

WATER PERMIT NO. 6541-3

Name of Applicant: Gary L Nelson

Address: Box 65, Tabor SD 57063

Phone: 605 463-2549

Amount of Water Claimed: 0.22 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: fish & wildlife propagation

County: Bon Homme

Type of Waste Disposal System:

Location: 5 miles southwest of Tabor

PRIORITY

Date Received: 9-27-04

Application/License Fee: \$275

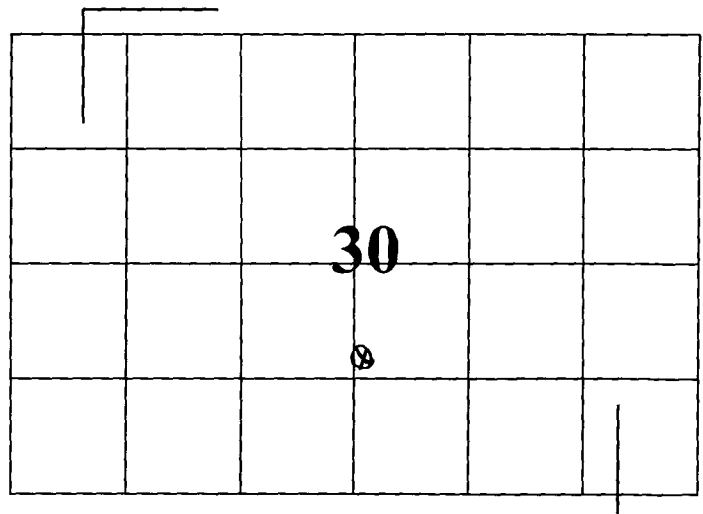
Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: Maintain an approximate 40 acre wetland

Diversion Point: NW ¼ SE ¼ Sec 30-T94N-R58W

Land to be Irrigated:



Depth of Well: 600 feet deep

Well Driller: : Hutmacher Drilling, Inc.

Remarks:

Type of Map: aerial

Prepared by: Gary LaCompte, NRCS

Reviewed and the Number Assigned on: 8-28-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED
SEP 27 2004
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6541-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
Newspaper <u>Tyndall Tribune + Register, Tyndall</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant GARY L. NELSON Phone 605 463 2549
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 42276 308TH ST or BOX 65 Tabor State SOUTH DAKOTA
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.22 *CFS or 100 **GPM 40 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply DAKOTA Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 WELL IN SW1/4 SECTION 30, T94N-R58W
(NW1/4 SE1/4) County BON HOMME
- County or counties where water will be used Bon Homme
- Annual period during which water is to be used Annual AS Required or needed
Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Provide Adequate water source for wildlife. Maintain wetland.

STATE OF SOUTH DAKOTA)
County of Bon Homme 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, Gary L. Nelson, 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 Gary L. Nelson

Subscribed and sworn to before me this 22nd day of September 20 04

E. R. B.

Notary Public signature

My Commission Expires 10-15-2004

**SOUTH DAKOTA
WATER PERMIT NO. 6541-3**

Date of first receipt of application September 27, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6541-3 to Gary L Nelson, Box 65, Tabor SD 57063 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. 6541-3 appropriates 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW ¼ SE ¼ Section 30-T94N-R58W. Water from the well will maintain a wetland area (approximately 40 acre feet of water storage capacity) located in the W ½ SE ¼ Section 30-T94N-R58W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6541-3 is December 27, 2004.
5. The date from which applicant may claim right is September 24, 2004.
6. One-fifth of the construction is to be completed on or before June 27, 2007.
7. All construction is to be completed on or before December 27, 2009.
8. Water is to be put to beneficial use on or before December 27, 2013.
9. 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Pumping of the well is not authorized or should the well begin to flow it must be controlled so that water will not be impounded on property owned by others unless all necessary easements are obtained.

WATER MANAGEMENT BOARD

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

APR 04 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 600'
- b) Casing Type PVC Diameter 5" Thickness SDR17 Sch 80
- c) Screen Type STAINLESS STEEL Diameter 5" .025 SLOT Thickness
- d) Gravel Pack 16-30 SILICA Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 500'
- f) Depth to Water (ground surface to water level) 1 foot STATIC
- g) Distance to nearest existing domestic well:
- On applicants property 1/4 mile - 229' On property owned by others NON KNOWN

2. Wastewater Disposal System Information

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

3. Dugout Information

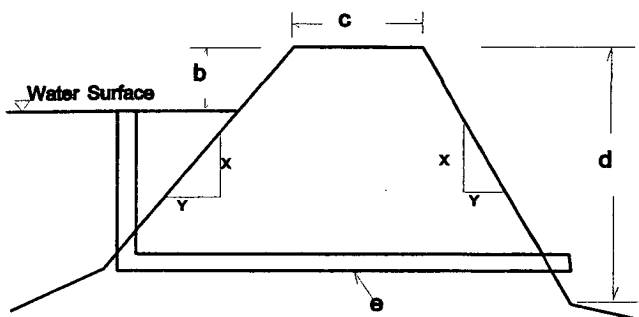
- a) Surface Dimensions N/A Depth
- b) Depth to water (ground surface to water level)

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:

N/A



- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 27, 20 04

RECEIVED OF Gary Nelson, 10190 110th St N., Stillwater MN 55082-9412

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

Fee for Application for Permit No. <u>6541-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6541-3</u>	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	275.00

No. 001426

By Barland Erbe
Chief Engineer *gm*

THIS IS NOT AN OFFICIAL W

Farm No: 3994

Box 65
Tabor, SD
57063



6541-3

HUTMACHER DRILLING, INC.

**PO Box 294
Chamberlain, SD 57325
(605)734-6631**

August 3, 2004

RECEIVED

AUG 05 2004

WATER RIGHTS
PROGRAM

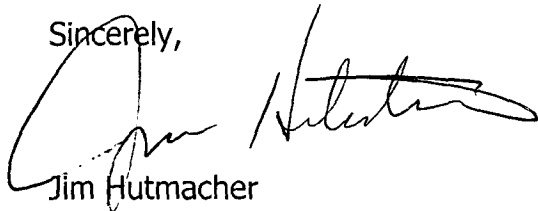
South Dakota DENR
Water Rights
520 E. Capitol
Pierre, SD 57501

I would like to request permission to construct a test well for:

Gary Nelson
42276 308th St.
Tabor, SD 57063
Bon Homme County
94N, 58W, Sec 30, SW1/4

The test well will be about 640' into the Dakota Sandstone. Casing will be 5" PVC Sch 80 SDR 17 and 20' 5" of stainless steel screen with sand pack. There will be bentonite and cement grout from top of sand pack to ground surface.

Sincerely,



Jim Hutmacher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2004

Jim Hutmacher
Hutmacher Drilling, Inc.
PO Box 294
Chamberlain, SD 57325

Dear Mr. Hutmacher:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Hutmacher Drilling is authorized to construct a test well for Gary Nelson, 42276 308th St., Tabor, SD 57063 prior to approval of a water permit. The test well is to be completed into the Dakota aquifer in the SW¹/₄ Section 30, T94N-R58W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

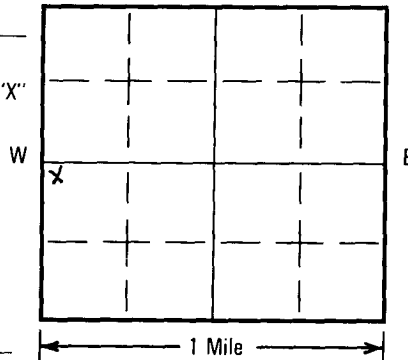
cc: Gary Nelson, 42276 308th St., Tabor, SD 57063

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SW 1/4 Sec 30 Twp 94N Rg 58W
 County Ben Homme North

Please mark well location with an "X"



Well Completion Date

9-10-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1300 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>5DR17</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>440</u> FT	<u>8 3/4</u> IN
<u>5ch80</u> LB/FT	<u>5</u> IN	<u>440</u> FT	<u>580</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>10</u>	<u>156</u> lb./gal	<u>0</u> ft.	<u>25</u> ft.
<u>Bentonite</u>		<u>9</u> lb./gal	<u>25</u> ft.	<u>500</u> ft.

Describe grouting procedure pressure thru tremie

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 20 FEET

Material 304 Stainless Steel

Slot Size .025 Set From 580 Feet to 600 Feet

Other information SAND Pack to 500

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: chlorine

Laboratory sent to for water quality analysis _____
 _____ NO, Why Not? _____

State

Well Owner: Gary Nelson

Business Name: _____

Address: 42276 308th St

Tabor SD 57063

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Clay & Strips</u>	<u>0</u>	<u>217</u>
<u>Miobrara</u>	<u>217</u>	<u>350</u>
<u>Carlite</u>	<u>350</u>	<u>410</u>
<u>Greenhorn</u>	<u>410</u>	<u>436</u>
<u>Graneros</u>	<u>436</u>	<u>472</u>
<u>Dakota</u>	<u>472</u>	<u>600</u>

STATIC WATER LEVEL 1 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 # 213

And this report is true and accurate.

Drilling firm Hutmacher Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

from GARY NELSON
Box 65
TASOK, SD 57063
605 463 2549

9/22/04

Dear Eric Gronlund:

The enclosed note is
your authorization to
publish the two week
notice in our local paper
regarding water right program.

Gary Nelson will pay for
the notice direct to the
news paper.

I will be away until
November 1st, 2004.

I will not have a phone
available. Sincerely,
Gary Nelson

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Gary Nelson's water permit application

ADDRESS: COUNTY: Bon Homme

DATE: September 27, 2004 TELEPHONE: 605 463-2549

RE: Call to NRCS agent, Gary LaCompte

COMMENTS:

Since Mr. Nelson was out of the state for a number of weeks, I called Mr. LaCompte with questions regarding the water permit application filed by Mr. Nelson.

Mr. LaCompte said the well will be used to maintain a wetland area that will be habitat for wildlife, most notably ducks. The depth will be approximately 5 feet deep and the surface area is 15 to 20 acres in the W ½ SE ¼ Section 30, T94N, R58W. I calculated an approximate storage capacity of 30 to 40 acre feet of water.

I asked if any water will be impounded on neighboring property. Mr. LaCompte stated that the wetland outlet to the north west on Kreiber's (?spelling?) property. However, it is not the intention of Mr. Nelson to maintain the wetland at an elevation that will impound water on to the neighboring property. Mr. LaCompte stated that the permit could be condition in a manner as to not allow discharge of the well to the wetland if water was being impounded on neighboring property unless an easement is secured.

NAME: Eric Munk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 2004

Edward Kreber
42027 310th Street
Springfield SD 57062

Dear Mr. Kreber:

Please find enclosed a copy of the Gary Nelson's water permit application, the staff report and recommendation and a file documentation of a conversation with Mr. LaCompte with the NRCS.

The Water Rights Program recognized the neighboring property issue and proposes conditioning the permit in a manner that water from the well may not be allowed to be used if it causes impounding of water on neighboring property unless easements are obtained.

If you desire to file a petition/letter to express your concerns, it will need to be mailed by December 27, 2004. A petition will cause a March hearing before the Water Management Board on the application.

Please feel free to contact me if you have any questions.

Sincerely,

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

enclosure

RECEIVED
DEC 17 2004
WATER RIGHTS
PROGRAM

42027 310 St,
Springfield, S DAK.
57062

Dec. 14 2004

Dept. of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota
57501

Water Management Board:

In reference to Gary Nelson's water
permit application 6541-3.

I, Edward F. Kneben adjoining property
owner, have not granted any easements, to
Gary Nelson pertaining to his water rights
permit.

Sincerely
Edward F. Kneben
Edward F. Kneben



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 2005

Gary L. Nelson
Box 65
Tabor SD 57063

Edward Kreber
42027 310th St.
Springfield SD 57062

Dear Mr. Nelson and Mr. Kreber:

Water Permit Application No. 6541-3 filed by Mr. Nelson seeks to appropriate 100 gallons per minute from one well to maintain an approximate 40 acre wetland area in Bon Homme County.

Edward Kreber filed a letter in response to the Notice of Application published in the Tyndall Tribune & Register. The letter (copy enclosed) states that Mr. Kreber has not granted easements pertaining to the pending application.

This letter is not viewed as a petition opposing the application or requesting a hearing to be scheduled before the Water Management Board. Mr. Kreber, please let us know by January 17, 2005 if it was your intent to request a hearing before the Water Management Board on this application. Otherwise, the water permit will be issued as recommended.

A condition to the water permit is that pumping of the well is not authorized or should the well begin to flow it must be controlled so that water will not be impounded on property owned by others unless all necessary easements are obtained. In the event easements are not obtained, the Water Rights Program will investigate claims of flooding to neighboring property attributable to diversions authorized by this permit. If the permit holder violates a permit condition, the Chief Engineer has authority to order discontinuance of a harmful illegal water use. Additionally, the water permit may be brought before the Water Management Board for suspension and ultimately for cancellation if terms of the permit are violated.

Easements obtained to allow impoundment on neighboring property shall be filed with the Water Rights Program and recorded in the administrative file for this permit.

If anyone has questions on the water permitting process, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6541-3

For Gary L. Nelson

November 15, 2004

Application No. 6541-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 600 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 30, T94N R58W in Bon Homme County. Water from the well will be used to maintain an approximate 40 acre wetland area located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 30, T94N R58W for fish and wildlife propagation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is an interbedded siltstone, sandstone and shale and attains a thickness of over 125 feet in Bon Homme County (Christensen, 1974). The aquifer is under artesian conditions in this area and does free flow at the land surface at lower elevations. The aquifer underlies 573 square miles and contains an estimated 4.95 million acre-feet of recoverable water in storage in just Bon Homme County (Hedges, 1982). The aquifer extends into Yankton County to the east, Hutchinson County to the north, Charles Mix County to the west and into Nebraska to the south.

The driller's log filed with the application indicates a typical geologic section with the Dakota Formation encountered at a depth of 472 feet and bottoming out at 600 feet. The well had a static water level of one foot below land surface and was completed in accordance with SD Well Construction Standards. No test production information is available for the completed well.

The Water Rights Program does not monitor any observation wells completed into the Dakota Formation in this immediate area. The nearest Dakota Formation observation well is HT-80B located about 18 miles north of this application. Water levels for this well have not changed significantly since it was drilled in 1980. In fact, there has been a slight rise in water levels over time. This contrasts with the historical record which indicates a substantial decline in water levels has occurred since the early 1900's. Schoon reported that in the town of Springfield water levels have declined about 105 feet and cited Barkley as the source of this data (Schoon, 1971). Schoon went on to report that water levels in southeastern South Dakota have not declined like other regions of the state. The various observation wells completed into the Dakota Formation across the state would reinforce the idea that early on in the development of the Dakota aquifer water levels declined rapidly (especially in those areas where large volume flowing wells were located) followed by a decreasing rate of water level decline. In fact, in some areas of the state water levels have begun to stabilize or even gradually recover (Water Rights, 2004).

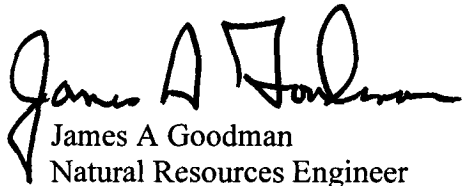
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights that obtain water from the Dakota Formation. There are some domestic wells in the area that obtain water from the Dakota

Formation. Interference is not expected to be a concern. It may be necessary to pump or lower the pump into domestic well in order to maintain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is under artesian conditions at this site. In fact, the production well nearly free flows at the land surface (within one foot). This well must be controlled to prevent the waste of water should it begin to free flow.
3. This well has been constructed in accordance with SD Well Construction Standards.
4. This well will be used to maintain a 15 to 20 acre wetland for fish and wildlife purposes. Although this may be a beneficial use of water it is not wise use of ground water resources.
5. Because this wetland extends onto neighboring property nothing in this permit allows the applicant to impound water on the neighboring property without an easement.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

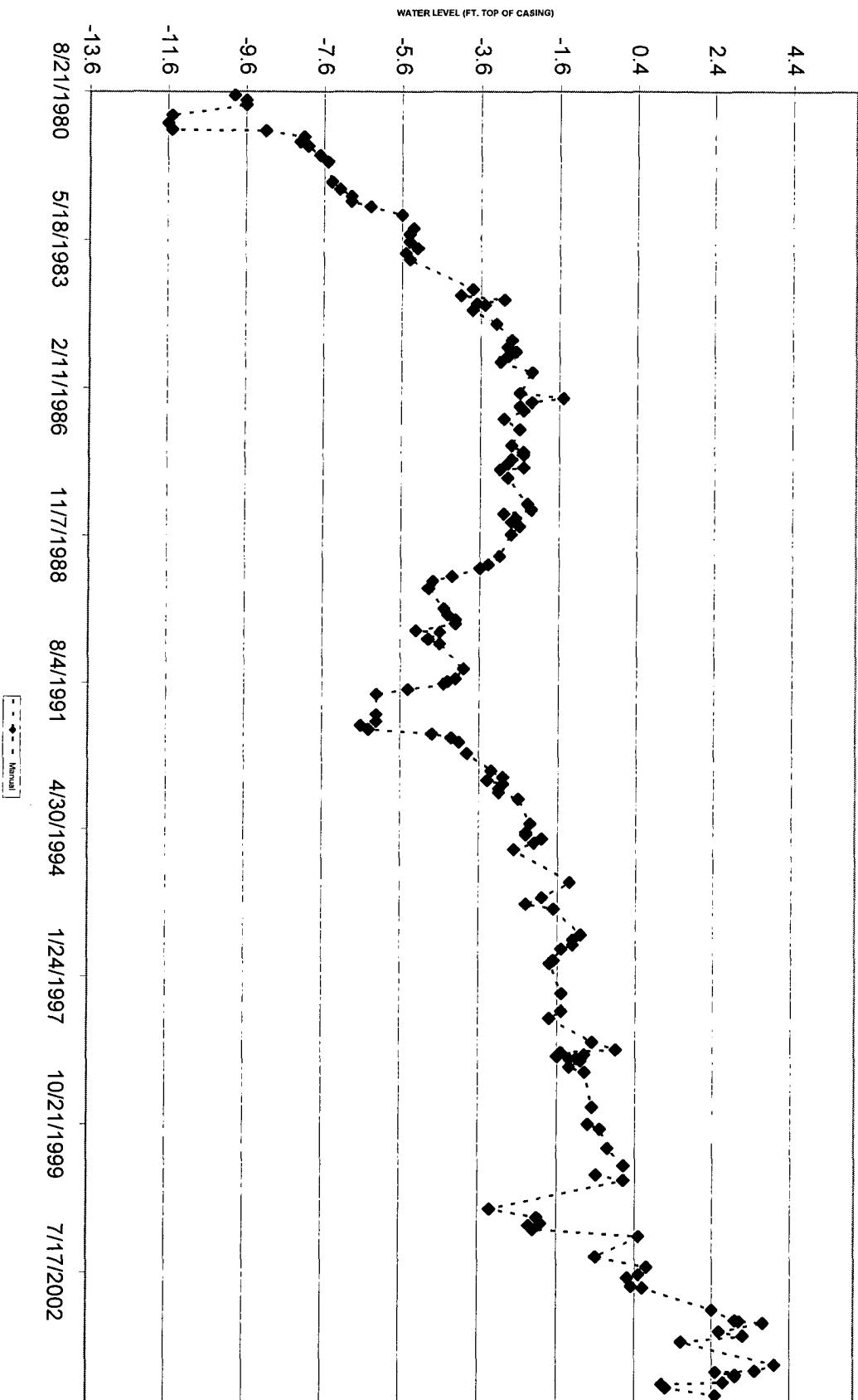
Christensen, C.M., 1974, Geology and Water Resources of Bon Homme County South Dakota, Part I Geology, SD DENR, SDGS, Vermillion, SD, 57069.

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

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HT-80B





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6541-3, Gary L. Nelson**

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. 6541-3, Gary L. Nelson, 42276 308th Street, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 6541-3 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Pumping of the well is not authorized or should the well begin to flow it must be controlled so that water will not be impounded on property owned by others unless all necessary easements are obtained.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 30, 2004

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyndall.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal
weekly newspaper for publication of legal and other official
notices as required by Chapter 298 of the Session
Laws of South Dakota, 1939; that it has bona fide paid
circulation of more than two hundred copies weekly;
that it is published in English language in the City of
Tyndall, Bon Homme County, South Dakota, and has
been admitted to the United States mail under second
class mailing privilege for more than one year prior to
the first publication of the notice herein mentioned, and
that it is printed in an office maintained at the place of
publication at Tyndall, South Dakota, and that deponent
is the publisher in charge of the advertising department
of said newspaper; that the advertisement headed

DENR

Notice of Application - Nelson
162e 34.5 + 809.01

a printed copy of which is hereto attached, was printed
and published in said newspaper for two successive
weeks, upon the following dates:

<u>Dec. 8</u>20 <u>04</u>	20.....
<u>Dec. 15</u>20 <u>04</u>	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication
of said notice, \$38.50, inures to the benefit
of the publisher of said newspaper, that no agreement or
understanding for the division thereof has been made
with any other person, and that no part has been agreed
to be paid to any person whomsoever.

Rebecca Tyndall
Subscribed and sworn to before me this
15 day of Dec......2004.....
Gregory Schelske
Notary Public, South Dakota

My Commission expires 10-24-2009.

NOTICE OF APPLICATION

NO. 6541-3 to Appropriate Water

Notice is given that Gary L Nelson, Box 65, Tabor SD 57063 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW1/4SE1/4 Section 30-T94N-R58W. Water from the well will maintain a wetland area (approximately 40 acre feet of water storage capacity) located in the W1/2SE1/4 Section 30-T94N-R58W for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6541-3 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 December 27, 2004.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources
(Dec. 8 & 15)

RECEIVED

JAN - 3 2005

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

November 30, 2004

Gary L. Nelson
Box 65
Tabor SD 57063

Dear Mr. Nelson:

Water Permit Application No. 6541-3 for fish & wildlife propagation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Tyndall Tribune & Register printed at Tyndall, SD (Ph # 605-589-3242). 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.

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 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

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

November 30, 2004

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066-0520

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6541-3 to Appropriate Water to be published twice. Please publish the first notice on December 8, 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.

Please **BILL** the APPLICANT for the cost of publication. The APPLICANT is Gary L. Nelson, Box 65, Tabor SD (Ph # 605-463-2549).

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. 6541-3

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

Date _____

We are in receipt of your letter of November 30, 2004 enclosing Notice to Appropriate Water by Application No. 6541-3 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 December 8, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6541-3 to Appropriate Water

Notice is given that Gary L Nelson, Box 65, Tabor SD 57063 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 600 feet deep) located in the NW ¼ SE ¼ Section 30-T94N-R58W. Water from the well will maintain a wetland area (approximately 40 acre feet of water storage capacity) located in the W ½ SE ¼ Section 30-T94N-R58W for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6541-3 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 December 27, 2004.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 04 2005

Gary L Nelson
Box 65
Tabor SD 57063

Dear Mr. Nelson:

Enclosed is Water Permit No. 6541-3 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 04-05-05

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

RECEIVED

APR - 8 2005

WATER RIGHTS
PROGRAM

FROM:

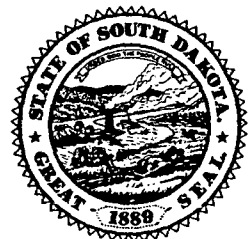
GARY L. NELSON
(name)P.O. Box 65 - 42276 308TH ST.
(address)TABOR, SD 57063
(city, state, zip)

(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. 6541-3 states that the water use system is to be constructed by01-01-05, and water is to be put to beneficial use by 4-01-05
(date) (date)The water use system was completed on 01-01-05
(date)Applying the water to beneficial use was completed on 01-01-05
(date)

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

Gary L. Nelson
(signature)

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6541-3

I have this day, June 4, 2020, made a thorough examination of the water use system constructed by Gary L. Nelson, 42276 308th St., Tabor, SD 57063 of Permit No. 6541-3, bearing the priority of September 24, 2004 authorizing the diversion of 0.22 cu. ft. per second of the waters of ground water (Dakota Aquifer) for fish and wildlife propagation purposes, in Bon Homme County.

Inspection contact: Wesley Kloucek, New Owner (605) 661-1422

A. Works used to divert the water:

Well Information:

- 1) Well Driller: Hutmacher Drilling Inc.
- 2) No. of Wells: 1
- 3) Depth: 600 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 5 inches
- 2) Length: 580 feet
- 3) Type: PVC

Screen:

- 1) Type: SS
- 2) Length: 20 feet
- 3) Static water level: 1 foot

Pump:

- 1) Make: Goulds
- 2) Model: 75GS30412
- 3) Capacity: 75 gpm

Motor:

- 1) Make: Franklin
- 2) Model No.: Unknown
- 3) Horsepower rating: 3 hp

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

- 1) Type: Polyethylene
- 2) Size 2 inches
- 3) Length 200 feet

C. Works used to apply water to beneficial use: Two-inch pipe to the wetland.

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 NA
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Well: 1,460 feet north and 2,610 feet west of the SE corner of Section 30-T94N-R58W (Latitude 42.926831, Longitude – 97.743589).
2. The works are capable of diverting and conveying to the place of use 0.17 cu. ft. per second of water which is to be used for fish and wildlife propagation. Water has been put to beneficial use to the maximum extent as follows: Lake site in the SE1/4 of Sec 30, T94N, R58W, and the license should be issued for 0.17 cfs.
3. All structures, wells and lands on map Yes

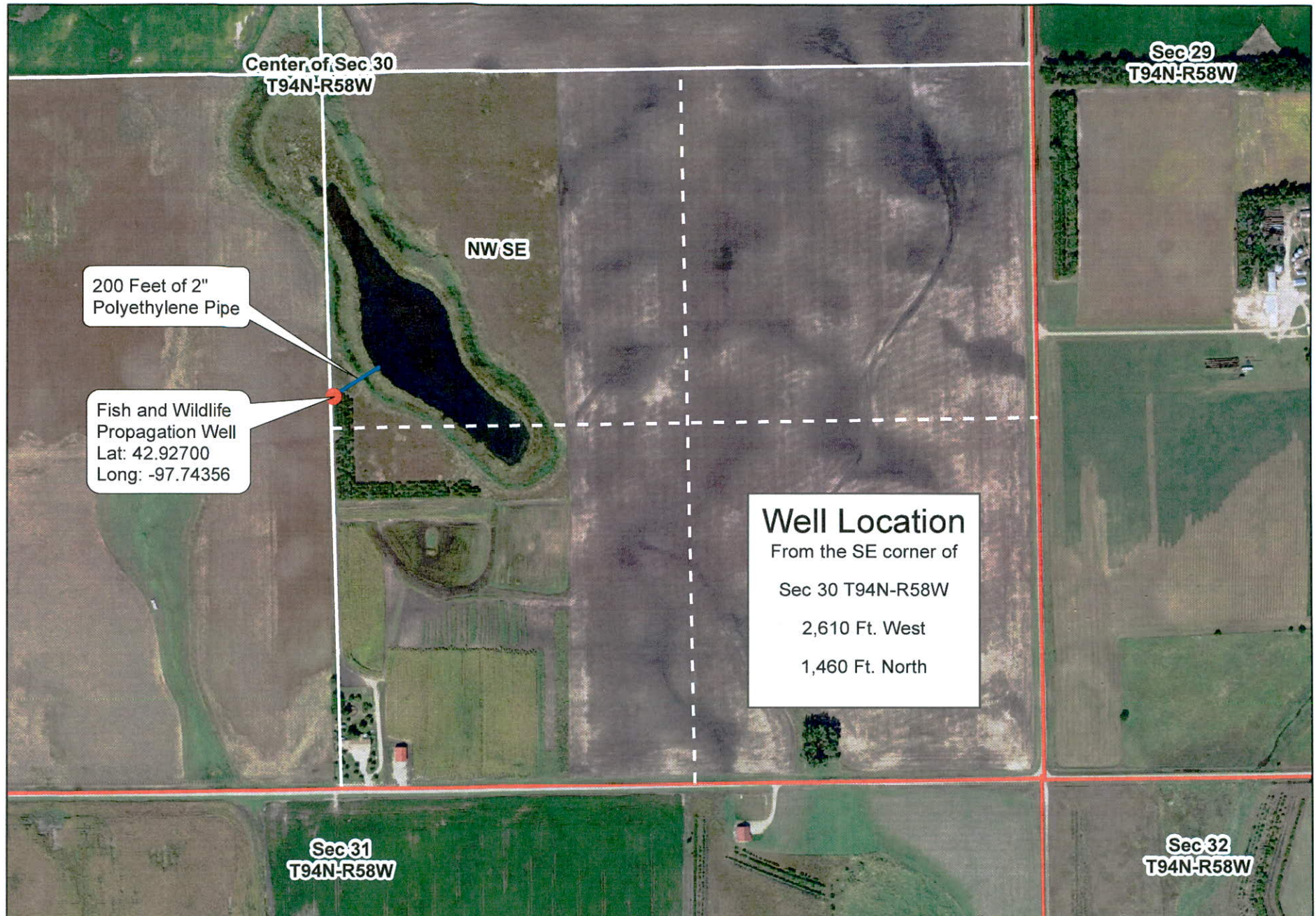
F. Comments or other permit(s) associated with the project: Wesley Kloucek, 42276 308th Street, Tabor, SD 57063 purchased the property from Gary L. Nelson in 2020. Mr. Kloucek signed a Notice of Transfer of Ownership form and it is attached to this report.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: June 15, 2020

Water Right No. 6541-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
June 15, 2020

NOTICE OF TRANSFER OF OWNERSHIP

PAID

JUN - 9 2020

For assistance call (605) 773-3352

Ck# 1272

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUN 09 2020

WATER RIGHTS
PROGRAMWater Right/Permit No. 6541-3Date: June 4, 2020I/We request that Water Right/Permit No. 6541-3 formerly owned by:Gary L. Nelson be transferred to:New Owner Name: Wesley KloucekAddress: 42276 308th StreetCity, State, Zip Tabor SD 57063 Telephone No. 605-661-1422

Title to the following described land(s)/property has been transferred as described above:

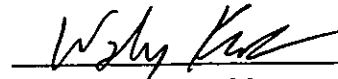
Ellis Marsh in the SE1/4 of Section 30, T94N-R58W of the 5th PM, Bon Homme County, SD and
Ellis Marsh - 2 in the SE1/4 of Section 30, T94N-R58W of the 5th PM, Bon Homme County, SD.

☒ I understand that the validity of Water Right/Permit No. 6541-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Wesley Kloucek, the new owner, certify that the above information is true and correct.

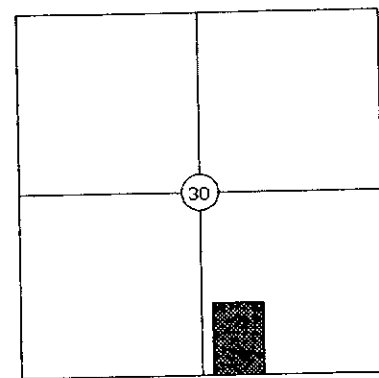
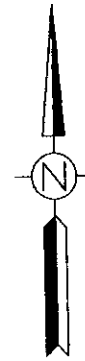
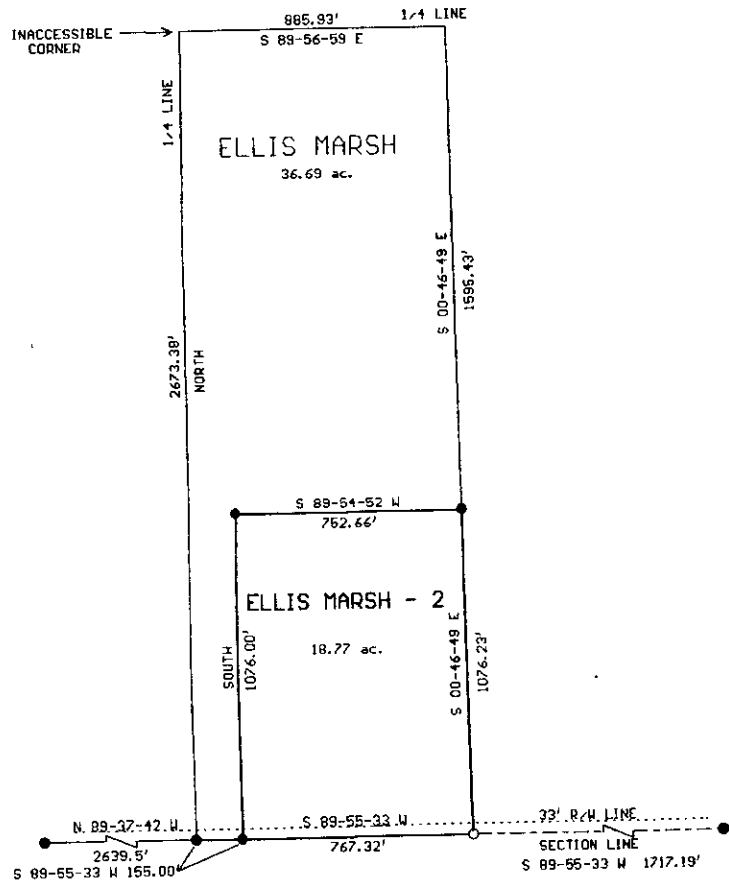

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

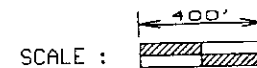
6541-3

PLAT OF ELLIS MARSH - 2, IN THE S.E. 1/4 OF SECTION 30,
T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY,
SOUTH DAKOTA



LOCATION

- FOUND 5/8" REBAR WITH CAP STAMPED TOM WEEK PELS 2912
- SET 5/8" REBAR WITH CAP STAMPED TOM WEEK PELS 2912



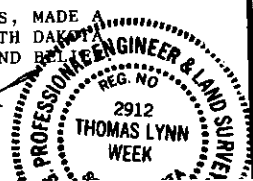
SCALE :

SURVEYORS CERTIFICATE

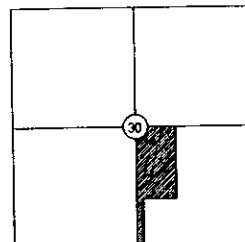
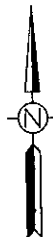
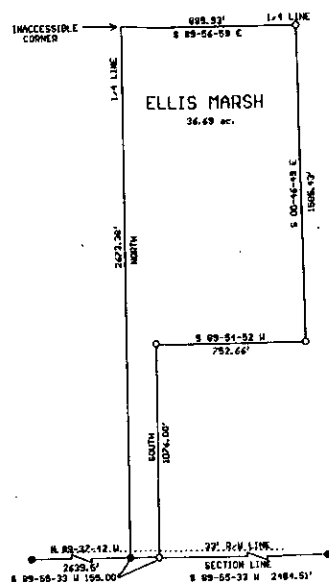
I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF ELLIS MARSH - 2, IN THE S.E. 1/4, SECTION 30, T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 6TH. DAY OF AUGUST, 2005.

Thomas Lynn Week
THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912



PLAT OF ELLIS MARSH, IN THE S.E. 1/4 OF SECTION 30,
T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY,
SOUTH DAKOTA



LOCATION

- FOUND 5/8" REBAR WITH CAP STAMPED TOM WEEK PEL# 2912
- SET 5/8" REBAR WITH CAP STAMPED TOM WEEK PEL# 2912

SCALE : 100'

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF ELLIS MARSH, IN THE S.E. 1/4, SECTION 30, T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 23RD. DAY OF JANUARY, 1999.

Thomas Lynn Week
THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

OWNERS CERTIFICATE

WE, CLINTON D. ELLIS AND SANDRA J. ELLIS, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED PROPERTY: ELLIS MARSH, IN THE S.E. 1/4, SECTION 30, T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

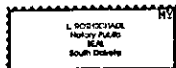
DATED THIS 29 DAY OF JANUARY, 1999.

Clinton D. Ellis
CLINTON D. ELLIS

Sandra J. Ellis
SANDRA J. ELLIS

STATE OF South Dakota
COUNTY OF Bon Homme
ON THIS 29 DAY OF JAN., 1999, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED CLINTON D. ELLIS AND SANDRA J. ELLIS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES 1-14-2004



Notary Public
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE BON HOMME COUNTY, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING ELLIS MARSH, IN THE S.E. 1/4, SECTION 30, T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

Chairman
CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: ELLIS MARSH, IN THE S.E. 1/4, SECTION 30, T94N, R58W, OF THE 5TH. P.M., BON HOMME COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF BON HOMME COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, *Linda F. Posek*, COUNTY AUDITOR OF BON HOMME COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF BON HOMME COUNTY, SOUTH DAKOTA, ON THIS 29 DAY OF January, 1999.

Linda F. Posek
COUNTY AUDITOR

Chairman
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, *Loni Cards*, DIRECTOR OF EQUALIZATION, BON HOMME COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS 29 DAY OF January, 1999.

Loni Cards
DIRECTOR OF EQUALIZATION, BON HOMME COUNTY

TREASURER CERTIFICATE

I, *Erin H. Rothchild*, TREASURER OF BON HOMME COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS 29 DAY OF January, 1999.

Erin H. Rothchild
TREASURER, BON HOMME COUNTY

REGISTER OF DEEDS CERTIFICATE

I, *Erin H. Rothchild*, REGISTER OF DEEDS, BON HOMME COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS 29 DAY OF January, 1999, 4:10 O'CLOCK P.M., AND DULY RECORDED IN BOOK NO. 572, PAGE 570/3.

Erin H. Rothchild
REGISTER OF DEEDS, BON HOMME COUNTY

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

6541-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date June 9, 2020RECEIVED OF Wes/Danielle Kloucek 127 E Kudrna St Tabor SD 57063

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. _____	\$
Fee for Filing Transfer Form <u>6541-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief EngineerVM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 17 2020

6541-3

Wesley Kloucek
42276 308th St
Tabor SD 57063

Dear Mr. Kloucek:

Enclosed is Water License No. 6541-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

The transfer of ownership from Gary L Nelson to your name was done prior to licensing. Your receipt for the filing fee is enclosed.

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. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6541-3**

(1) Gary L Nelson, Tabor SD made Application No. 6541-3, September 27, 2004 for a water permit to divert 0.22 cubic feet of water per second from ground water, one well (Dakota Formation), Bon Homme County, South Dakota for fish and wildlife propagation purposes. Permit No. 6541-3, with a priority date of September 24, 2004 was approved December 27, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 27, 2009 and for the application to beneficial use of water on or before December 27, 2013.

On June 9, 2020, Water Permit No. 6541-3 was transferred from Gary L Nelson to Wesley Kloucek.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.17 cubic feet of water per second for beneficial use. The well is located as follows:

- 1,460'N and 2,610'W of the SE corner of Section 30, T94N, R58W (NW ¼ SE ¼)
Latitude 42.926831, Longitude -97.743589

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The above described well is used to maintain a wetland area located in the SE ¼ Section 30, T94N, R58W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wesley Kloucek, 42276 308th St., Tabor SD 57063 the holder and/or owner of Water Right No. 6541-3 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from ground water, one well (Dakota Formation) with a priority date of September 24, 2004 from the location specified in (2) of this license for fish and wildlife propagation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6541-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.
- The well approved under this water right shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the water right cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Pumping of the well is not authorized or should the well begin to flow it must be controlled so that water will not be impounded on property owned by others unless all necessary easements are obtained.


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

JUN 17 2020

date

