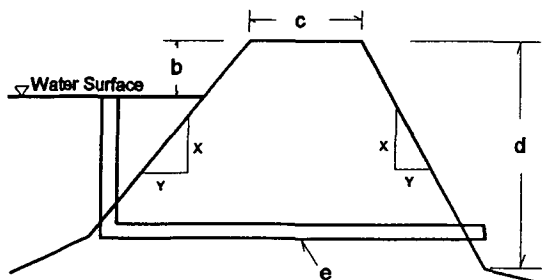
3. Dugout Information

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

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

**SOUTH DAKOTA
WATER PERMIT NO. 5903-3**

Date of first receipt of application September 15, 1995.

Date of return to applicant for corrections, amendments or changes September 15, 1995.

Date of receipt of corrected application January 29, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5903-3 to Eugene Mollet, RR 1, Box 300, Jefferson SD 57038 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. 5903-3 appropriates 1.78 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 109 feet deep located in the center of the NW 1/4 Section 35 to irrigate 136 acres located in the NW 1/4 Section 35-T90N-R49W.
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 - November 1.
3. The date from which applicant may claim right is January 29, 1996.
4. The date of approval of Permit No. 5903-3 is March 4, 1996.
5. One-fifth of the construction is to be completed on or before September 4, 1998.
6. All construction is to be completed on or before March 4, 2001.
7. Water is to be put to beneficial use on or before March 4, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *John Hatch*
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 14 1996
date



Ron Olsen
Acting C.E.D.

NOT TO SCALE



07-92

Date: _____

RECEIPT

414618

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 15, 19 95

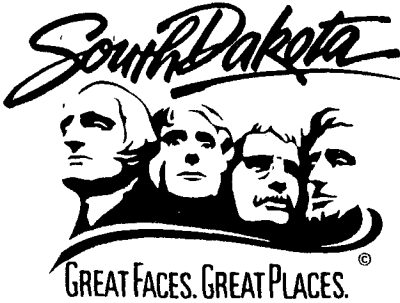
RECEIVED OF Eugene Mollet, RR 1, Jefferson, SD 57036

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

Fee for Application for Permit No. <u>5903-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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 _____		

(Any Other Work Provided by Law)	Total	250 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 1995

Eugene Mollet
RR 1, Box 300
Jefferson SD 57038

Dear Mr. Mollet:

We received your *Application for Permit to Appropriate Water for Irrigation*. The application is not complete until we receive a well log or driller's test log signed by a South Dakota licensed well driller.

On Item No. 6 of the application, it states the annual period during which water is to be used is "summer". Generally, permits for irrigation request an annual period of use from April 1 thru November 1. Would this time period be sufficient to meet your irrigation needs?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1995

Eugene Mollet
RR 1, Box 300
Jefferson SD 57038

Dear Mr. Mollet:

On September 15, 1995, you submitted an application (copy enclosed) for a permit to appropriate water for irrigation of 136 acres in the NW 1/4 Section 35-T90N-R49W. You were notified on September 15, 1995 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not heard from you.

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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5903-3

for Eugene Mollet

February 2, 1996

Application No. 5903-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 109 feet deep located in the center of the NW 1/4 of section 35 to irrigate 136 acres located in the NW 1/4 of section 35; all in T90N R49W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is composed of glacial outwash (sand and gravel) and alluvium. The aquifer is unconfined and under water table conditions in the area of this application. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1993). In the Union and Lincoln county study this aquifer is referred to as the Missouri. The management unit name of Elk Point is used for this report for clarification purposes. The driller's log filed with the application indicates sand was encountered from 14 to 53 feet below land surface followed by gravel from 53 to 109 feet below land surface. The well had a static water level of 18 feet below land surface. The well is completed in accordance with SD Well Construction Standards.

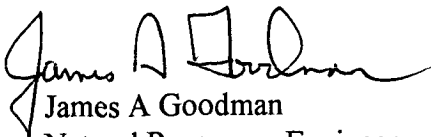
The Water Rights Program monitors one observation well, UN-77P, which is completed into the Missouri Elk Point aquifer and located about 1 1/4 mile northeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are six existing water rights within a one mile radius of this application. Interference is not expected to be a concern. The aquifer is highly productive and since the aquifer is under water table conditions drawdown caused by pumping is not significant very far from individual production wells. The wells are all about 1/2 mile apart. All of the existing rights have been used for many years with no apparent problems. The observation well hydrograph verifies this conclusion.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. The aquifer is highly productive and historically the water levels do not fluctuate significantly in this area. Interference is not expected to be a concern.
3. The well for this application has been completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

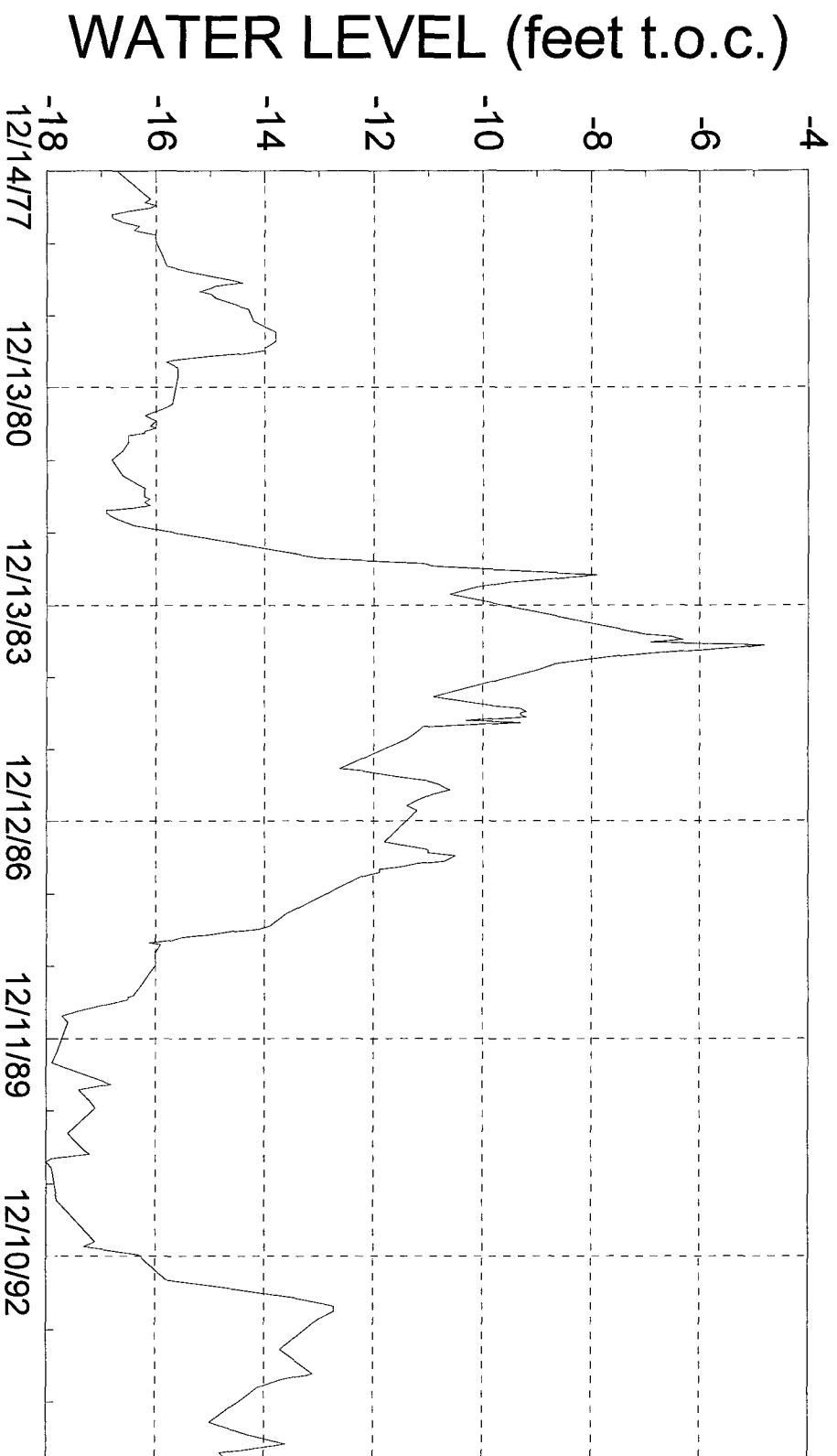
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1996, Unpublished Observation Well Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

UN-77P



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5903-3, Eugene Mollet

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5903-3, Eugene Mollet, RR 1, Box 300, Jefferson, SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 5903-3 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) 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
February 6, 1996



**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.

February 8, 1996

Eugene Mollet
RR 1, Box 300
Jefferson, SD 57038

Dear Mr. Mollet:

Water Permit Application No. 5903-3 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 Elk Point Leader Courier printed at Elk Point, SD (Ph # (605) 356-2632). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1996

Elk Point Leader Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5903-3 to be published twice. Please publish the first notice on February 15, 1996, 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 Eugene Mollet, RR 1, Box 300, Jefferson, SD 57038 (Ph # (605) 966-5781).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 February 15, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5903-3 to Appropriate Water

Notice is given that Eugene Mollet, RR 1, Box 300, Jefferson, SD 57038 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 109 feet deep located in the center of the NW 1/4 Section 35 to irrigate 136 acres located in the NW 1/4 Section 35; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5903-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 March 4, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Union, ss.

Scott Munger

being first duly sworn, deposes and says: That he/she is a resident of the county of Union and State of South Dakota; that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and that has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 5903-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper as

The first publication being made on Thursday, the 15 day of February 19 96, and that the succeeding publications were

on Thursday, the 22 day of February, 19 96

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper

as aforesaid were \$ 33.16, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Scott Munger

Subscribed and sworn to before me this 22 day of February 19 96

My commission expires 7-21-99

Hazel M. Emerson

Notary Public

NOTICE OF APPLICATION NO. 5903-3 TO APPROPRIATE WATER

Notice is given that Eugene Mollet, RR 1, Box 300, Jefferson, SD 57038 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well (Missouri: Elk Point Aquifer) 109 feet deep located in the center of NW 1/4 Section 35 to irrigate 136 acres located in the NW 1/4 Section 35; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5903-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a peti-

tion contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

NETTIE H. MYERS 33.16
Secretary,
Department of Environment and
Natural Resources
Pub. Feb. 15 and 22, 1996 605 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1996

Eugene Mollet
RR 1, Box 300
Jefferson, SD 57038

Dear Mr. Mollet:

Enclosed is Water Permit No. 5903-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date June 10th 96

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Eugene Mollet RRI Box 300
(name) (address)

Jefferson S.D. 57038 605-966-5781
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5903-3.

Water Permit No. 5903-3 states that the diversion system is to be constructed by MAR 4 - 2001, and that the water is put to beneficial use by
(date)

MAR 4 - 2005
(date)

The diversion system was completed on June 9th 96
(date)

Applying the water to beneficial use was completed on June 9th 96
(date)

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

Eugene Mollet
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1999

5903-3

Eugene Mollet
RR 1, Box 300
Jefferson, SD 57038

Dear Mr. Mollet:

The investigation of your water use system was conducted on October 18, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5903-3. Your final water right document, the Water License, can now be issued.

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

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

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416315

Pierre, December 27, 1999

RECEIVED OF Eugene Mollet, RR 1, Jefferson, SD 57038
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. 5903-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

John Hata
Chief Engineer

Permit No. 5903-3
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, **October 18, 1999** made a thorough examination of the water use system constructed by **Eugene Mollet** of **RR1 Box 300, Jefferson, SD 57038** holder of Permit No. **5903-3**, bearing the priority of **January 29, 1996** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Missouri-Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

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

A. Works used to divert the water:

One well 109' deep with 69' of 16" pvc casing and 40' of slotted pvc screen, an Ingersoll-Dresser pump model no. 12B-2 and 800 gpm capacity, and a US Electric motor rated at 40 hp.

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

10' of steel pipe.

C. Works used to apply water to beneficial use:

Reinke center pivot 1320' long with 8 towers and an end gun, low pressure system 800 gpm.

The system is in the following condition **good**. The point of diversion is located **at the center of the NW¼ Section 35, T90N, R49W**. The works are capable of diverting and conveying to the place of use **1.78** 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:

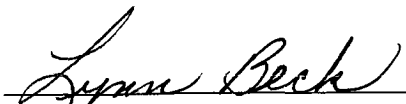
All in Section 35, T90N, R49W:

<u>NE¼ NW¼ 34 acres</u>	<u>SW¼ NW¼ 34 acres</u>
<u>NW¼ NW¼ 34 acres</u>	<u>SE¼ NW¼ 34 acres</u>

comprising a total of **136** acres of land and the license should be issued for **1.78** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**


Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

Nov. 29, 1999
Date

REPORT ON INSPECTION OF PERMIT NO. 5903-3

DATE OF INSPECTION: October 18, 1999

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Alice Mollet, RR1 Box 300, Jefferson, SD 57038

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: wife

NAME & ADDRESS OF PERMIT HOLDER: Eugene Mollet, same as above.

DIVERSION POINT LEGAL LOCATION: Center of NW¹/₄ Section 35, T90N, R49W.

WELL INFORMATION:

1) Well Drilling Firm: Wetmore Drilling

2) No. of Wells 1

3) Depth(s) 109 feet

4) Well log is available yes

Casing:

1) Diameter 16 inches

2) Length 69 feet

3) Type pvc

Screen:

1) Type slotted pvc

2) Length 40 feet

3) Static water level 18 feet

Pump:

1) Make Ingersoll-Dresser

2) Model 12B-2

3) Size #

4) Capacity 800 GPM

Motor:

1) Make US Electric

2) Model No. #

3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 10" 3) Length 10 feet

SYSTEM TYPE:**Center Pivot:**

- 1) Make Reinke
- 2) Overall length 1320
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

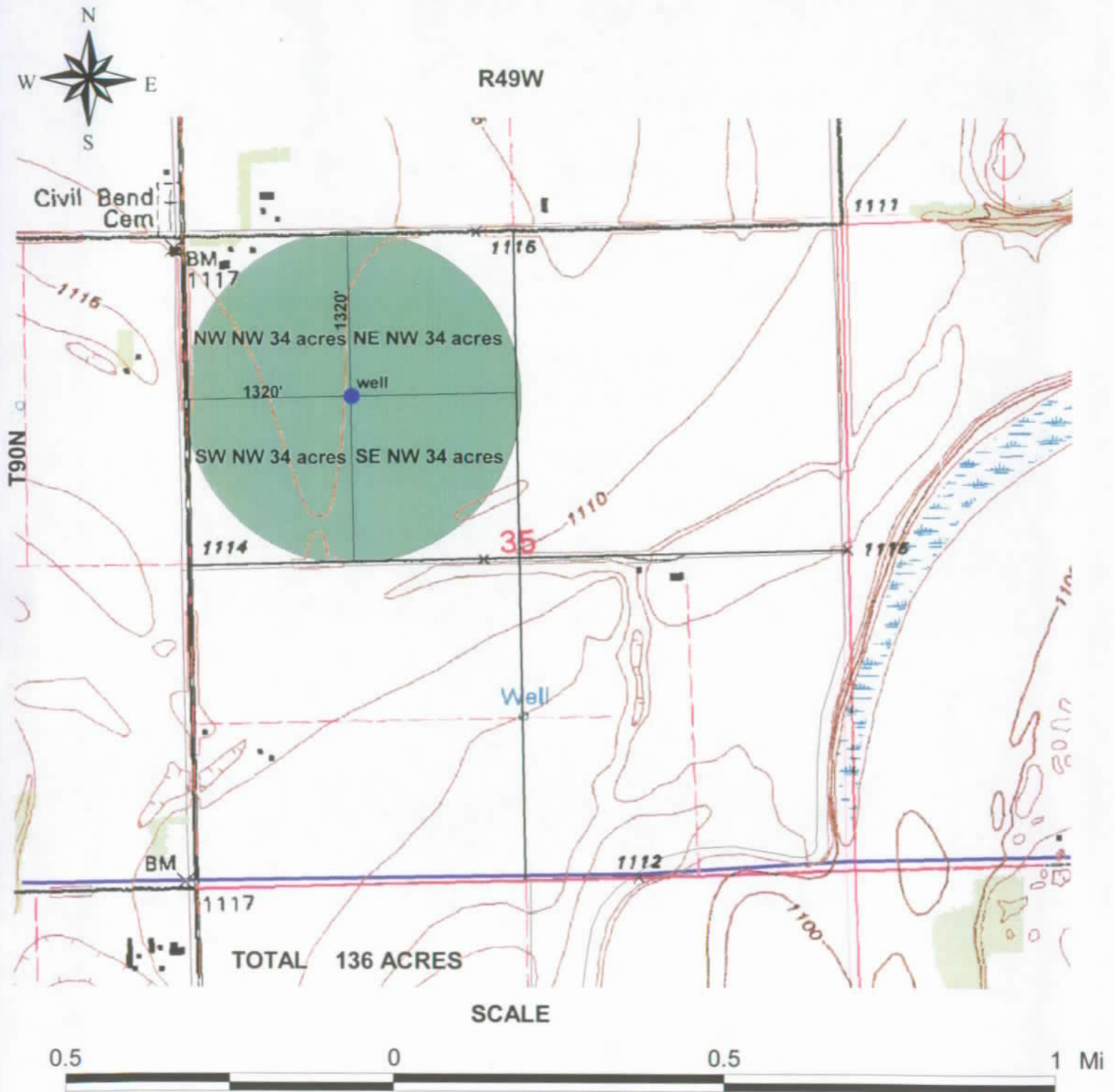
CHEMIGATION EQUIPMENT:

- 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

WATER RIGHT NO. 5903-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
November 30, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5903-3

(1) Eugene Mollet, RR 1 Box 300, Jefferson SD 57038 made Application No. 5903-3, September 15, 1995 for a water permit to divert 1.78 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5903-3, with a priority date of January 29, 1996 was approved March 4, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 4, 2001 and for the application to beneficial use of said water on or before March 4, 2005.

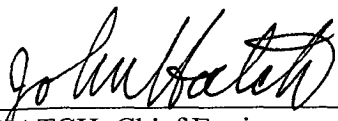
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 13, 1996. The *Notice* stated the diversion system was completed on June 9, 1996 and the water placed to beneficial use on June 9, 1996.

(2) It is certified that the permit holder 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is the center of the NW ¼ Section 35-T90N-R49W.

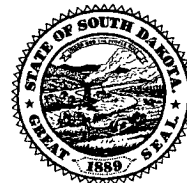
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 35-T90N-R49W	NE ¼ NW ¼	34 acres
	NW ¼ NW ¼	34 acres
	SW ¼ NW ¼	34 acres
	SE ¼ NW ¼	34 acres
Total 136 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Eugene Mollet, RR 1 Box 300, Jefferson SD 57038 the holder and/or owner of Water Right No. 5903-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of January 29, 1996 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 Water Right No. 5903-3 and subject to South Dakota State Law.


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

DEC 30 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 30 1999

5903-3

Eugene Mollet
RR 1, Box 300
Jefferson, SD 57038

Dear Mr. Mollet:

Enclosed is Water License No. 5903-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416315 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. 5903-3, 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