

WATER PERMIT NO. 5906-3

Name of Applicant: Virgil Mollet, Jr.

Address: RR 1, Box 625, Jefferson SD 57038

Phone: 605 966-5782³

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: 3 miles southwest of Jefferson

PRIORITY

Date Received: 2-5-96

Fee: \$225

Corrected Application Received: NA

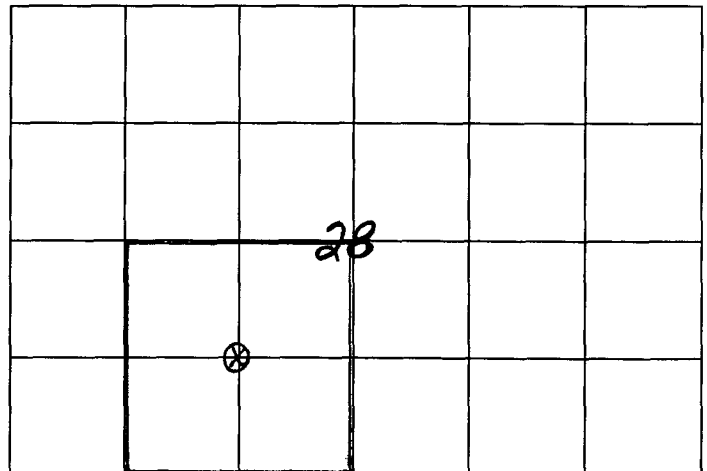
Period of Annual Use: April 1 - November 1

Remarks: Land was originally covered by Permit No. 3169-3 which has been cancelled.

Diversion Point: center of SW 1/4 Sec 28-

T90N-R49W

Land to be Irrigated: SW 1/4 Sec 28-T90N-R49W



Depth of Well: 96 feet deep

Well Driller: Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Ron Olsen

Reviewed and the Number Assigned on: 2-6-96

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	(office use only)
	No. <u>5906-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u> Newspaper <u>Elk Point Leader Courier, Elk Point, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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.) _____

1. Name of Applicant Virgil Mollet Jr. ☒ Owner ☒ Tenant/Lessee Phone 605-966-5783
(check one)
- Mailing Address RR-1 Box 625 Jefferson State So. Dak. 57038
(Street, RR, or Box) (Zip Code)
2. 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)
3. Source of water supply Ground Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well in SW 1/4 Sec 28, Twn. 90N Range 49
center of County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used Summer, Apr-1, Nov-1
7. 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
NE 1/4, SW 1/4, Sec 28 Twn 90N, Rng 49	34		
NW 1/4, "	34		
SW 1/4, "	34		
SE 1/4, "	34		

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

I have a contract to purchase this property on Jan. 2, 1996. I currently lease the land.

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, Virgil Mollet Jr., 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 Virgil Mollet Jr.
Subscribed and sworn to before me this 29 day of January 19 96
William Cost
Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 5906-3**

Date of first receipt of application February 5, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5906-3 to Virgil Mollet, Jr., RR 1, Box 625, 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. 5906-3 appropriates 1.78 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 96 feet deep located in the center of the SW 1/4 Section 28 to irrigate 136 acres located in the SW 1/4 Section 28; all in 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 February 5, 1996.
4. The date of approval of Permit No. 5906-3 is March 18, 1996.
5. One-fifth of the construction is to be completed on or before September 18, 1998.
6. All construction is to be completed on or before March 18, 2001.
7. Water is to be put to beneficial use on or before March 18, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

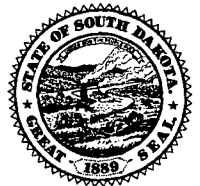
QUALIFICATIONS

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

APR 3 1996
date



RECEIPT

414779

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

February 6, 19 96

RECEIVED OF Virgil, Jr. or Marcia Mollet, RR 1, Box 625, Jefferson, SD 57038

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

Fee for Application for Permit No. <u>5966-3</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 _____		

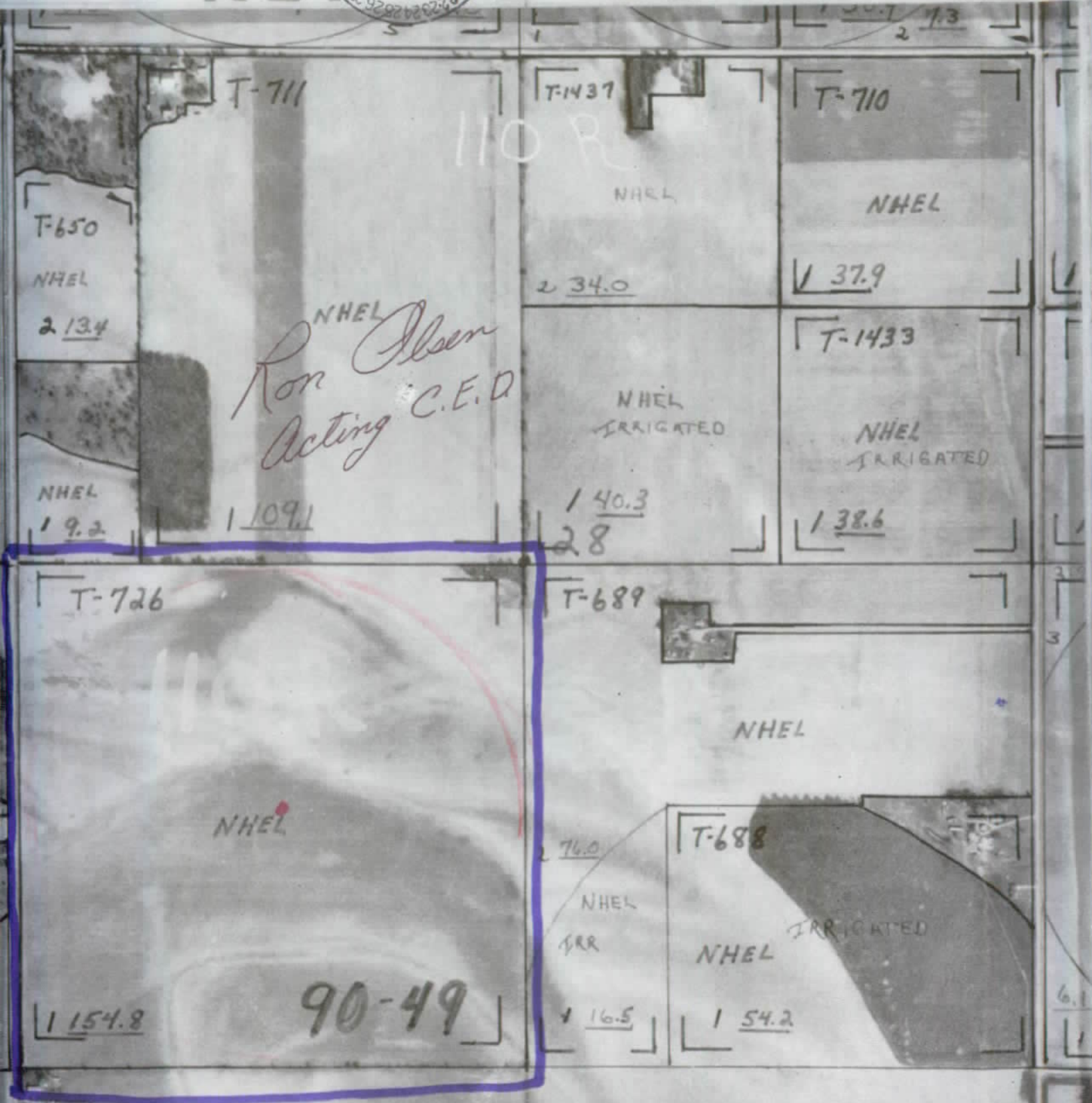
(Any Other Work Provided by Law)	Total	250 00

By

John Hatch 
Chief Engineer



NOT TO SCALE



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location C $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 29 Twp 90 Rg 50

County

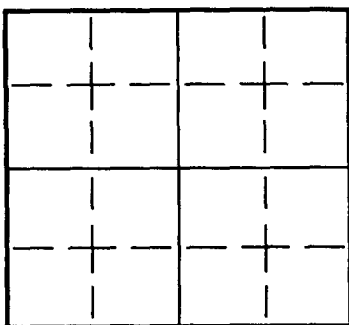
Union

North

Please mark well location with an "X"

W

E



1 Mile

Well Completion Date 10 Dec 95

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from Septic (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>56</u> FT	<u>22</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>30</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>30</u> ft
<u>Bentonite</u>	<u>35</u>	_____ lb./gal	<u>30</u> ft	<u>56</u> ft

Describe grouting procedure _____

Pumped w/ TremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 40 FEETMaterial PVCSlot Size 50 Set From 56 Feet to 96 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? X YES, How: cl

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis SD 40Well Owner: Virgil Mallet

Business Name: _____

Address: RR 1
Jefferson, SD 57038

WELL LOG:

DEPTH

FORMATION

FROM

TO

Top Soil03Vel clay321Sand2149gravel4996STATIC WATER LEVEL 16 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ 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 # 341

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

REPORT ON WATER PERMIT APPLICATION NO. 5906-3
for Virgil Mollet Jr.
February 13, 1996

Application No. 5906-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 96 feet deep located in the center of the SW 1/4 of section 28 to irrigate 136 acres located in the SW 1/4 of section 28; 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 predominantly unconfined and is 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). The aquifer extends into Clay county to the west and is hydraulically connected to the Big Sioux South aquifer to the north and to the Missouri and Big Sioux Rivers. In the county study report the aquifer is referred to the Missouri but the management unit Elk Point is used for clarification purposes in this report. The driller's log filed with the application indicates sand from 21 to 49 feet and gravel from 49 to 96 feet below land surface. The completed well had a static water level of 18 feet below land surface and was constructed in accordance with SD Well Construction Standards.

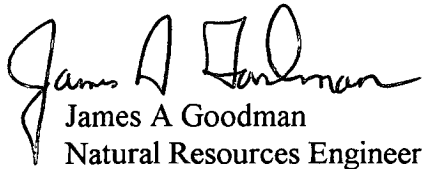
The Water Rights Program monitors four observation wells completed into the Missouri Elk Point aquifer within a 3 mile radius of this application. These are observation wells, UN-77O, UN-77P, UN-77R and UN-78B. Water levels for these wells show good response to climatic conditions, that is, rising water 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 seven existing water permits/rights within a one mile radius of this application. The nearest existing well is about 1/2 mile from this application. Interference is not a concern. The aquifer is thick and wells typically have a high specific capacity in this area. Significant drawdown caused by pumping does not extend very far from individual production wells. These conclusions are verified by the observation well water level records.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not a concern. Wells have been in use for many years in this area with no apparent problems.
3. The well for this application has been constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

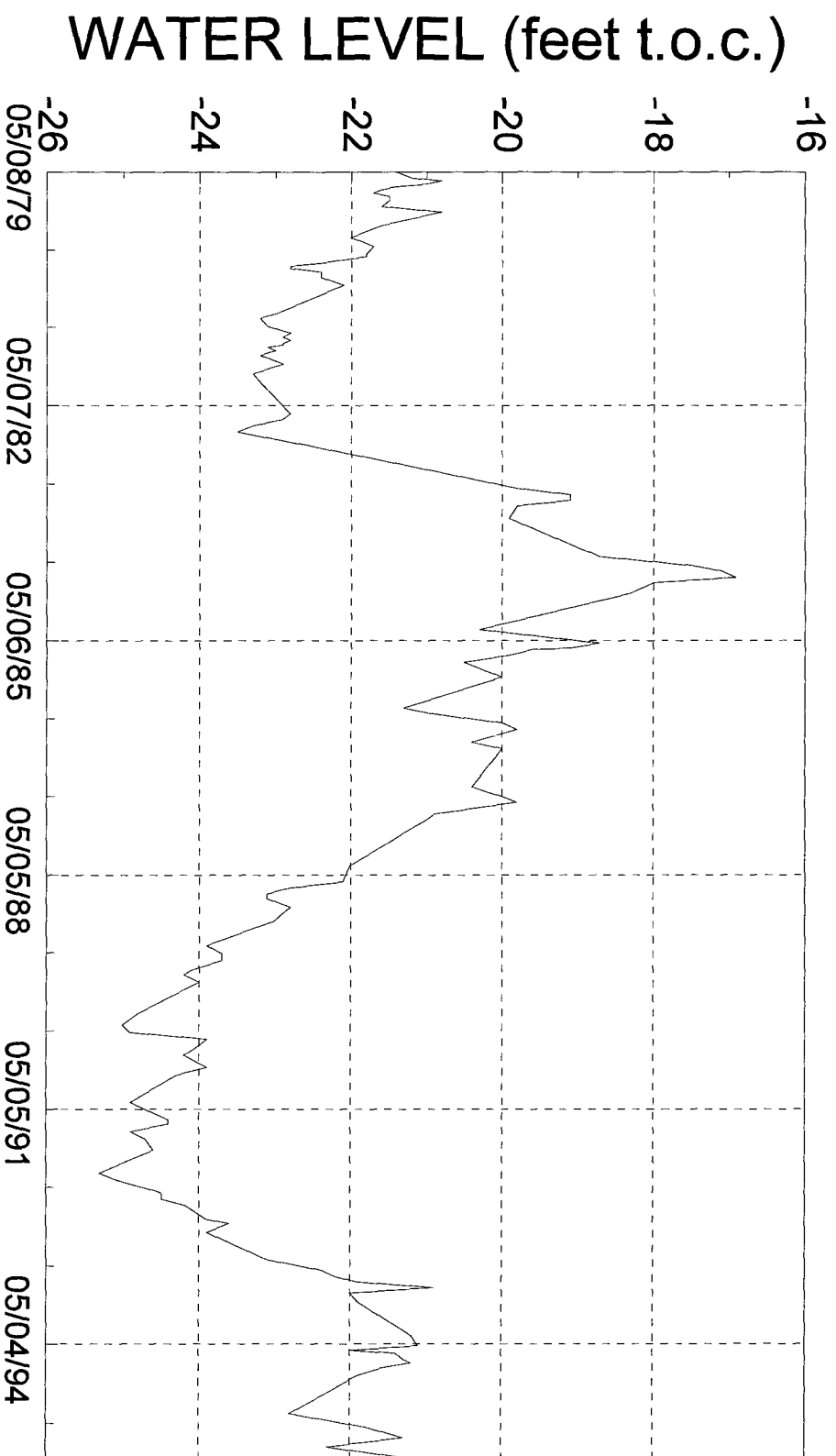
BIBLIOGRAPHY

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

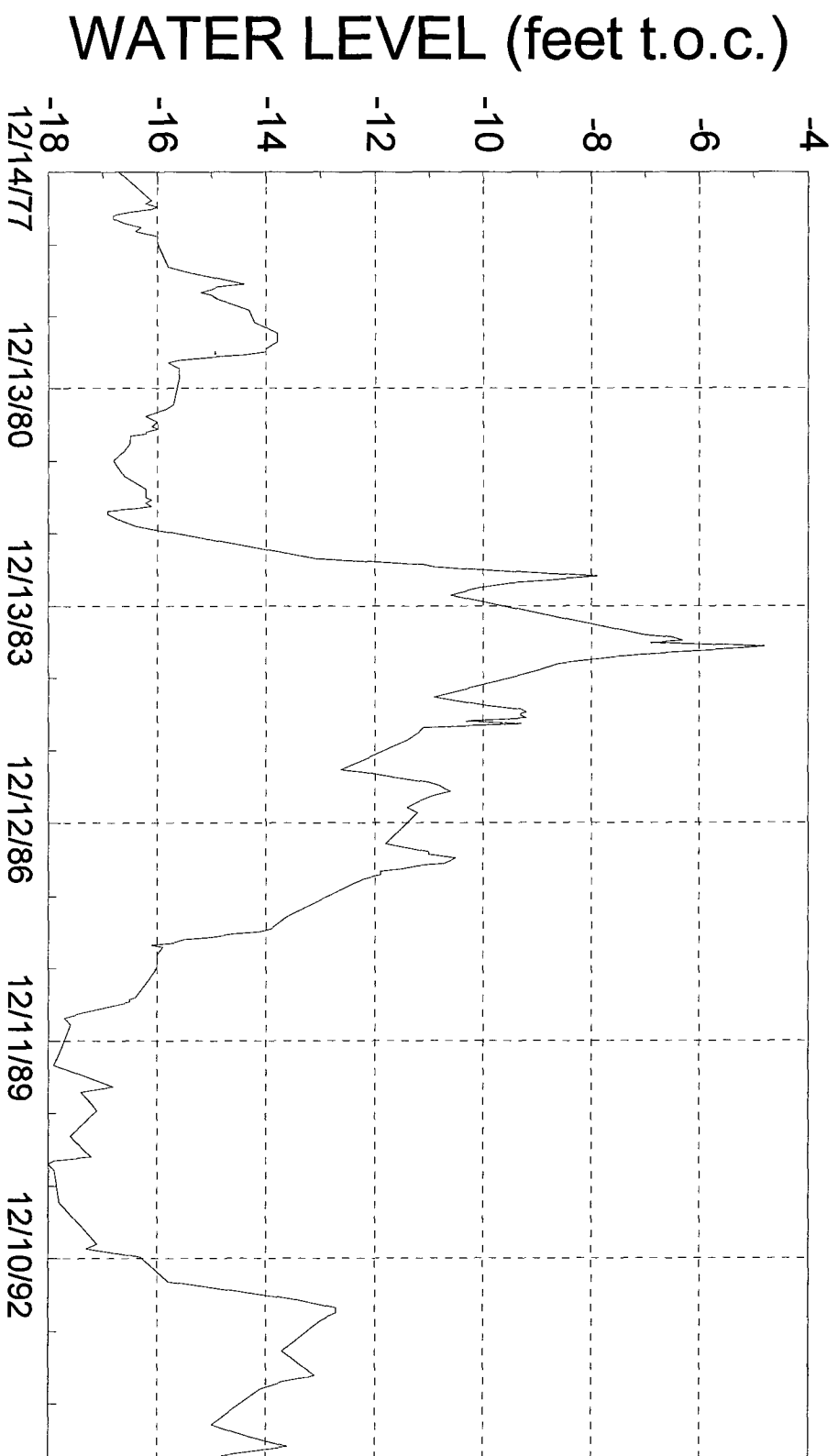
WATER RIGHTS OBSERVATION WELL

UN-77R



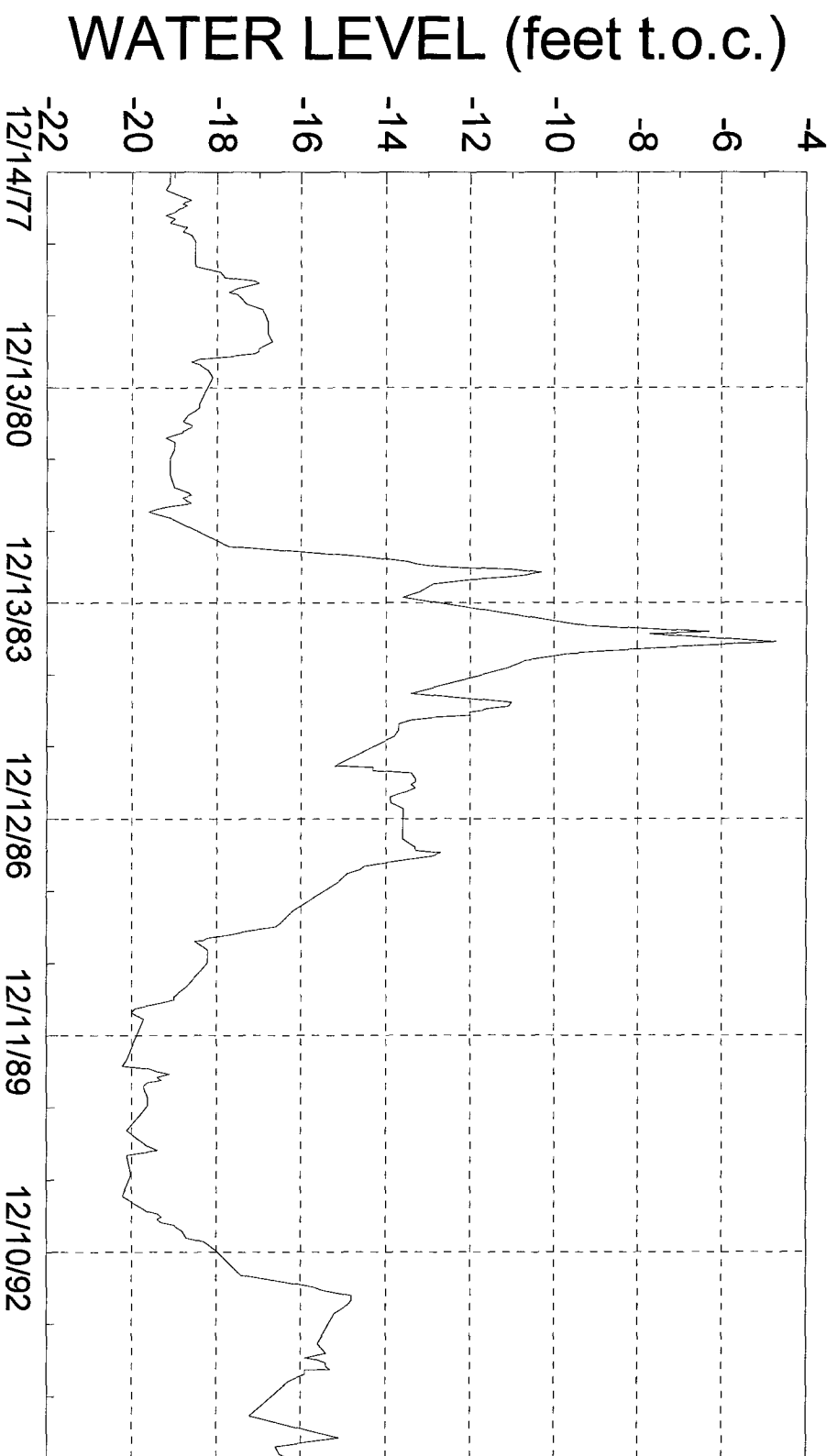
WATER RIGHTS OBSERVATION WELL

UN-77P



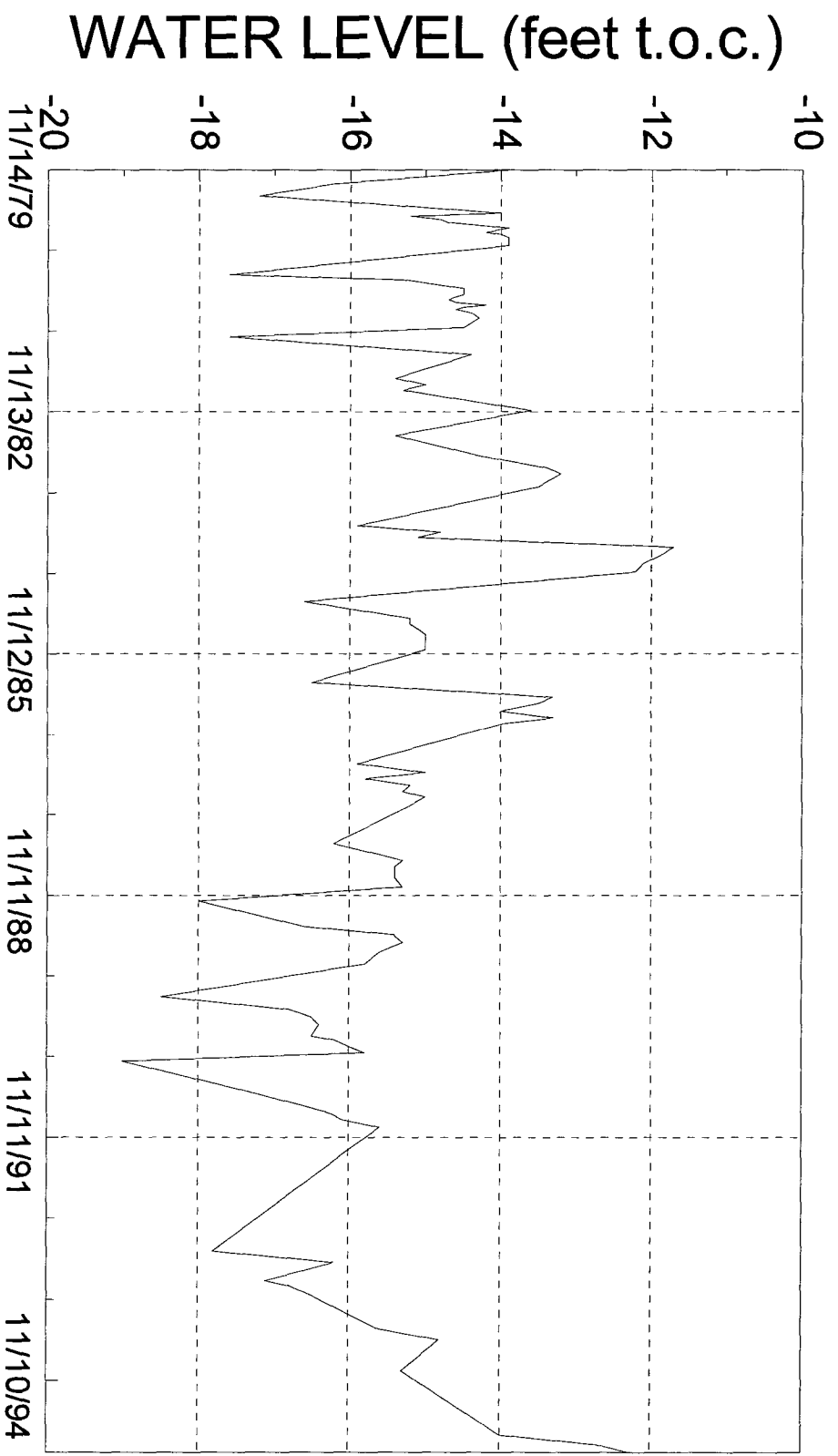
WATER RIGHTS OBSERVATION WELL

UN-770



WATER RIGHTS OBSERVATION WELL

UN-78B



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5906-3, Virgil Mollet, Jr.**

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. 5906-3, Virgil Mollet, Jr., RR 1, Box 625, Jefferson, SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 5906-3 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 20, 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 21, 1996

Virgil Mollet, Jr.
RR 1, Box 625
Jefferson, SD 57038

Dear Mr. Mollet:

Water Permit Application No. 5906-3 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 21, 1996

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5906-3 to be published twice. Please publish the first notice on February 29, 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 Virgil Mollet, Jr., RR 1, Box 625, Jefferson, SD 57038 (Ph # (605) 966-5783).

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 29, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5906-3 to Appropriate Water

Notice is given that Virgil Mollet, Jr., RR 1, Box 625, 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) 96 feet deep located in the center of the SW 1/4 Section 28 to irrigate 136 acres located in the SW 1/4 Section 28; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5906-3 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 18, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Scott Munger

certify that the attached printed Notice was

taken from the Leader-Courier

printed and published in Elk Point

County of Union and State of

South Dakota. The notice was published in the newspaper on the following two dates:

February 29, 1996

March 7, 1996

Cost of Printing: \$33.16

Scott Munger
(Signature)

Editor/Publisher

(Title)

MAR. 7, 1996

(Date Signed)



NOTICE OF APPLICATION

NO. 5906-3

TO APPROPRIATE WATER

Notice is given that Virgil Mollet, Jr., RR 1, Box 625, 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) 96 feet deep located in the center of the SW 1/4 Section 28 to irrigate 136 acres located in the SW 1/4 Section 28; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5906-3 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 18, 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, Dept. of Environment and Natural Resources

Pub. Feb. 29 and March 7, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

Virgil Mollet, Jr.
RR 1, Box 625
Jefferson, SD 57038

Dear Mr. Mollet:

Enclosed is Water Permit No. 5906-3 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 17 96

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

FROM: Virgil J. Mallet RR 1 Box 625
(name) (address)
Jefferson SD 57038 1-605-966-5783
(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. 5906-3.

Water Permit No. 5906-3 states that the diversion system is to be constructed by 5-1-96, and that the water is put to beneficial use by
(date)

5-1-96
(date)

The diversion system was completed on 5-1-96
(date)

Applying the water to beneficial use was completed on 5-1-96
(date)

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

Virgil Mallet
(signature)



5906-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: VIRGIL MOLLETT JR, RR 1 BOX 625, JEFFERSON, SD 57038

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2108-3 & 5906-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2108-3 & 5906-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 2108-3 & 5906-3 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 20, 1998, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

2108-3
5906-3

Virgil Mollett, Jr
RR 1 Box 625
Jefferson, SD 57038

Dear Mr. Mollett:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2108-3 and 5906-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

5906-3

Virgil Mollet, Jr.
47991 334th St
Jefferson SD 57038

Dear Mr. Mollet:

On June 19, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5906-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires 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 complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 2003

REMINDER NOTICE

5906-3

Virgil Mollet, Jr.
47991 334th St
Jefferson SD 57038

Dear Mr. Mollet:

On January 29, 2003, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 5906-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 31, 20 03

RECEIVED OF Virgil Mollatt Jr., 47991 334th St., Jefferson SD 57032

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	50	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. <u>5006-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000006

By

J. Darland
Chief Engineer

Permit No. 5906-3
Vermillion 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, June 19, 2002, made a thorough examination of the water use system constructed by Virgil Mollet, Jr. of 47991 334th Street, Jefferson SD 57038 holder of Permit No. 5906-3, bearing the priority of February 5, 1996 authorizing the diversion of 1.78 cu. ft. per second of the waters of ground water (Missouri Elk Point aquifer) for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Virgil Mollet, Jr.**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 96 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 56 feet
- 3) Type Plastic

Screen:

- 1) Type Manufactured PVC
- 2) Length 40 feet
- 3) Static water level 16 feet

Pump:

- 1) Make Western Land Roller

Motor:

- 1) Make US Electric
- 2) Horsepower rating 40 hp

B. Works used to transport/apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Number of towers 8
- 3) End gun Y
- 4) Low pressure 40 psi
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 5906-3

The system is in good condition with the point of diversion located as follows: well: center of SW¼ section 28-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 purposes. Water has been put to beneficial use to the maximum extent as follows: all in section 28-T90N-R49W

NE¼SW¼ 34 acres

NW¼SW¼ 34 acres

SW¼SW¼ 34 acres

SE¼SW¼ 34 acres

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

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**

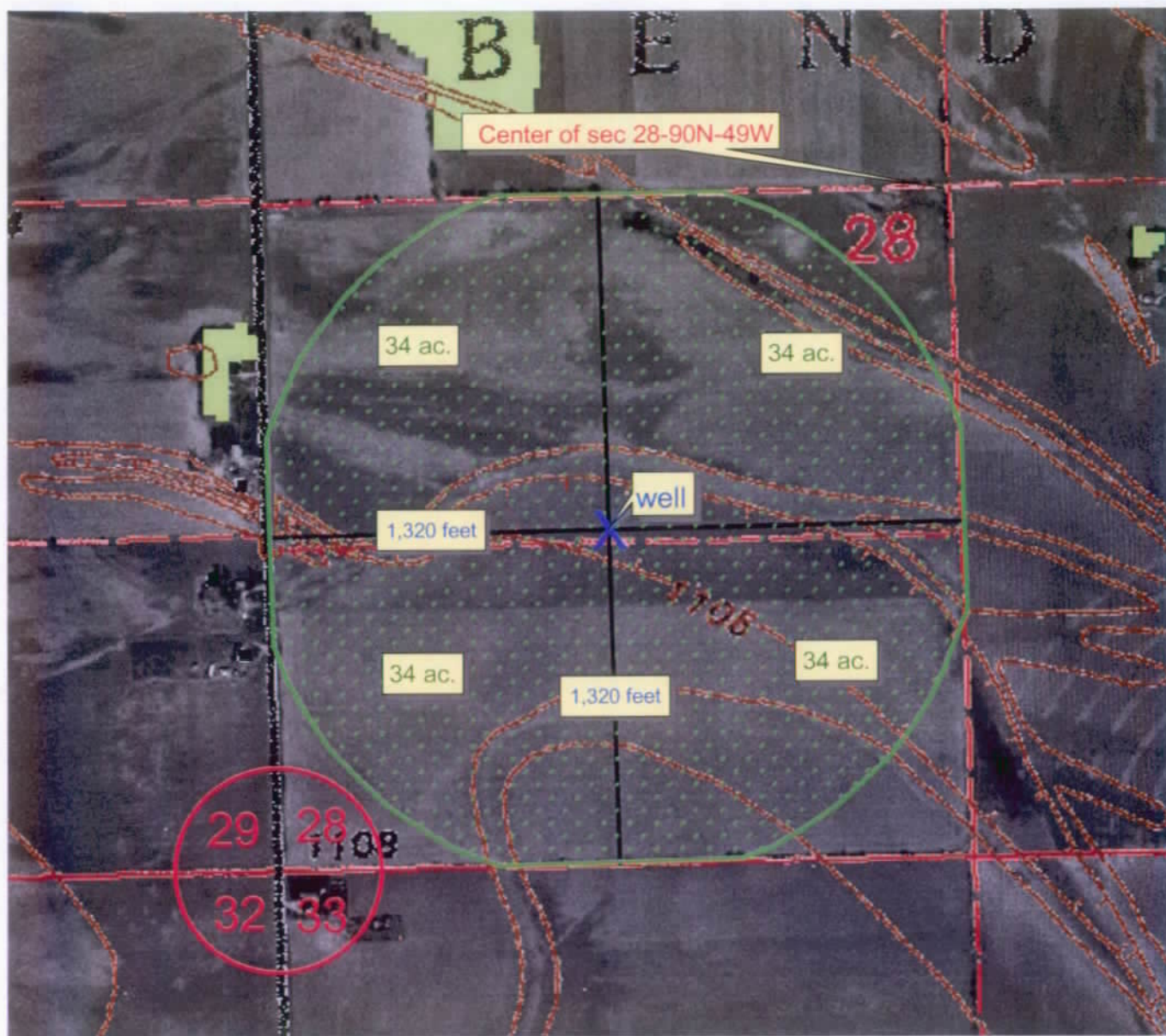


Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: January 28, 2003

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall

Ron Duvall, Nat. Res. Engineer
January 28, 2003
No. 5906-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5906-3

(1) Virgil Mollet, Jr., 47991 334th St, Jefferson SD 57038 made Application No. 5906-3, February 5, 1996 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. 5906-3, with a priority date of February 5, 1996 was approved March 18, 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 18, 2001 and for the application to beneficial use of water on or before March 18, 2005.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5906-3 is issued a license, bearing a priority date of February 5, 1996 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 136 acres.

The diversion point is located: center of SW ¼ Section 28-T90N-R49W. The acres authorized for irrigation are as follows:

Section 28-T90N-R49W			
NE ¼ SW ¼	34 acres	SW ¼ SW ¼	34 acres
NW ¼ SW ¼	34 acres	SE ¼ SW ¼	34 acres
Total 136 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5906-3 including the following now applicable qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 21 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 21 2003

5906-3

Virgil Mollet Jr
47991 334th St.
Jefferson SD 57038

Dear Mr. Mollet Jr:

Enclosed is Water License No. 5906-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000696 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures