

WATER PERMIT NO. 6672-3

Name of Applicant: Eugene Mollet

Address: 48011 332nd St, Jefferson SD 57038

Phone: 605 966-5781

Amount of Water Claimed: 1.78 cfs

Total Acres: 136

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 4 miles southwest of Jefferson

PRIORITY

Date Received: 11-14-05

Application/License Fee: \$300

Corrected Application Received:

Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: SE ¼ Sec 34-T90N-R49W

Land to be Irrigated: SE ¼ Sec 34-T90N-R49W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

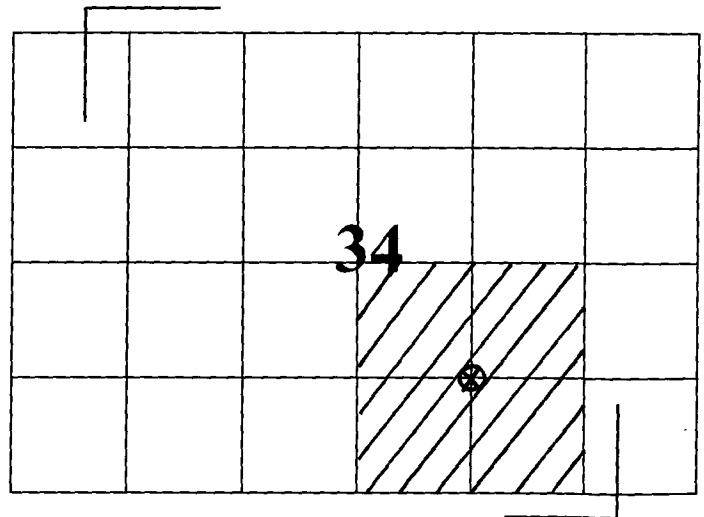
Type of Map: aerial

Prepared by: Racheal Kirkebak, UN Co. FSA

Reviewed and the Number Assigned on: 11-14-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

NOV 14 2005

WATER RIGHTS
PROGRAM

SD EForm - 0499 V1

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6672-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Leader-Courier, Elk Point</u>

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Eugene Mollet Phone 605-966-5781
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 48011 332nd Street Jefferson State SD 57038
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 136
 (*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
1 well SE 1/4 Sec 34 Twn 90 Range 49
- County or counties where water will be used Union
- Annual period during which water is to be used Summer June 1 August 31
- 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 SE 1/4 34 90 49	34		
SW 1/4 SE 1/4 34 90 49	34		
NE 1/4 SE 1/4 34 90 49	34		
NW 1/4 SE 1/4 34 90 49	34		

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

I own Along with Virgil Mollet JR + Virgil Mollet III The SE 1/4 34-90-49 I Also own 1 well in NW 1/4 35-90-49 Permit #5903-3

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, Eugene Mollet, 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 Eugene Mollet

Subscribed and sworn to before me this 10th day of November 20 05

My commission expires: 10-10-2000

Kristie Munn
 Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6672-3

Date of first receipt of application November 14, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6672-3 to Eugene Mollet, 48011 332nd St, 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. 6672-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the center of SE ¼ Section 34 to irrigate 136 acres located in the SE ¼ Section 34; all in T90N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is November 14, 2005.
4. The date of approval of Permit No. 6672-3 is December 19, 2005.
5. One-fifth of the construction is to be completed on or before June 19, 2008.
6. All construction is to be completed on or before December 19, 2010.
7. Water is to be put to beneficial use on or before December 19, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6672-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 120
- b) Casing Type PVC Diameter 16" Thickness S&W 40
- c) Screen Type PVC Diameter 16" Thickness _____
- d) Gravel Pack Pea Gravel Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material ? 75'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others 1/4 mile

2. Wastewater Disposal System Information

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

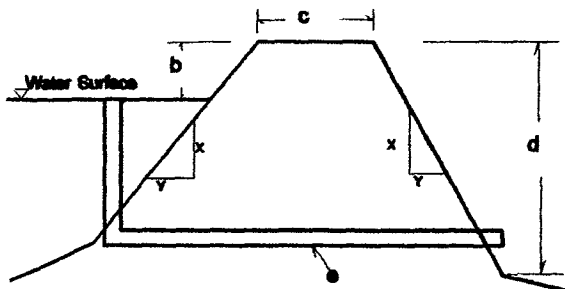
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 14, 20 05

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. <u>6672-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6672-3</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	300.00

No.

002001

By

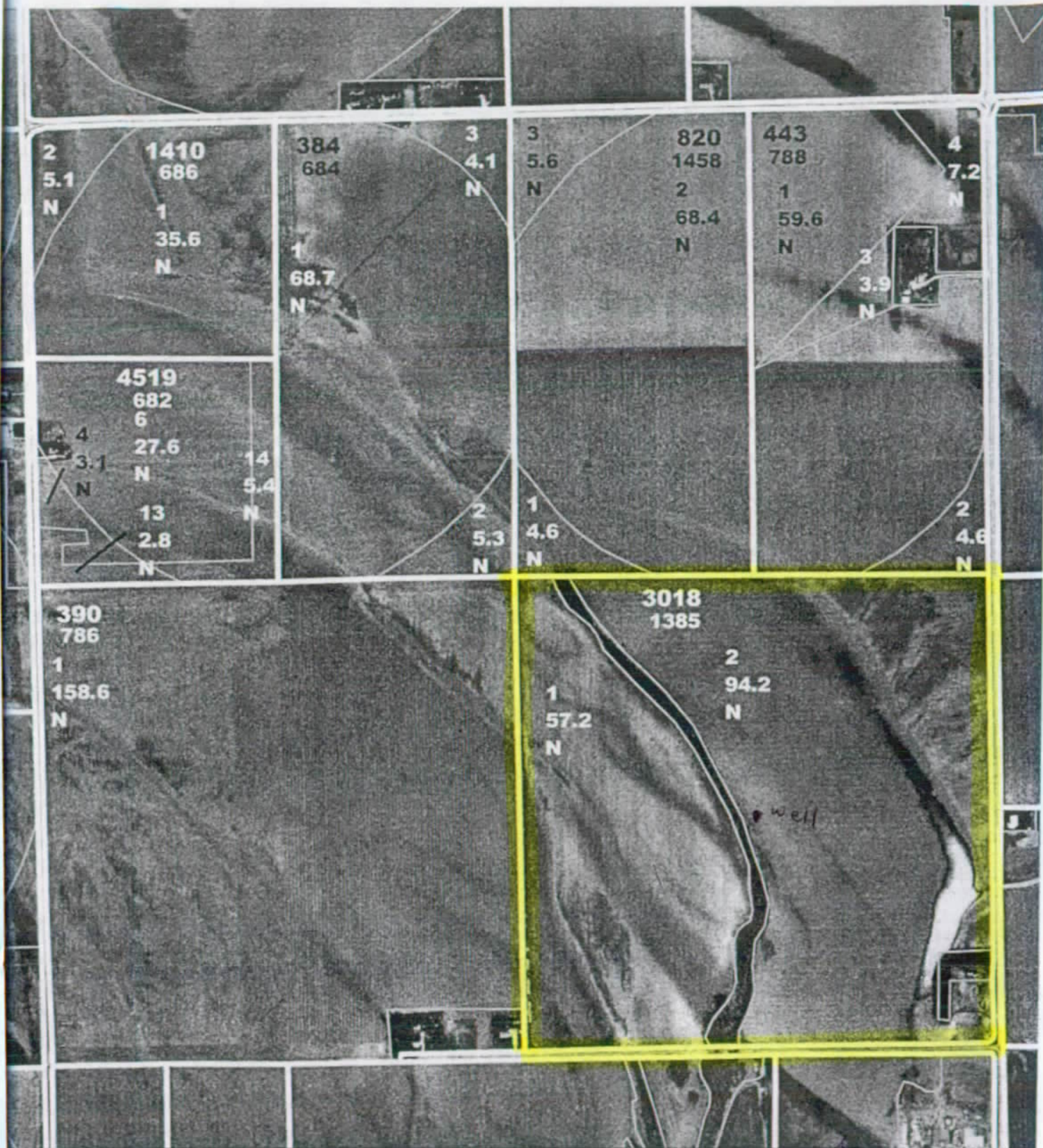
Garland Eskela

Chief Engineer

KS



Zachary Kirkland, PT
Union County FSA



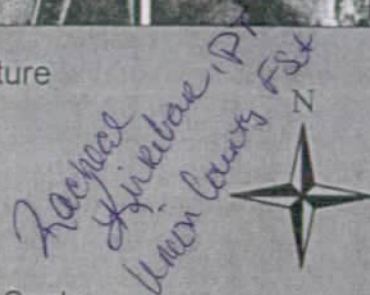
United States Department of Agriculture
Farm Service Agency

34-90-49

Union County

May 11, 2005

1997 Digital Orthophotography - Not To Scale



REPORT ON WATER PERMIT APPLICATION NO. 6672-3
For Eugene Mollet
November 16, 2005

Application No. 6672-3 proposes to appropriate 1.78 cubic feet per second (cfs) from one well approximately 120 feet deep located in the center of the SE ¼ Section 34 to irrigate 136 acres located in the SE ¼ 34; all in T90N-R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to both the Missouri and Big Sioux Rivers. Also in this portion of Union County (southern) the aquifer directly overlies the Dakota Formation and ground water moves upward into the Missouri Elk Point from the Dakota aquifer. Ground water movement is from northwest to southeast and locally toward the Missouri or Big Sioux Rivers (Niehus, 1994).

The Water Rights Program monitors an observation well (UN-77R) which is completed into the Missouri Elk Point aquifer and located approximately 1 ¼ mile southwest of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2005).

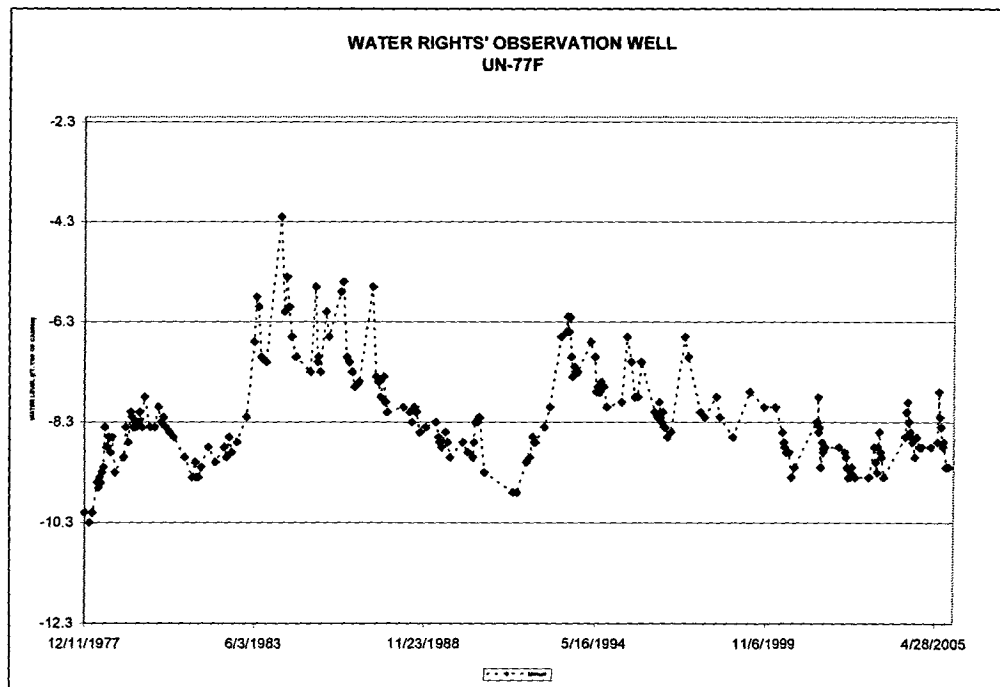


Figure 1. Hydrograph for observation well UN-77F.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located about one-half mile south of this proposed well. This well is for Water Right No. 3616-3 (1.14 cfs for irrigation of 80 acres). There are numerous irrigation wells in the area and drawdown measured in the observation wells is not significant. Interference is not expected to be a concern.

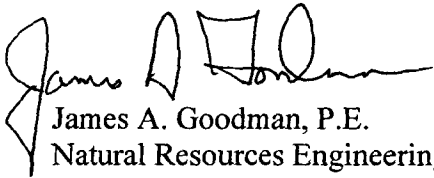
CONCLUSIONS

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



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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. 6672-3, Eugene Mollet**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6672-3, Eugene Mollet, 48011 332nd Street, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6672-3 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 authorized by Permit No. 6672-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
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 \$38.19Susan Odson
(Signature)Affidavits Coordinator
(Title)Dec 8, 2005

(Date Signed)

RECEIVED

DEC 12 2005

WATER RIGHTS
PROGRAMNOTICE OF APPLICATION
NO. 6672-3 TO
APPROPRIATE WATER

Notice is given that Eugene Mollet, 48011 332nd St., Jefferson, SD 57088 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the center of SE1/4 Section 34 to irrigate 136 acres located in the SE1/4 Section 34; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6672-3 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
48-2-68



**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

Eugene Mollet
48011 332nd Street
Jefferson SD 57038

Dear Mr. Mollet:

Water Permit Application No. 6672-3 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 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. 6672-3 to Appropriate Water

Notice is given that Eugene Mollet, 48011 332nd St, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the center of SE ¼ Section 34 to irrigate 136 acres located in the SE ¼ Section 34; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6672-3 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

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

November 21, 2005

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6672-3 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 Eugene Mollet, 48011 332nd Street, Jefferson SD (Ph # 605-966-5781).

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. 6672-3

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. 6672-3 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

JAN 26 2008

Eugene Mollet
48011 332nd St
Jefferson SD 57038

Dear Mr. Mollet:

Enclosed is Water Permit No. 6672-3 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