

WATER PERMIT NO. 6665-3

Name of Applicant: Harold Clyde Rosenbaum

Address: 33202 478th Ave, Jefferson SD 57501

Phone: 605 356-2796

Amount of Water Claimed: no add'l

Total Acres: 15 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 20 miles southeast of Elk Point

PRIORITY

Date Received: 9-21-05

Application/License Fee: \$200

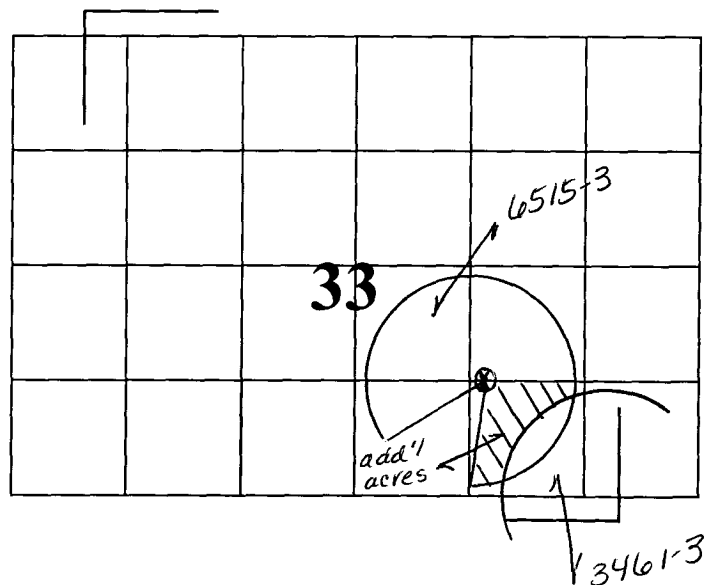
Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks: Additional acres to those authorized by Water Permit No. 6515-3

Diversion Point: NE 1/4 NW 1/4 Sec 33-T90N-R49W

Land to be Irrigated: SE 1/4 NW 1/4 Sec 33-T90N-R49W



Depth of Well: 126 feet

Well Driller: : Hammond Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 9-27-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6665-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Elk Point Leader Courier</u>	

RECEIVED
SEP 21 2005
WATER RIGHTS
PROGRAM

Application

For Permit To

Appropriate Water For Irrigation

Type of Application: x 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.)

1. Name of Applicant Harold Clyde Rosenbaum Phone (605) 356-2796
(check one) Owner Tenant/lessee
Mailing Address 33202 478th Ave, Jefferson State SD 57501 57038
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed No *CFS or **GPM ***AF Total Acreage 15 add'l
add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri: Elk Point Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1430' E and 1320' S of the NW corner Section 33-T90N-R49W (NE 1/4 NW 1/4)
County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used June 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NW 1/4 Section 33-T90N-R49W	15		

8. Give a description of the project. (Attach sheet if more space is needed)
The center pivot operates at 1.63 cfs to irrigate 91 acres in a partial circle. Permit No. 6515-3 authorizes 1.7 cfs to irrigate 119 acres. The statutory limit for 91 acres is 1.3 cfs however, the irrigation system and the sandy soils require more than the statutory limit. 15 acres are located on property not covered by any water right. The acres are contiguous to the original permit but not owned by the same person as the acres authorized by Permit No. 6515-3. This application is to apply water at a greater rate than 1 cfs per 70 acres and to include the additional 15 acres irrigated.

STATE OF SOUTH DAKOTA) SS
County of Union

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, H. Clyde Rosenbaum, 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 H. Clyde Rosenbaum

Subscribed and sworn to before me this 19th day of September 2005

ROSE MARY MORROW

SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

Rose Mary Morrow
Notary Public signature

My Commission Expires: 09-01-05

SOUTH DAKOTA
WATER PERMIT NO. 6665-3

Date of first receipt of application September 21, 2005.

Date of return to applicant for corrections, amendments or changes September 21, 2005.

Date of receipt of corrected application September 26, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6665-3 to Harold Clyde Rosenbaum, 33202 478th Ave, Jefferson SD 57038 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6665-3 authorizes irrigation of 15 additional acres. Water Permit No. 6515-3 appropriates 1.70 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33 to irrigate 119 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; all in T90N-R49W. An inspection of the water permit found the well supplying 1.63 cfs to irrigate 91 acres. This permit adds the irrigation of 15 developed acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33-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: June 1 – September 30.
3. The date from which applicant may claim right is September 21, 2005.
4. The date of approval of Permit No. 6665-3 is December 19, 2005.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 6515-3 and 6665-3 authorizes a maximum diversion rate of 1.63 cfs for the irrigation of 91 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. 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

JAN 26 2006

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction The well is authorized by WR 6515-3.

- a) Drill Hole Diameter 22" Depth 126'
- b) Casing Type pvc Diameter 16" Thickness 1"
- c) Screen Type Perforated pvc Diameter 16" Thickness 1"
- d) Gravel Pack 1/4 - 18 Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 54'
- f) Depth to Water (ground surface to water level) 23'
- g) Distance to nearest existing domestic well: 1320'
- On applicants property yes On property owned by others _____

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

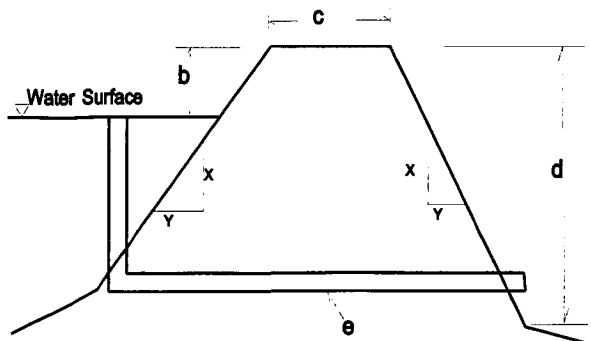
3. Dugout Information

- 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6665-3

(1) Harold Clyde Rosenbaum, 33203 478th Ave, Jefferson SD 57038 made Application No. 6665-3, September 21, 2005 for a water permit to irrigation 15 additional acres from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6665-3, with a priority date of September 21, 2005 was approved December 19, 2005 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 6515-3, with a priority date of June 16, 2004, authorized 1.70 cubic feet of water per second from one well to irrigate lands located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33-T90N-R49W. The applicable portions of No. 6515-3 are incorporated into Water License No. 6665-3.

(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 Incorporated Water Right No. 6665-3 is issued a license, bearing priority dates of June 16, 2004 and September 21, 2005 to appropriate 1.63 cubic feet of water per second from groundwater (one well) to irrigate 91 acres.

The diversion point is located: 1,430 feet east and 1,320 feet south of the northwest corner of Section 33-T90N-R49W (NE $\frac{1}{4}$ NW $\frac{1}{4}$). The acres authorized for irrigation are as follows:

Section 33-T90N-R49W		Priority Dates
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres	June 16, 2004
NW $\frac{1}{4}$ NW $\frac{1}{4}$	23 acres	June 16, 2004
SW $\frac{1}{4}$ NW $\frac{1}{4}$	12 acres	June 16, 2004
SE $\frac{1}{4}$ NW $\frac{1}{4}$	15 acres	September 21, 2005
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11 acres	*
Total 91 acres		

*** The 26 acres irrigated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ are owned by Roger Dailey. Of those 26 acres 11 acres are covered by Water Right No. 3461-3.**

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6665-3 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.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 6515-3 and 6665-3 authorizes a maximum diversion rate of 1.63 cfs for the irrigation of 91 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- 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

JAN 26 2008

date



Permit No. 6515-3 (Incorporated into 6665-3)
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 Harold Clyde Rosenbaum of 33202 478th Ave, Jefferson SD 57038 holder of Permit No. 6515-3, bearing the priority of June 16, 2004 authorizing the diversion of 1.70 cu. ft. per second of the waters of Missouri: Elk Point Aquifer for irrigation purposes, in Union County.

Inspection contact & relationship **Clyde Rosenbaum – owner (605) 356-2782**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 126 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 66 feet
- 3) Type pcv

Screen:

- 1) Type pvc
- 2) Length 60 feet
- 3) Static water level 23 feet

Pump:

- 1) Make Flowserve
- 2) Model 12K9
- 3) Size
- 4) Capacity 735 GPM

Motor:

- 1) Make Cummins diesel
- 2) Model No. BT 4
- 3) Horsepower rating 105 throttled to 70 hp

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

- 1) Type steel
- 2) Size 10 inches
- 3) Length 15 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T&L
- 2) Overall length 1210 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 735 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: none

The system is in new condition with the point(s) of diversion located as follows: 1430' E and 1320' S of the NW corner Section 33-T90N-R49W in the NE¼ NW¼. The works are capable of diverting and conveying to the place of use 1.63 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 33-T90N-R49W:

NE¼ NW¼ 30 acres
 NW¼ NW¼ 23 acres
 SW¼ NW¼ 12 acres
 SE¼ NW¼ 26 acres

Comprising a total of 91 acres of land and the license should be issued for 1.63 cfs.

All structures, wells and lands on map yes

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

The 26 acres irrigated in the SE NW are owned by Roger Dailey. Of those 26 acres 11 are covered by License No. 3461-3 held by Roger Dailey.

Because the center pivot does not make a full circle the 1.63 cfs required for the irrigation system to operate is more than 1 cfs per 70 acres.



 Lynn Beck

Natural Resources Engineer Specialist
 DENR, Water Rights Program

Date report completed: August 8, 2005

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 20 05

RECEIVED OF H Clyde Rosenbaum, 33202 478th Ave, Jefferson SD 57038

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

Fee for Application for Permit No. <u>6515-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6515-3</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	200.00

No.

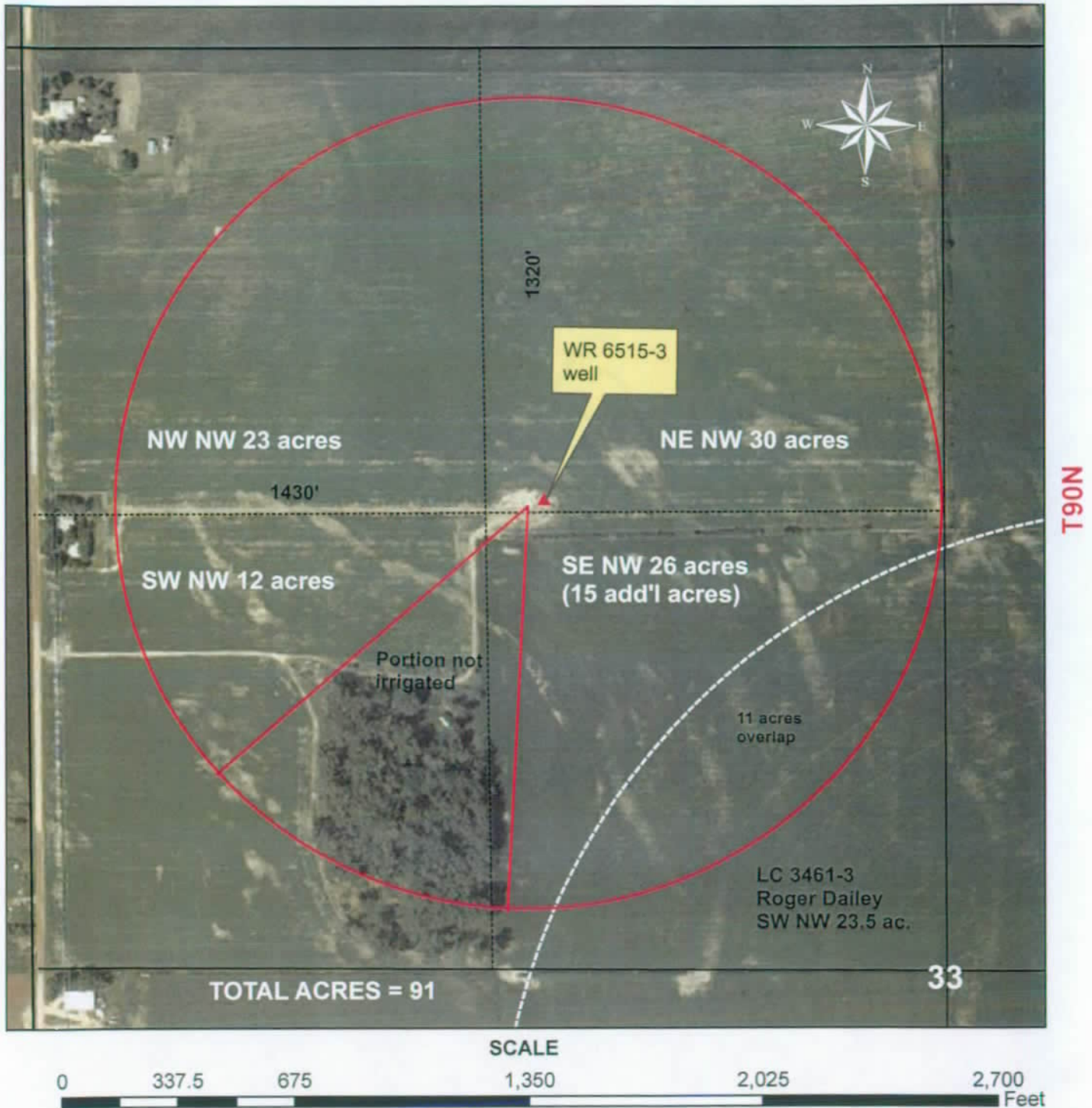
001971

By

Darlan S. Erbe
Chief Engineer gm

**WATER RIGHT NO. 6515-3
HAROLD CLYDE ROSENBAUM**

R49W



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
August 8, 2005





September 14, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harold Clyde Rosenbaum
33202 478th Ave
Jefferson SD 57038

Dear Mr. Rosenbaum:

Enclosed is a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.) on the instruction sheet. I have already prepared one. The enclosed copy is yours to keep or to make any corrections/additions and return with the application.

An inspection of Permit No. 6515-3 found additional land irrigated to what is authorized. Permit No. 6515-3 authorizes 1.7 cubic feet per second (cfs) or 765 gallons per minute (gpm) to irrigate 119 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33-T90N-49W. The developed irrigation consists of a center pivot which operates at 1.63 cfs (735 gpm) to irrigate 91 acres of land. Irrigation of 15 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ is not covered under any water right. The additional irrigated land requires a new application. The statutory limit is 1 cubic feet per second per 70 acres of land to be irrigated. However, the irrigation system and the sandy soils require more than the statutory limit.

This application is for an additional 15 acres not authorized by Permit No. 6515-3 and to apply water at a greater rate than 1 cfs per 70 acres. A \$200.00 fee is required for the application/licensing of the additional 15 acres.

If you have any questions, please feel free to contact me at (605)773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist



September 21, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harold Clyde Rosenbaum
33202 478th Ave
Jefferson SD 57038

Dear Mr. Rosenbaum:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of 15 acres in Union County.

I am returning your check for \$200.00 because it needs a signature. I have enclosed a postage prepaid envelope for your convenience.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

RECEIVED
SEP 26 2005
WATER RIGHTS
PROGRAM

REPORT ON WATER PERMIT APPLICATION NO. 6665-3
For Harold Clyde Rosenbaum
November 14, 2005

Application No. 6665-3 proposes to irrigate an additional 15 acres. Water Permit No. 6515-3 appropriates 1.70 cfs from one well approximately 110 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 33 to irrigate 119 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 33; all in T90N R49W. An inspection of the water permit found the well supplying 1.63 cfs to irrigate 91 acres. This application proposes to add the irrigation of 15 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 33, T90N R49W in Union County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

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. The 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 Big Sioux South aquifer to the north and into the Lower Vermillion Missouri aquifer to the northwest and is hydraulically connected to the underlying Dakota Formation and to both the Big Sioux and Missouri Rivers.

The well completion report for this irrigation well indicates sand and gravel from near the surface to a depth of 123 feet. The well as completed had a static water level of 23 feet below land surface and produced 1000 gpm with 10 feet of drawdown. This results in a specific capacity of 100 gpm/ft of drawdown.

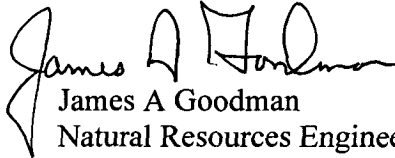
The Water Rights Program monitors an observation well UN-99A located about one mile north of this application. There are also two other older monitoring wells located within three miles of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Hydrographs for UN-99A and UN-77R are included with this report. Note that the water levels appear to have been impacted by entrenching of the Missouri River during the past 25 years. This phenomenon is also shown by other observation wells near the Missouri River and located in Yankton and Clay Counties.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation wells within a one mile radius of the well for this application. Interference is not a concern. These are existing wells and have been in use for many years with no apparent problems. Approval of this application will allow licensing of this to reflect how it has been constructed.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this area. The aquifer is very prolific and drawdown created by pumping is not significant. Interference is not a concern.
3. This is an existing well and appears to have been constructed in accordance with SD Well Construction Standards.
4. This application requests a diversion rate greater than one cfs per 70 acres. Because this is a full size pivot but not full sized in terms of total acres covered this irrigation system needs the larger diversion rate to operate efficiently.
5. This application also adds an additional 15 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 33.
6. Approval of this application allows licensing of Water Permit Nos. 6515-3 and 6665-3 for a total of 91 acres and 1.63 cfs. This would also mean that 11 acres in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 33 are double licensed (also under Water Right No. 3461-3). The total diversion on this portion of irrigated land can not exceed two acre feet per acre.

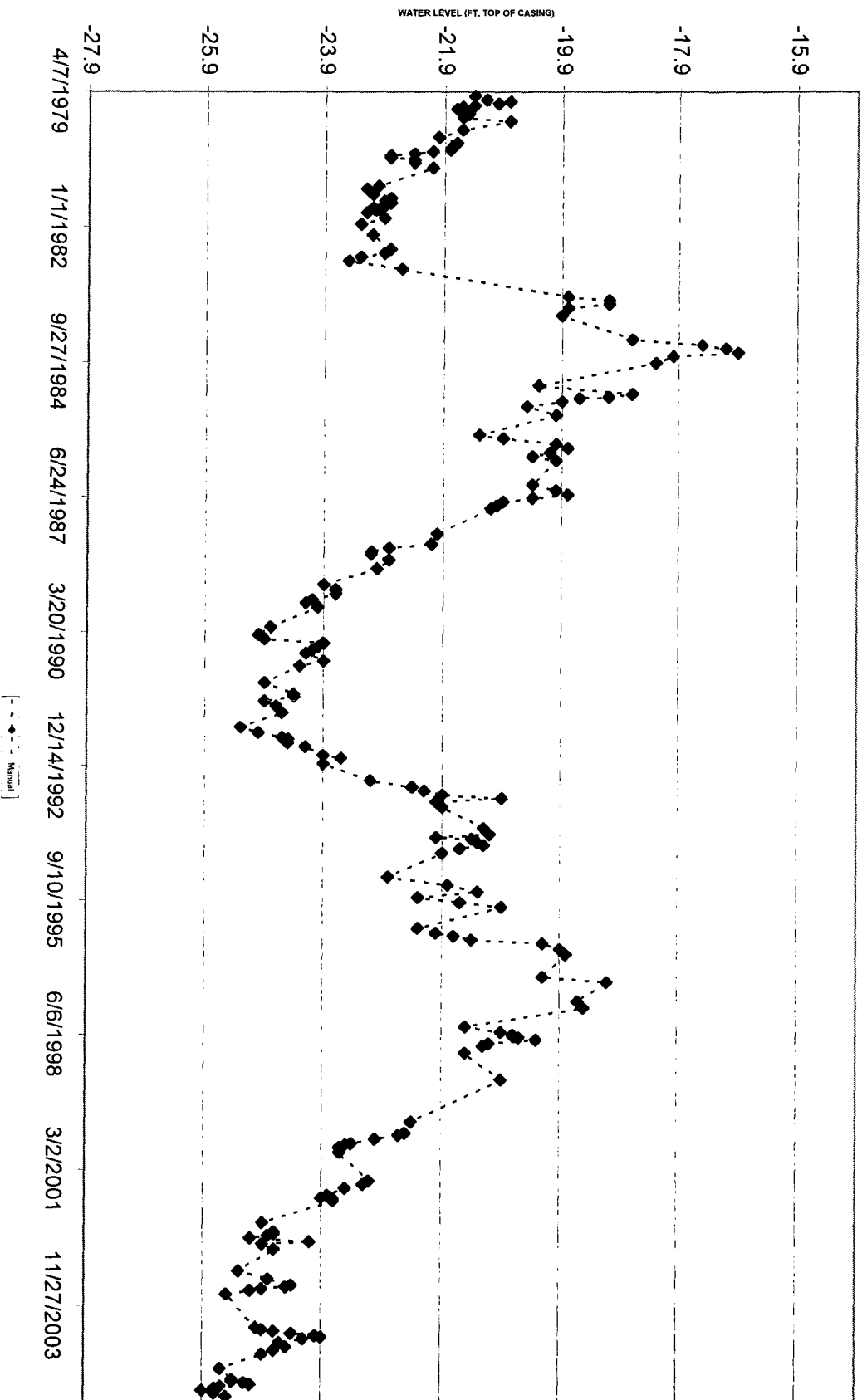

James A Goodman
Natural Resources Engineer

BIBIOGRAPHY

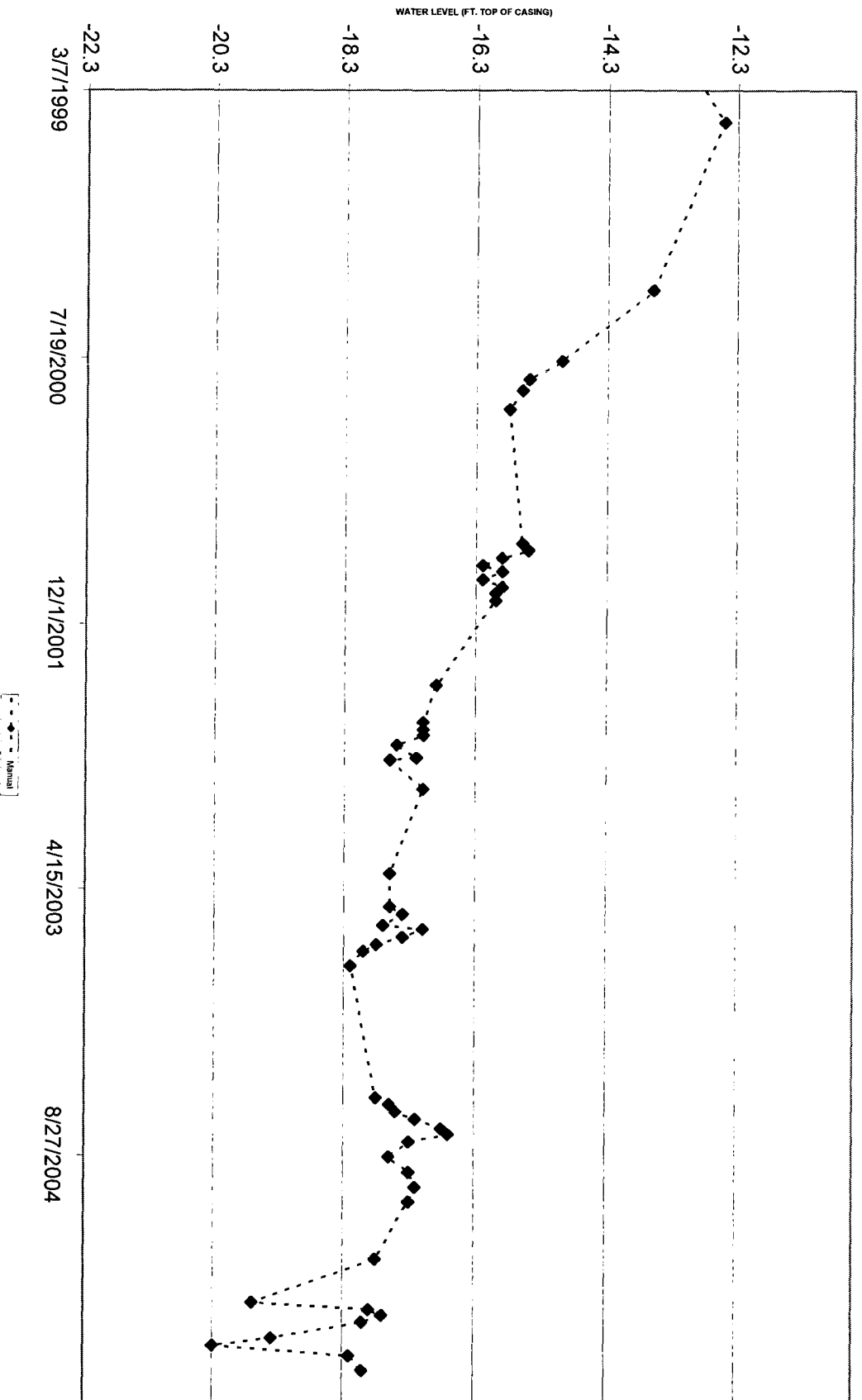
Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota,
Water Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 2005, Unpublished Observation Well Data for Union County, SD DENR,
DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-77R



WATER RIGHTS' OBSERVATION WELL
UN-99A





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6665-3, Harold Clyde Rosenbaum**

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. 6665-3, Harold Clyde Rosenbaum, 33202 478th Avenue, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6665-3 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 qualification:

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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 6515-3 and 6665-3 authorizes a maximum diversion rate of 1.63 cfs for the irrigation of 91 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. 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
November 21, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Union)I, Susan Odsoncertify that the attached printed Notice was
takenfrom the Leader-Courierprinted and published in Elk PointCounty of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Dec. 1, 2005Dec. 8, 2005Cost of Printing \$44.37Susan Odson
(Signature)Affidavits Coordinator
(Title)Dec. 8, 2005
(Date Signed)NOTICE OF APPLICATION
NO. 6665-3 TO
APPROPRIATE WATER

Notice is given that Harold Clyde Rosenbaum, 33202 478th Ave, Jefferson, SD 57038 has filed an application for a water permit to irrigate 15 additional acres. Water Permit No. 6515-3 appropriates 1.70 cubic feet of water per second (cfs) from one well completed into the Missouri: Elk Point Aquifer (110 feet deep) located in the NE1/4 NW1/4 Section 33 to irrigate 119 acres located in the N1/2NW1/4, SW1/4NW1/4 Section 33; all in T90N-R49W. An inspection of the water permit found the well supplying 1.63 cfs to irrigate 91 acres. This application proposes to add the irrigation of 15 developed-acres located in the SE1/4NW1/4 Section 33-T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6665-3 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 19, 2005.

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.
Publish December 1 and 8, 2005
48-5-79

RECEIVED
DEC 12 2005
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

November 21, 2005

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6665-3 to Appropriate Water to be published twice. Please publish the first notice on December 1, 2005 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 Harold Clyde Rosenbaum, 33202 478th Ave, Jefferson SD 57038 (Ph # 605-356-2796).

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. 6665-3

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

Date _____

We are in receipt of your letter of November 21, 2005 enclosing Notice to Appropriate Water by Application No. 6665-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

November 21, 2005

Harold Clyde Rosenbaum
33202 478th Ave
Jefferson SD 57038

Dear Mr. Rosenbaum:

Water Permit Application No. 6665-3 for irrigation 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 Elk Point 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 recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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 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.

Instruction to Newspaper - Publish first Notice on December 1, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6665-3 to Appropriate Water

Notice is given that Harold Clyde Rosenbaum, 33202 478th Ave, Jefferson SD 57038 has filed an application for a water permit to irrigate 15 additional acres. Water Permit No. 6515-3 appropriates 1.70 cubic feet of water per second (cfs) from one well completed into the Missouri:Elk Point Aquifer (110 feet deep) located in the NE ¼ NW ¼ Section 33 to irrigate 119 acres located in the N ½ NW ¼, SW ¼ NW ¼ Section 33; all in T90N-R49W. An inspection of the water permit found the well supplying 1.63 cfs to irrigate 91 acres. This application proposes to add the irrigation of 15 developed acres located in the SE ¼ NW ¼ Section 33-T90N-R49W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6665-3 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 19, 2005.

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

JAN 26 2008

6665-3

Harold Clyde Rosenbaum
33202 478th Ave
Jefferson SD 57038

Dear Mr. Rosenbaum:

Enclosed are Water Permit No. 6665-3 and Water License No. 6665-3. The Water License 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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2008

6665-3

Eugene Mollet
48011 332nd St
Jefferson SD 57038

Dear Mr. Mollet:

Thank you for getting back to me on the ownership change needed for Water Right No. 6665-3. Enclosed is a copy of the water right for you to keep for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included the 2008 irrigation questionnaire pertaining to this property.

If you have any questions concerning any of the enclosed information, please get in touch with me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
NOV 10 1968
WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6665-3
Date: 11-6-68

I/We request that Water Right No. 6665-3

formerly owned by: Harold Clyde Rosenbaum

be transferred to: (name & address) Virgil Mallett JR 47991 334th St. Virgil Mallett III 47903 334th St Eugene Mallett SR 48011 332nd St.
Eugene Mallett JR 48351 330th St. ALL are Jefferson Co. DAK 57038 Telephone No. 605-966-5781

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

portions of the NW 1/4 Section 33, T90N, R49W

I/We understand that the validity of Water Right No. 6665-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Eugene Mallett, the new owner, certify that the above information is true and correct.
Virgil Mallett Jr
Eugene Mallett Jr
Virgil Mallett III
Virgil Mallett III Eugene Mallett Jr
Eugene Mallett SR
Virgil Mallett
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 10, 2008

RECEIVED OF Gene Mollet, Virgil Mollet, Jr, Virgil Mollet III, 48011 332nd St

Jefferson SD 57038

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>No. 6665-3</u>		
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	2.50

No.

03750

By

Garland Erbele

Chief Engineer

Garland Erbele

Em



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2009

6665-3

Eugene Mollet Sr
48011 332nd St
Jefferson SD 57038

Dear Mr. Mollet:

In November, you submitted a "Notice of Transfer of Ownership" form and filing fee for transferring Water Right No. 6665-3. The ownership change has been completed. The water right, formerly held by Harold Clyde Rosenbaum is now listed in the following names:

- Virgil Mollet Jr, 47991 334th St, Jefferson, SD
- Virgil Mollet III, 47903 334th St, Jefferson SD
- Eugene Mollet Sr, 48011 332nd St, Jefferson SD
- Eugene Mollet Jr, 48351 330th St, Jefferson SD

Enclosed is your Receipt No. 03790 in the amount of \$2.50 which you paid to cover the cost of the filing fee.

For purposes of the annual irrigation questionnaire, I listed your name and address person as the contact person. If you prefer the annual form to be sent to one of the other addresses, please contact me and I will make the necessary change.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure