

WATER PERMIT NO. 6504-3

Name of Applicant: Michael J Rozell

Address: 32955 476th Ave, Elk Point SD 57025

Phone: 605 356-2961

Amount of Water Claimed: 2.0 cfs

Total Acres: 250

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 4 miles south of Elk Point

PRIORITY

Date Received: 4-26-04

Application/License Fee: \$350

Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: Lot 1 NW ¼ (E ½ NW ¼) Sec 7-
T90N-R49W

Land to be Irrigated: W ½ NE ¼, NW ¼ Sec 7-
T90N-R49W

Depth of Well: 135 feet deep

Well Driller:

Remarks:

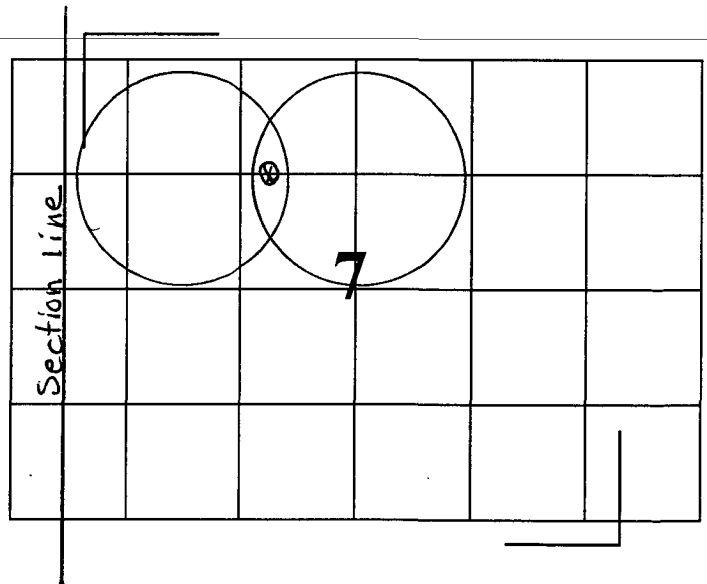
Type of Map: aerial

Prepared by: Kim McLaury, PE

Reviewed and the Number Assigned on: 4-26-04

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. <u>6504-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Leader-Courier</u>	

RECEIVED
APR 26 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Michael J. Rozell Phone 605 356-2961
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 32955 476th Ave Elk Point State SD 57025
(Street, RR, or Box and City) (Zip Code) 250
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 249.934e
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County union
LOT 1 NW 1/4 of section 7 90N R49W (E 1/2 NW 1/4)
- County or counties where water will be used union
- Annual period during which water is to be used MAY/Thru September 30
- 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
See Attachment sheet			
NW 1/4 Sec 7 90N R49W	186.75	186	
W 1/2 NE 1/4 Sec 7 90N R49W	63.78	64	

- Give a description of the project. (Attach sheet if more space is needed)
1200' Towable pivot. well located in circle #101. circle
#1 + #2 HAVE different owners See Attachment.

STATE OF SOUTH DAKOTA)
County of union) SS

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)

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

Applicant's signature Michael J. Rozell

Subscribed and sworn to before me this 19th day of April 20 04

ROSE MARY MORROW



NOTARY PUBLIC
SOUTH DAKOTA



Rose Mary Morrow
Notary Public signature

My Commission Expires: 09-01-06

**SOUTH DAKOTA
WATER PERMIT NO. 6504-3**

Date of first receipt of application April 26, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6504-3 to Michael J Rozell, 32955 476th Ave, Elk Point SD 57025 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. 6504-3 appropriates 2.0 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 135 feet deep located in the E ½ NW ¼ (Lot 1) Section 7 to irrigate 250 acres located in the W ½ NE ¼, NW ¼ Section 7; 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: May 1 – September 30.
3. The date from which applicant may claim right is April 26, 2004.
4. The date of approval of Permit No. 6504-3 is June 21, 2004.
5. One-fifth of the construction is to be completed on or before December 21, 2006.
6. All construction is to be completed on or before June 21, 2009.
7. Water is to be put to beneficial use on or before June 21, 2013.
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.

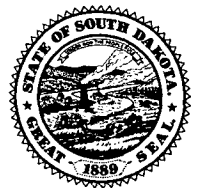
WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 16 2004

date



SOUTH

Form 2A **Supplemental Information**
(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 135'
- b) Casing Type PVC Diameter 16" Thickness SCH 40
- c) Screen Type Slotted PVC Diameter 16" Thickness SCH 40
- d) Gravel Pack Pea Gravel Length of Gravel Pack 105'
- e) Depth to Top of Water Bearing Material 60'
- f) Depth to Water (ground surface to water level) 23'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 1/2 mile

2. Wastewater Disposal System Information

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

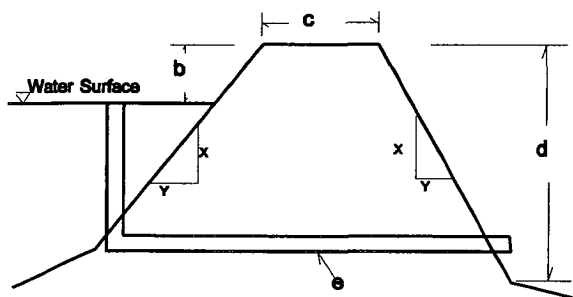
3. Dugout Information

- 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

19 April 2004

Portion Number 1

The West Half of the Northeast Quarter and Lot 1 of the Northwest Quarter of Section 7, Township 90 North, Range 49, less the West 64 acres thereof, West of the 5th P.M., Union County, South Dakota. Approximately 152.6 acres of which 127.56 will be irrigated. This portion is owned by Christopher Olthoff and Andrea Olthoff as tenants in common. Their address is 10906 181st Lane, Elk River, MN 55330

Portion Number 2

The West 64 acres of the West Half of the Northeast Quarter (W1/2NE1/4) and Lot 1 of the Northwest Quarter of Section 7, Township 90 North, Range 49, West of the 5th P.M., Union County, South Dakota. Approximately 146.11 acres of which 122.37 will be irrigated. This portion is owned by Matthew Bayha and Kathryn Bayha, as tenants in common. Their address is 836 Old Orchard Lane, Springfield, OR 97477

This 1200ft pivot will be towed east and west making two circles with some overlap.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 26, 20 04

RECEIVED OF Michael Rozell, 32955 476th Ave., Elk Point SD 57025

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	300	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. _____	50	00
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	350.00	

No.

001297

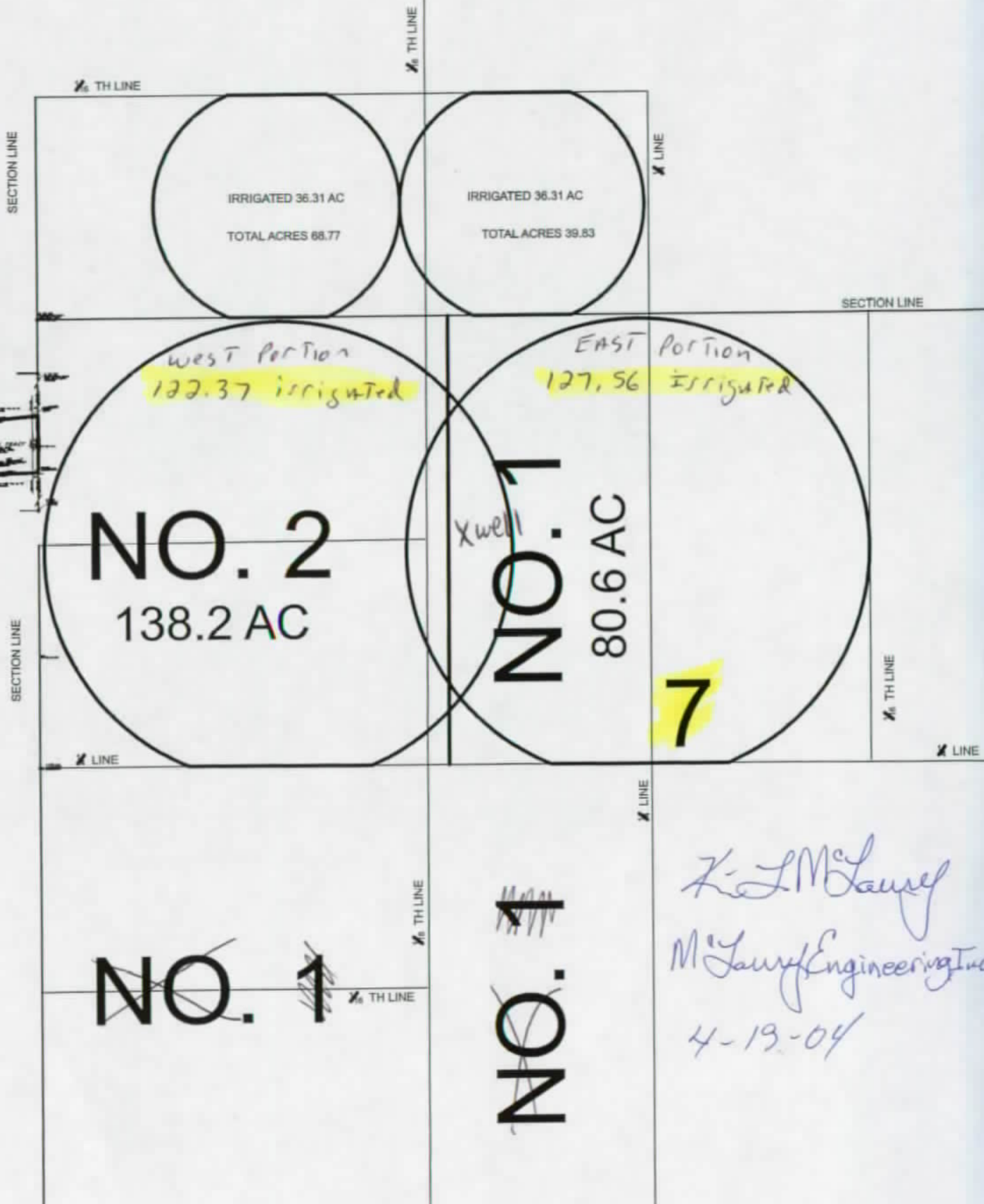
By

Darland Erbe

Chief Engineer

gm

6



2522.6 FT

T-2474

NHEL

1 39.9

T-731

NHEL

1 39.7

1 146.4

T-755

NHEL

1 134.0

T-2475

NHEL

1 68.5

x well

T-734

NHEL

T-750

NHEL

90-49

1 116.2

T-758

NHEL

1 59.0

T-759

NHEL

1 55.6

PRAVACHOL™
pravastatin sodium 20mg tablets

Sec 7, 90N, 49R

From NW corner Sec 7. The
well is 2522.6 FT EAST
And 1329.2 FT South

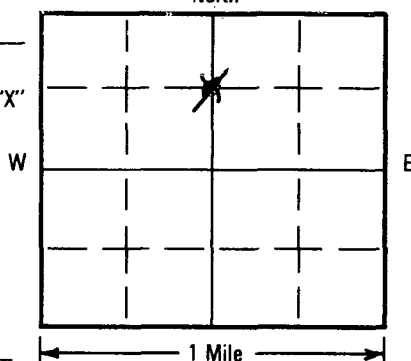
DS-A020-2-93

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 7 Twp 90N Rg 49WCounty Union

Please mark well location with an "X"



Well Completion Date

4-17-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from None (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>135</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>	_____	_____ lb./gal	<u>10</u> ft.	<u>30</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure pumped in from bottomSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 50 FEETMaterial PVCSlot Size 100 Set From 85 Feet to 135 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?

☒ YES, How: water from tanker☒ NO, Why Not? irrigation

Laboratory sent to for water quality analysis _____

Well Owner: Mike Rozell

Business Name: _____

Address: 32955 476th Ave.
Elk Point, SD 57025

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Gumbo</u>	<u>0</u>	<u>4</u>
<u>Yellow clay</u>	<u>4</u>	<u>10</u>
<u>Sand</u>	<u>10</u>	<u>60</u>
<u>Med. Sand</u>	<u>60</u>	<u>77</u>
<u>Med. gravel</u>	<u>77</u>	<u>126</u>
<u>Med. Sand</u>	<u>126</u>	<u>140</u>

STATIC WATER LEVEL

23

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:

☐ PumpedDescribe: Not completed☐ Bailedto date☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

APR 28 2004

This well was drilled under license # 667 WATER RIGHT: _____ PROGRAM

And this report is true and accurate.

Drilling firm: Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Vernon E. Ueber

Signature of Well Owner or Equitable Property Holder:

X Mike RozellDate: 4-22-04



South Dakota State University

Oscar E. Olson Biochemistry Laboratories
Analytical Services Laboratory

Box 2170, Rm. 133 ASC
Brookings, SD 57007-1217
Telephone: (605) 688-6171
FAX: (605) 688-6295
WEB: <http://anserv.sdstate.edu>

Report of Analysis

MICHAEL J. ROZELL
32955 476TH AVE.
ELK POINT, SD 57025

Reported: 05/20/2004
Received: 04/26/2004

04S-06124 #6 WATER S1/2 OF SW1/4 SEC.6, 90N R49W

Chloride, mg/L (ppm)	16.5
Electrical Conductivity, umhos/cm	1130
Electrical Conductivity, dS/M	1.13
Nitrate Nitrogen, mg/L (ppm)	0.240
pH	7.0
Sulfate, mg/L (ppm)	157.0
Boron, mg/L (ppm)	0.270
Calcium, mg/L (ppm)	132
Magnesium, mg/L (ppm)	36.6
Potassium, mg/L (ppm)	8.6
Sodium, mg/L (ppm)	77.5

04S-06125 #7 WATER NW1/4 OF SEC.7, 90N R49W

Chloride, mg/L (ppm)	6.00
Electrical Conductivity, umhos/cm	1150
Electrical Conductivity, dS/M	1.15
Nitrate Nitrogen, mg/L (ppm)	0.0600
pH	7.0
Sulfate, mg/L (ppm)	167.0
Boron, mg/L (ppm)	0.260
Calcium, mg/L (ppm)	171
Magnesium, mg/L (ppm)	37.2
Potassium, mg/L (ppm)	10
Sodium, mg/L (ppm)	82.0

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MAY 24 2004
WATER RIGHTS
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South Dakota State University

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Analytical Services Laboratory

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Report of Analysis

MICHAEL J. ROZELL
32955 476TH AVE.
ELK POINT, SD 57025

Reported: 05/20/2004
Received: 04/26/2004

Reviewed By:

Nancy Thiex
Nancy Thiex

CC: WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SD 57501-3181

WATER RESOURCES INSTITUTE
TODD TROOIEN
BROOKINGS, SD 57007



South Dakota State University

Oscar E. Olson Biochemistry Laboratories
Analytical Services Laboratory

Box 2170, Rm. 133 ASC
Brookings, SD 57007-1217
Telephone: (605) 688-6171
FAX: (605) 688-6295
WEB: <http://anserv.sdstate.edu>

Report of Analysis

MICHAEL J. ROZELL
32955 476TH AVE.
ELK POINT, SD 57025

Reported: 05/27/2004
Received: 04/26/2004

04S-06125 #7 WATER NW1/4 OF SEC.7, 90N R49W

Alkalinity, ppm	576
Bicarbonate, mg/L (ppm)	703.00
Carbonate, mg/L (ppm)	0.0
Chloride, mg/L (ppm)	6.00
Electrical Conductivity, umhos/cm	1150
Electrical Conductivity, dS/M	1.15
Nitrate Nitrogen, mg/L (ppm)	0.0600
pH	7.0
Sulfate, mg/L (ppm)	167.0
Boron, mg/L (ppm)	0.260
Calcium, mg/L (ppm)	171
Magnesium, mg/L (ppm)	37.2
Potassium, mg/L (ppm)	10
Sodium, mg/L (ppm)	82.0

AMENDED REPORT

Reviewed By:

Nancy Thies
Nancy Thies

CC: WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SD 57501-3181

WATER RESOURCES INSTITUTE
TODD TROOEN
BROOKINGS, SD 57007

RECEIVED
JUN 01 2004
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 27, 2004

Christopher and Andrea Olthoff
10906 181st Lane
Elk River, MN 55330

Matthew and Kathryn Bayha
836 Old Orchard Lane
Springfield OR 97477

Dear Mr. and Mrs. Olthoff & Mr. and Mrs. Bayha:

Michael Rozell applied for two water permits for irrigation in Union County. He indicated that you own portion of the lands proposed for irrigation by Water Permit Application No. 6504-3. Enclosed is a copy of the report, recommendation and public notice prepared on Application No. 6504-3.

The notice of hearing will be published in the Elk Point Leader-Courier on June 3 and 10, 2004. If you desire to participate in the hearing, petitions to intervene must be submitted by June 21, 2004.

This information is being sent to you because you are listed as an owner of a portion of the land. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6504-3
For Michael J Rozell
May 25, 2004

Application No. 6504-3 proposes to appropriate 2.0 cfs (900 gpm) from one well approximately 135 feet deep located in the E ½ NW ¼ of section 7 to irrigate 250 acres located in the W ½ NE ¼, NW ¼ of section 7; all in T90N R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under water table conditions in this area and is roughly equivalent to the Missouri aquifer as described by Niehus. The Missouri aquifer underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The aquifer extends into Clay County to the west, blends into the Lower Vermillion Missouri aquifer to the northwest, blends into the Big Sioux South aquifer to the northeast, and is hydraulically connected to the Big Sioux and Missouri Rivers. Also in the southern portion of Union County the Missouri Elk Point directly overlies the Dakota Formation and would be in hydraulic communication with that aquifer. Ground water movement is generally from northwest to southeast and locally toward the Missouri River (Niehus, 1994).

The completed irrigation well log has been filed with the application. The well has been completed in accordance with SD Well Construction Standards. The test well indicates sand beginning at 10 feet and continuing to a depth of 60 feet followed medium sand from 60 to 77 feet followed by medium gravel from 77 to 126 feet followed by medium sand 126 to 140 feet. The well was completed to a depth of 135 feet with 100 slot screen set from 85 to 135 feet below land surface. No test pump information is available. The completed well had a static water level of 23 feet below land surface.

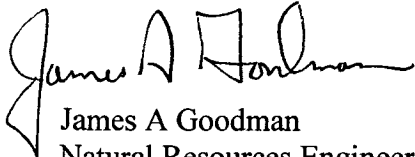
The Water Rights Program monitors five observation wells within a three mile radius of this application. One of these monitor wells UN-770 is located about one and one-half mile to the east of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is located about one mile to the east. There is an application for a water permit (No. 6503-3) located just to the north of this application. Interference is not a concern. This is shown by the observation well hydrograph which shows the effects of pumping to be inconsequential. With the distance between existing wells drawdown is not expected to be significant.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. This well has been built in accordance with SD Well Construction Standards.



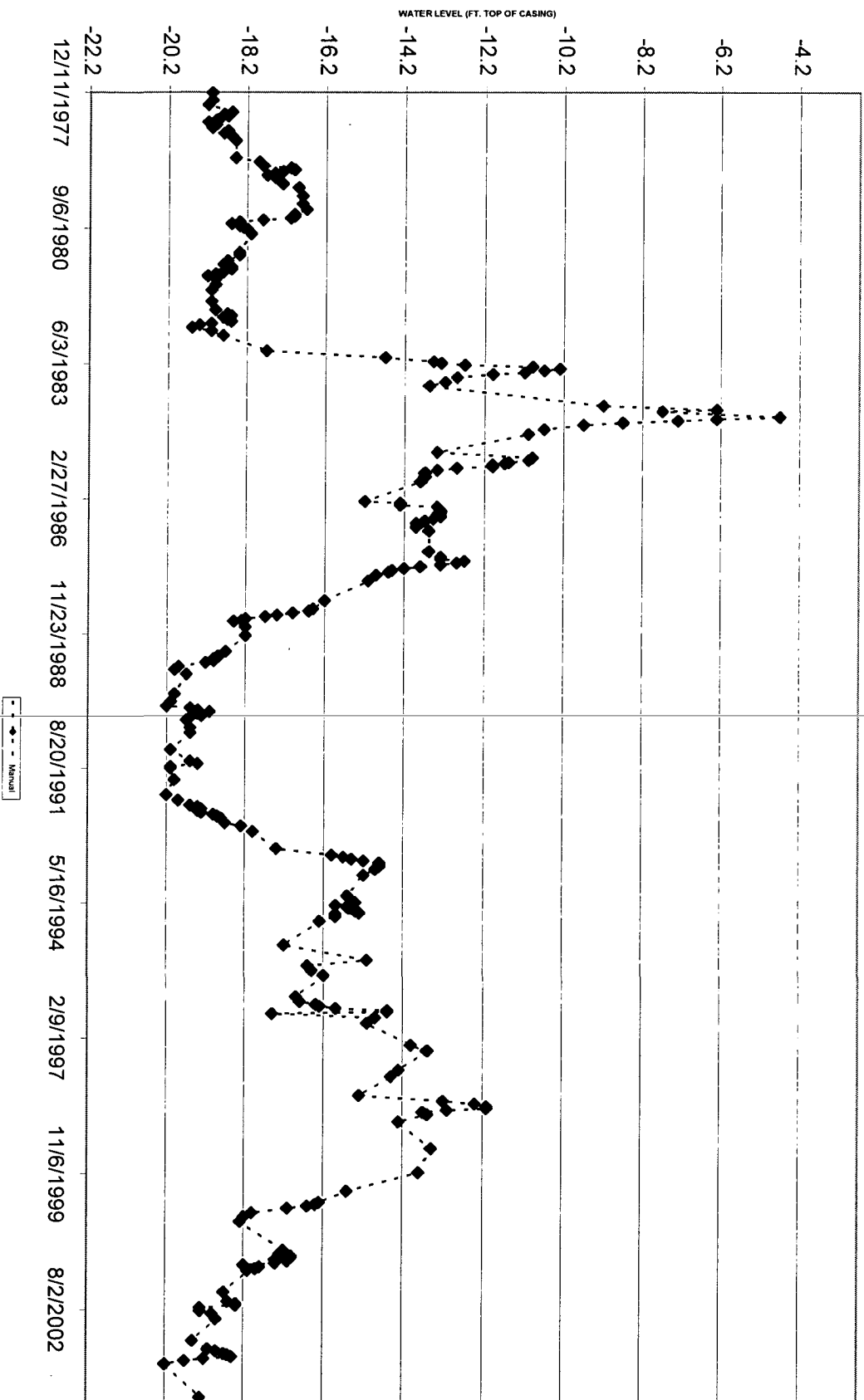
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2004, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL UN-770





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6504-3, Michael J. Rozell**

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. 6504-3, Michael J. Rozell, 32955 476th Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6504-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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.

Garland Erbele, Chief Engineer
May 27, 2004

**NOTICE OF APPLICATION
NOS. 6503-4 AND 6504-3 TO
APPROPRIATE WATER**

Notice is given that Michael J. Rozell, 32955 476th Ave, Elk Point, SD 57025 has filed the following applications for a water permit.

Application No. 6503-3 proposes to appropriate 1.0 cubic feet of water per second (cfs) from one well (Missouri: Elk Point Aquifer) 131 feet deep located in the SE1/4 SW1/4 Section 6 to irrigate 73 acres located in the S1/2 SW1/4 (Lots 1 and 2) Section 6; all in T90N-R49W.

Application No. 6504-3 proposes to appropriate 2.0 cfs from one well (Missouri Elk Point Aquifer) 135 feet deep located in the E1/2 NW1/4 (Lot 1) Section 7 to irrigate 250 acres located in the W1/2 NE1/4, NW1/4 Section 7; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6503-3 and 6504-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3852" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 applications.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish June 3 and 10, 2004

23-7-74

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

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:

June 3, 2004

June 10, 2004

Cost of Printing \$41.56

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

June 10, 2004

(Date Signed)

RECEIVED

JUN 14 2004

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 27, 2004

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

ATTENTION: Legal Public Notice

Enclosed are the Notice of Hearing on Application Nos. 6503-3 & 6504-3 to Appropriate Water to be published twice. Please publish the first notice on June 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Michael J Rozell, 32955 476th Ave, Elk Point SD (Ph # 605-356-2961).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6503-3 & 6504-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 27, 2004 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6503-3 & 6504-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 27, 2004

Michael J Rozell
32955 476th Ave
Elk Point SD 57025

Dear Mr. Rozell:

Water Permit Application Nos. 6503-3 & 6504-3 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 Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on June 3, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6503-4 and 6504-3 to Appropriate Water

Notice is given that Michael J Rozell, 32955 476th Ave, Elk Point SD 57025 has filed the following applications for a water permit.

Application No. 6503-3 proposes to appropriate 1.0 cubic feet of water per second (cfs) from one well (Missouri Elk Point Aquifer) 131 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 to irrigate 73 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ (Lots 1 and 2) Section 6; all in T90N-R49W.

Application No. 6504-3 proposes to appropriate 2.0 cfs from one well (Missouri Elk Point Aquifer) 135 feet deep located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ (Lot 1) Section 7 to irrigate 250 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 7; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6503-3 and 6504-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 June 21, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 16 2004

Michael J Rozell
32955 476th Ave
Elk Point SD 57025

Dear Mr. Rozell:

Enclosed is Water Permit No. 6504-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

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

Date

18 Aug 04

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

FROM:

Michael S. [redacted]
329 [redacted]
[redacted]

(address)

(city, state, zip)

356-2961

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6504-3 states that the water use system is to be constructed by

21 Jun 09

(date)

, and water is to be put to beneficial use by

21 Jun 13

(date)

The water use system was completed on

10 Jul 04

(date)

Applying the water to beneficial use was completed on

14 Jul 04

(date)

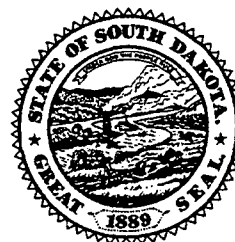
You may schedule an investigation so that the water license may be issued.

Michael Beel
(signature)

7-98

RECEIVED

AUG 20 2004

WATER RIGHTS
PROGRAM

Permit No. 6504-3
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, July 27, 2005, made a thorough examination of the water use system constructed by Michael J. Rozell of 32955 476th Ave, Elk Point SD 57025 holder of Permit No. 6504-3, bearing the priority of April 26, 2004 authorizing the diversion of 2.0 cu. ft. per second of the waters of Missouri Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship **Michael Rozell - operator**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dakota Drilling and Backhoe
- 2) No. of Wells 1
- 3) Depth(s) 140 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 50 feet
- 3) Static water level 23 feet

Pump:

- 1) Make Goulds
- 2) Model 10RJCL
- 3) Size
- 4) Capacity 900 GPM

Motor:

- 1) Make Hitachi
- 2) Model No.
- 3) Horsepower rating 40 hp

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

- 1) Type pvc
- 2) Size 8 inches
- 3) Length 2250 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers _____ feet
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 900 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: list

The system is in good condition with the point(s) of diversion located as follows: 2522' E and 1329' S of the NW corner Section 7-T90N-R49W (42.630829, -96.67923). The works are capable of diverting and conveying to the place of use 2.0 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:

Section 7-T90N-R49W:
NW¼ NE¼ 33 acres
SW¼ NE¼ 33 acres

Section 7-T90N-R49W:
NE¼ NW¼ 34 acres
NW¼ NW¼ 58 acres
SW¼ NW¼ 58 acres
SE¼ NW¼ 34 acres

Comprising a total of 250 acres of land and the license should be issued for 2.0 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

One towable center pivot irrigates acreage on alternate years. The irrigated lands overlap.

The land irrigated by the east pivot is owned by Christopher and Andrea Olthoff, 10906 181st Lane, Elk River MN 55330. The land irrigated by the west pivot is owned by Matthew and Kathryn Bayha, 836 Old Orchard Lane, Springfield OR 97477.


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

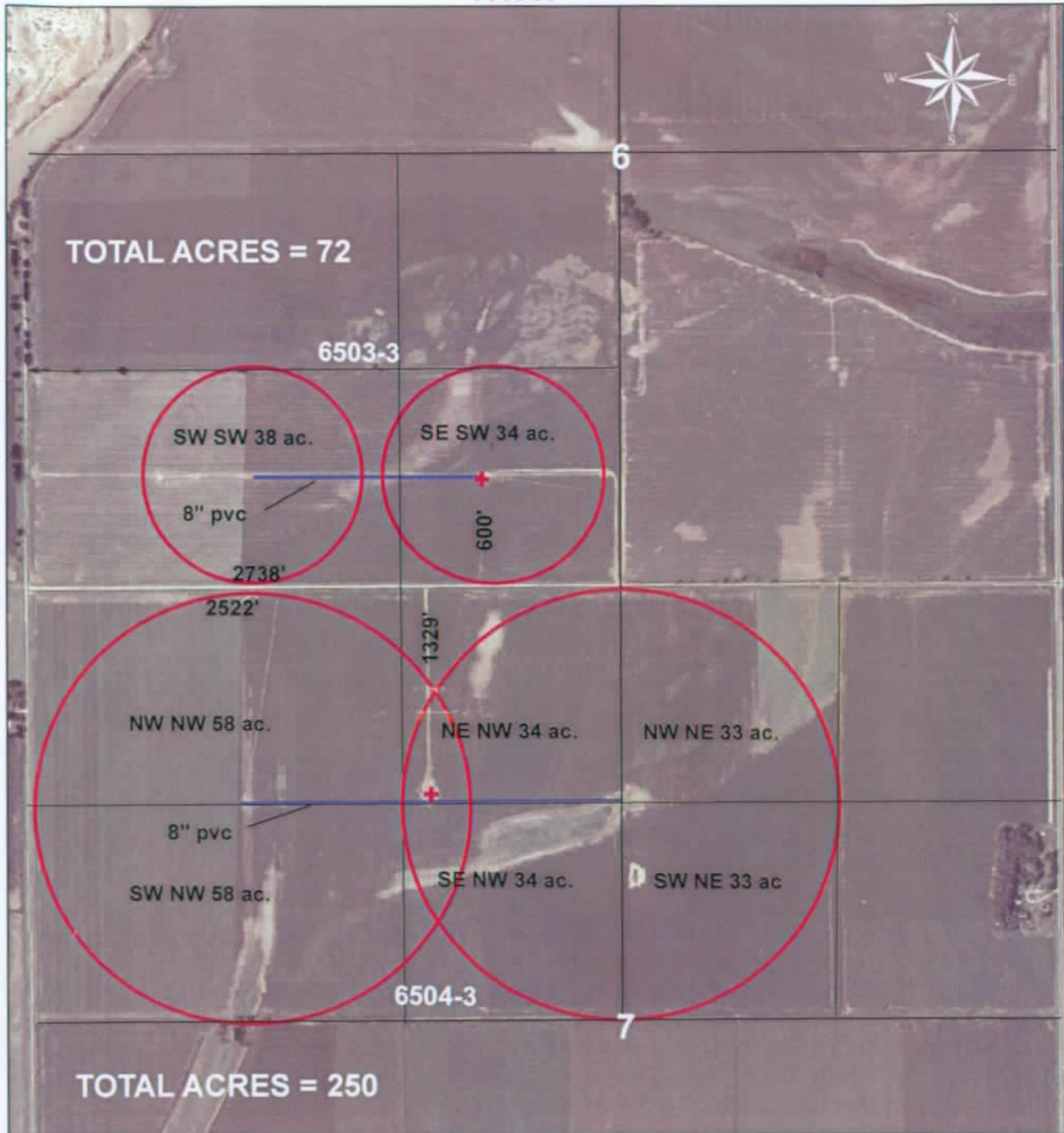
Date report completed: September 12, 2005

WATER RIGHT NO. 6503-3 & 6504-3

Michael J. Rozell

R49W

T90N



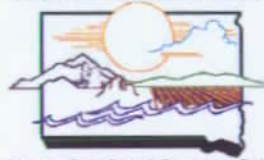
SCALE

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program
September 9, 2005

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow... Today



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6504-3

(1) Michael J Rozell, 32955 476th Ave, Elk Point SD 57025 made Application No. 6504-3, April 26, 2004 for a water permit to divert 2.0 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6504-3, with a priority date of April 26, 2004 was approved June 21, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 21, 2009 and for the application to beneficial use of water on or before June 21, 2013.

(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. 6504-3 is issued a license, bearing a priority date of April 26, 2004 to appropriate 2.0 cubic feet of water per second from groundwater (one well) to irrigate 250 acres.

The diversion point is located: 2,522 feet east and 1,329 feet south of the northwest corner of Section 7-T90N-R49W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 7-T90N-R49W			
NW ¼ NE ¼	33 acres	NE ¼ NW ¼	34 acres
SW ¼ NE ¼	33 acres	NW ¼ NW ¼	58 acres
		SW ¼ NW ¼	58 acres
		SE ¼ NW ¼	34 acres
Total 250 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6504-3 including the following now applicable qualifications:

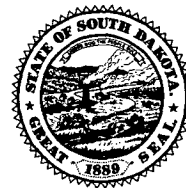
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



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

SEP 30 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 30 2005

6503-3
6504-3

Michael J Rozell
32955 476th Ave
Elk Point SD 57025

Dear Mr. Rozell:

Enclosed are Water License Nos. 6503-3 & 6504-3. This is the final water right document completing your process of obtaining a Water Right.

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,

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

enclosures