

WATER PERMIT NO. 7409-3

Name of Applicant: Virgil and Marcia Mollet

Address: 47991 334th St, Jefferson SD 57038

Phone: 605 966-5783

Amount of Water Claimed: 1.11 cfs

Total Acres: 40 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 4 miles southwest of Jefferson

PRIORITY

Date Received: 8-31-12

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Requesting diversion rate greater than statutory limit

Diversion Point: center of the NW 1/4 NW 1/4 Sec
2-T89N-R49W

Land to be Irrigated: NW 1/4 NW 1/4 Sec 2-T89N-
R49W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

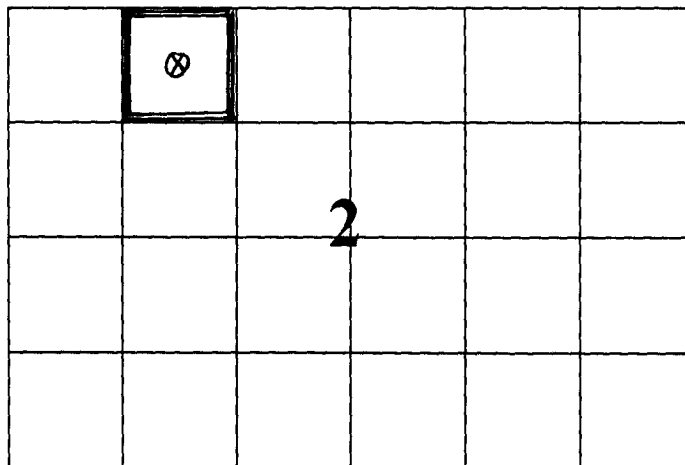
Type of Map: aerial

Prepared by: Racheal Kirkebee, Union Co FSA

Reviewed and the Number Assigned on: 9-4-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7409-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	<u>605-356-2632</u>
	Newspaper <u>Leader-Courier</u>	<u>PO Box 310 Elk Point 57025</u>
	<u>Press & Dakotan</u>	<u>319 Walnut Yankton 57028 605-665-7811</u>

RECEIVED

AUG 31 2012

WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant Virgil and/or Marcia Mallet Phone 605-966-5783
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address 47991 334st, Jefferson State SD, 57038
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.11 *CFS or 500 **GPM ***AF Total Acreage 40
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well in NW 1/4 / NW 1/4 Sec 2-Twp 89 - Rng 49
(approximate center) County Union
- County or counties where water will be used Union
- Annual period during which water is to be used May - Sept. 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 / NW 1/4 Sec 2 Twp 89 Rng 49	40A.		

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

Installing center pivot

Requesting div. rate greater than Statutory Limit

STATE OF SOUTH DAKOTA) SS

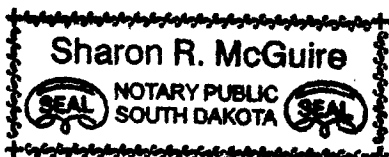
County of Union

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, Virgil Mallet Jr., 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 Virgil Mallet Jr.

Subscribed and sworn to before me this 27th day of August 20 12



Sharon R McGuire

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7409-3

Date of first receipt of application August 31, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7409-3 to Virgil and/or Marcia Mollet, 47991 334th 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. 7409-3 appropriates 1.11 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in NW 1/4 NW 1/4 Section 2 for irrigation of 40 acres located in the NW 1/4 NW 1/4 Section 2; all in T89N-R49W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is August 31, 2012.
4. The date of approval of Permit No. 7409-3 is December 3, 2012.
5. One-fifth of the construction is to be completed on or before May 3, 2015.
6. All construction is to be completed on or before December 3, 2017.
7. Water is to be put to beneficial use on or before December 3, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

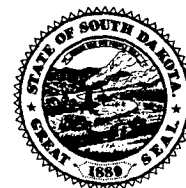
QUALIFICATIONS

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. 7409-3 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. 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 No. 7409-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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 17 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 21" Depth 120
- b) Casing Type PVC Diameter 16" Thickness SCH 40
- c) Screen Type PVC Diameter 16" Thickness SCH 40
- d) Gravel Pack AKRON Well Pack Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
- On applicants property 1/4 mile 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 _____

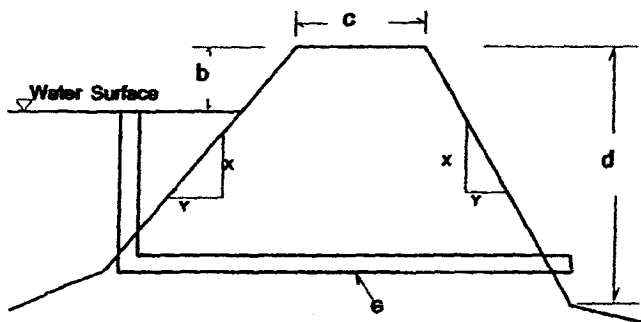
3. Dugout Information

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

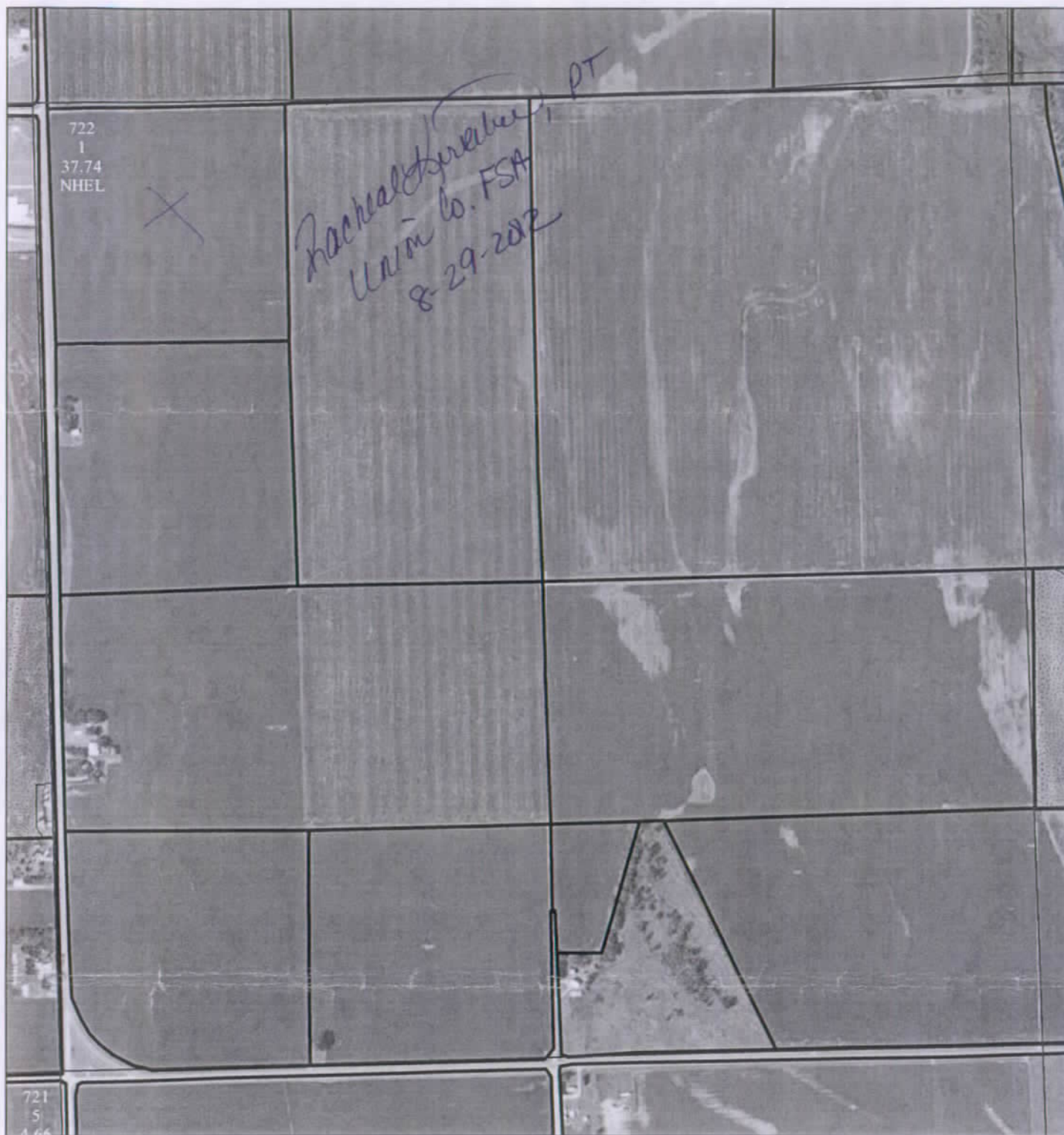
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

April 27, 2012

PLSS: 2_89N_49W
Farm: 4469

Union County

1:8,828



RECEIVED

AUG 31 2012

**WATER RIGHTS
PROGRAM**

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

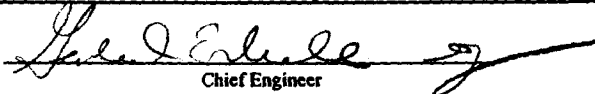
Date 9/4, 20 12

RECEIVED OF Virgil Mollett 47991 334th St Jefferson SD 57038

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

Fee for Application for Permit No. <u>7409-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7409-3</u>	200	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	700 00

No. **05556**

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7409-3, Virgil and Marcia 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. 7409-3, Virgil and Marcia Mollet, 47991 334th Street, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 7409-3 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. 7409-3 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. 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 No. 7409-3 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 40 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
October 29, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7409-3
VIRGIL & MARCIA MOLLET
OCTOBER 22, 2012

Water Permit No. 7409-3 proposes to appropriate up to 80 acre-feet annually (ac-ft/yr) at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from one well to be completed into the Elk Point management unit of the Missouri aquifer. The well is to be located in the NW¼ NW¼ Section 2, T89N-R49W and is expected to be approximately 120 feet deep. Water from the well is to be used to irrigate 40 acres located in the NW¼ NW¼ Section 2, T89N-R49W. This application is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER: Missouri: Elk Point (M: EP)

GENERAL:

The Missouri aquifer consists of unconsolidated glacial outwash deposits composed of fine sand to very coarse gravel. The Elk Point management unit of aquifer extends from the Big Sioux River to the Missouri River over approximately the southern one-third of Union County. The Elk Point management unit extends west into Clay and Yankton Counties. The outwash is overlain by alluvium over much of Union County and in general overlies the Dakota aquifer. Hedges and others, (1982) estimated the Missouri: Elk Point aquifer underlies 99,600 acres of Union County and contains 1,494,600 acre-feet of recoverable water in storage in the county. Niehus, (1994) estimated the aquifer underlies 180 square miles (115,200 acres) of Union County and contained 1.5 million acre-feet of water in storage in the county. The maximum thickness of the aquifer in Union County is estimated to be 146 feet and the average thickness is estimated to be 84 feet (Niehus, 1994). A test hole drilled the DENR-Geological Survey located approximately 825 feet northwest of the well site proposed by this application identifies the aquifer from 65-134 feet below land surface ("Lithologic Logs Database"). The Missouri: Elk Point aquifer is under confined conditions in this area and the static water level of a well at the proposed site is expected to be 10-20 feet below.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

This application proposes to appropriate 80 acre-feet annually from the Missouri: Elk Point aquifer, although the amount of water actually used for irrigation will be less than the two acre-feet per acre appropriation. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is

probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Withdrawals:

Recharge:

Recharge to the Missouri: Elk Point aquifer is through infiltration of precipitation in areas where the aquifer is at or near land surface and from groundwater inflow from the adjacent Lower Vermillion-Missouri and Big Sioux aquifers. Chemical analyses indicate that there is a hydraulic connection between the Dakota aquifer and the Missouri: Elk Point aquifer (Niehus, 1994) and the Dakota aquifer is also a source of recharge. Some recharge to the aquifer occurs from the Missouri River when the stage of the river is higher than the groundwater level. Based on an analysis of observation well data, average annual recharge to the Missouri aquifer is estimated to be 3.8 inches per year (Hedges and others, 1985). Average annual recharge for Union County alone would be approximately 36,480 acre-feet/yr.

Withdrawals:

Withdrawals from the Missouri: Elk Point aquifer are through: (1) well withdrawals; (2) evapotranspiration; (3) discharge to the Big Sioux and Missouri Rivers; and (4) discharge to the Dakota aquifer.

There are a total of 484 water rights/permits appropriating water from the Missouri: Elk Point aquifer in South Dakota with 290 of these from Union County (Water Rights, 2012b). In Union County the aquifer is used for municipal use (four water rights), commercial use (two water rights), industrial use (two water rights) and recreational use (one water permit) but the main use is for irrigation.

In 2011, there were a total of 431 water permits/rights appropriating 159,700.8 acre-feet of water annually for irrigation from the Missouri: Elk Point aquifer. 272 of these permits/rights appropriated 100,120.6 acre-feet annually from the Missouri: Elk Point from Union County (Water Rights, 2012). A summary of the irrigation questioners report a total of 12,107.55 acre-feet was pumped from the Missouri: Elk Point aquifer in 2011 with 7,289.7 acre-feet pumped by Union County irrigators (Water Rights, 2012).

Withdrawals from the Missouri: Elk Point aquifer in Union County does not exceed the average annual recharge to the aquifer. Therefore, unappropriated water is available for this appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors a total of 37 observation wells completed into the Missouri: Elk Point aquifer, with 25 of these observation wells located in Union County. Four of the Water Rights’ observation wells are located within approximately two and three-fourths

miles of the well site proposed by this application. Hydrographs for the wells are shown in Figures 1 through 4.

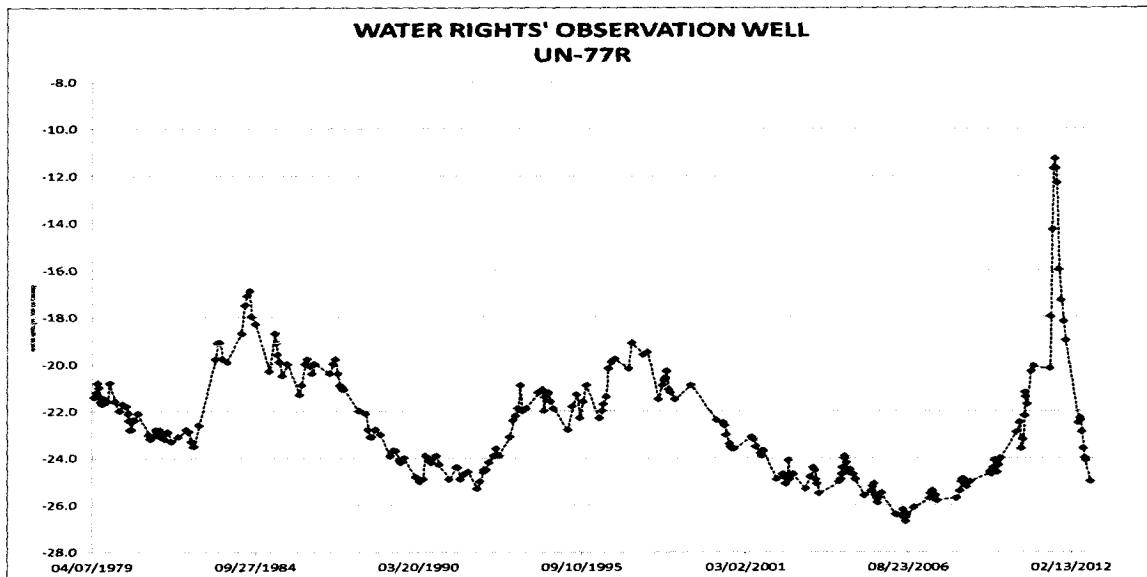


Figure 1. DENR-Water Rights' observation well completed into the Missouri: Elk Point aquifer approximately one mile southwest of the well site proposed by Application No. 7409-3.

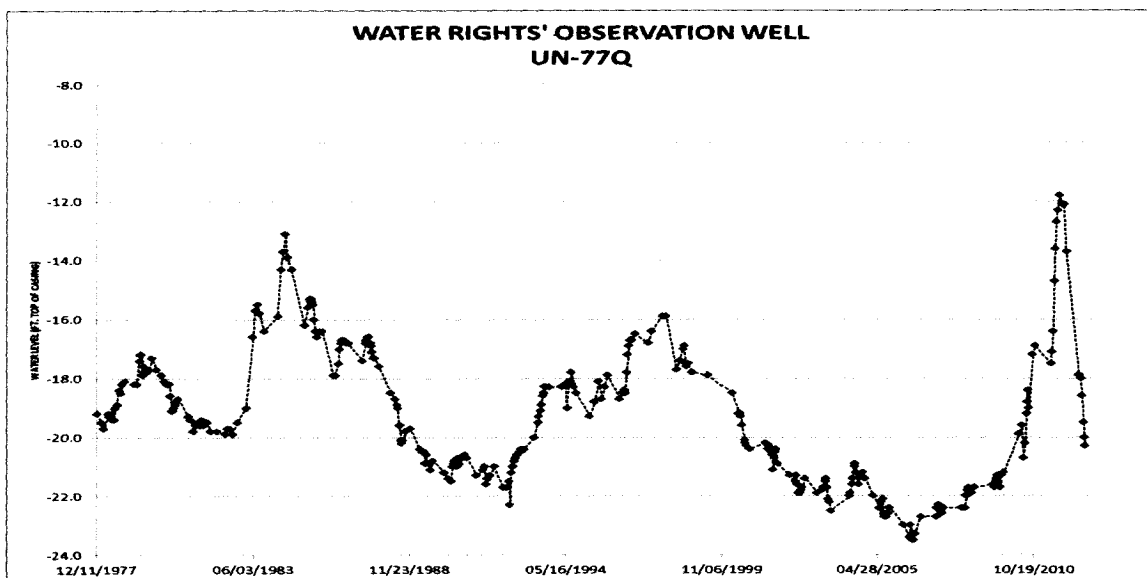


Figure 2. DENR-Water Rights' observation well completed into the Missouri: Elk Point aquifer approximately two miles south-southeast of the well site proposed by Application No. 7409-3.

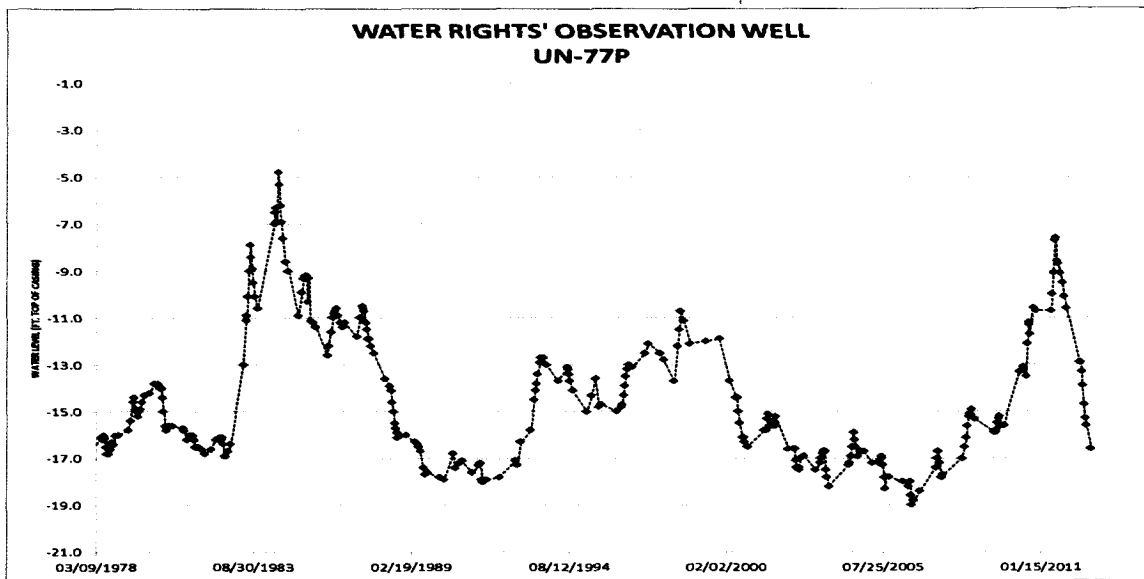


Figure 3. DENR-Water Rights' observation well completed into the Missouri: Elk Point aquifer approximately 2.25 miles north-northeast of the well site proposed by Application No. 7409-3.

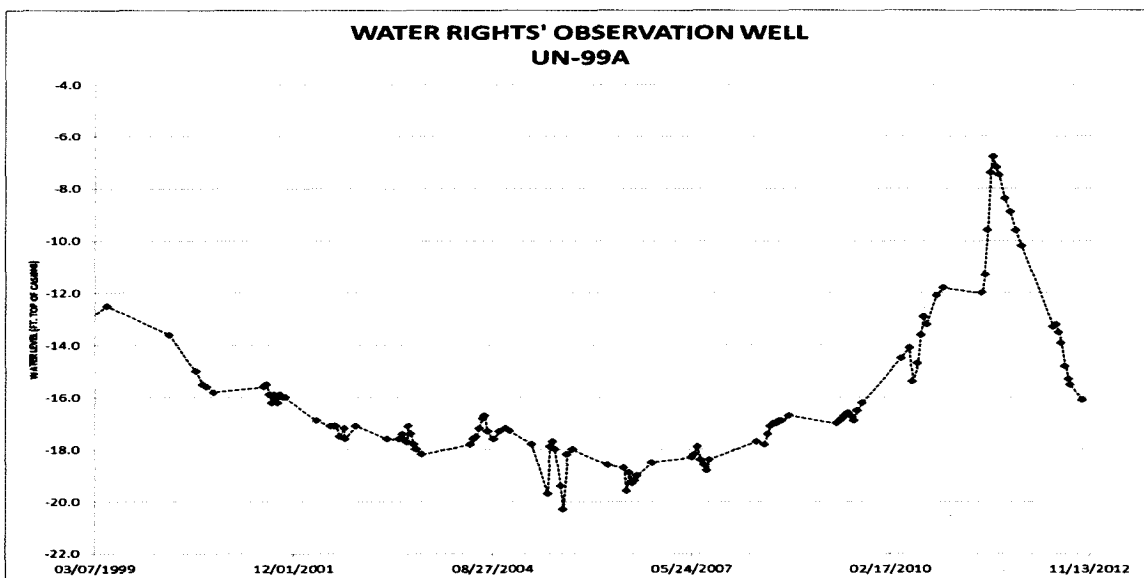


Figure 4. DENR-Water Rights' observation well completed into the Missouri: Elk Point aquifer approximately 2.7 miles northwest of the well site proposed by Application No. 7409-3.

The hydrographs show that although the water levels fluctuate, the amount of water in storage in the Missouri: Elk Point aquifer in the area is essentially unchanged over the period of record. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of irrigation pumping. Therefore, recharge to and natural discharge from the Missouri: Elk Point aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping and increased pumping will induce more recharge from the Missouri and Big Sioux Rivers. Unappropriated water is available for this proposed appropriation.

AFFECTS ON EXISTING RIGHTS:

The Missouri: Elk Point aquifer is extensively developed in Union County. The diversion points for water rights/permits appropriating water from the aquifer in the vicinity of the well site proposed are shown in Figure 5 and identified in Table 1.



Figure 5. Diversion points for existing water rights/permits in relation to the well site proposed by Water Permit Application No. 7409-3.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1100-3	VINCENT TRUDEAU	04/29/1964	LC	IRR	0.92	64.5
2108-3	VIRGIL MOLLET JR	08/30/1974	LC	IRR	1.88	132
2334-3	BLAINE O BEAVERS	08/26/1975	LC	IRR	2.68	190
2339-3	OTIS DEROCHIE	09/11/1975	LC	IRR	1.71	120
2342-3	RUSSELL LAFLEUR	09/04/1975	LC	IRR	1.43	100
2359-3	LARRY & DIANE DONNELLY	09/29/1975	LC	IRR	1.9	132
2360-3	MERYLN KARPEN	09/29/1975	LC	IRR	1.9	132
2361-3	MERYLN KARPEN	09/29/1975	LC	IRR	1.9	132
2434-3	DALE CHICOINE	11/24/1975	LC	IRR	0.5	34
2436-3	DALE & SHERYLL CHICOINE	11/24/1975	LC	IRR	1.9	132
2624-3	VINCENT TRUDEAU	03/15/1976	LC	IRR	1.8	125
2858-3	ALVIN J HOWE	08/09/1976	LC	IRR	1.94	136
3102-3	MRS LUVERNE WRIEDT	10/18/1976	LC	IRR	1.85	130
3613-3	RODNEY BALLINGER	02/02/1977	LC	IRR	1.14	80
3907-3	RUSSELL LAFLEUR	03/07/1977	LC	IRR	1.04	73
4433-3	ROGER DAILEY	08/17/1979	LC	IRR	1.89	133
5313-3	THOMAS J CORIO	03/28/1989	LC	IRR	1.38	97
5903-3	EUGENE MOLLET	01/29/1996	LC	IRR	1.78	136
5989-3	ROBERT L PETERSON IRREVOCABLE TRUST	02/18/1997	LC	IRR	1.2	84
5991-3	DONALD G JORGENSEN	03/17/1997	LC	IRR	1.36	95
6032-3	DONALD G JORGENSEN	01/14/1998	LC	IRR	1.45	50
6672-3	EUGENE MOLLET	11/14/2005	PE	IRR	1.78	136
6737-3	MICHAEL SCHMITZ	06/05/2006	PE	IRR	1.33	120

LC= Water Right, PE= Water Permit, IRR= Irrigation

Table 1. Water rights/permits shown in Figure 5.

Although the Missouri: Elk Point aquifer is extensively developed, there are no well interference or water availability complaints from this area on file with the DENR-Water Rights Program. The minimal drawdown and well inference that results from pumping a high capacity well is clearly shown in Figure 1, the hydrograph for an observation well (UN-77R) located within approximately 0.38 miles of two irrigation wells. Based on data from other irrigation wells completed into the Missouri: Elk Point aquifer in the area (Water Rights, 2012c), it would not be extraordinary for a properly designed and completed well at this proposed site to have a specific capacity of 65-96 gallons per minute per foot of drawdown. Therefore, at the diversion rate requested by this application (1.1 cfs) drawdown at the production well can be expected to be in the 6-9 foot neighborhood. Drawdown should not be significant very far from the production well, and should not be considered significant considering the thickness and extent of the aquifer. Therefore, there is a reasonable probability that the diversions proposed by this application can be made without unlawfully impairing existing users.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rater for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every 70 acres, or “the equivalent thereof”. The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7409-3 proposes to divert at a rate equivalent to 1.9425 cfs per 70 acres to a center pivot irrigation system. The application does not include a justification for the proposed rate.

CONCLUSIONS:

1. Water Permit Application No. 7409-3 proposes to appropriate up to 80 acre-feet annually at a maxim diversion rate of 1.1 cfs, from a well to be completed into the Missouri: Elk Point aquifer.
2. The amount of water that will actually be used if this application is approved would be less than the total appropriation.
3. The Missouri: Elk Point aquifer is a viable aquifer in this area.
4. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer for this proposed appropriation.
5. There is a reasonable probability that this appropriation can be developed without an adverse impact on existing users.
6. The application does not include a justification for a rate in excess of the statutory limit of 1 cfs/70 acres.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1-4, South Dakota DENR-Geological Survey, Vermillion, SD
- Hedges, L.S., Allen, J., and Holly, D.E, 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, South Dakota DENR-Geological Survey, Vermillion, SD
- “Lithologic Logs Database.” South Dakota Department of Environment & Natural Resources Geological Survey. 16 Oct. 2012
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 94-4195, 57 p.
- Water Rights, 2012, “2011 Irrigation Questioner Summary”, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2012c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

NOV 26 2012

:SS

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7409-3

to Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 22 day of November, 2012

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 27.16, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 22 day of November, 2012

My commission expires 6-21-17

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 7409-3 TO APPROPRIATE WATER

Notice is given that Virgil and Marcia Mollet, 47991 334th St, Jefferson SD 57038 have filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in NW 1/4 NW 1/4 Section 2 for irrigation of 40 acres located in the NW 1/4 NW 1/4 Section 2; all in T89N-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. 7409-3 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 this 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 this 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 3, 2012.

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 November 22, 2012

Published once at the total approximate cost of \$27.16

47-4-73

RECEIVED

NOV 13 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No. 7409-3

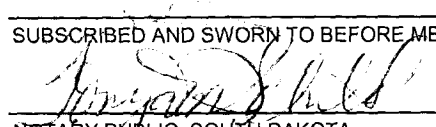
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 8th DAY OF November 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.15 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 11/8/2012

FILED ON: 11/8/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF November

2012


NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

11+8

NOTICE OF APPLICATION
NO. 7409-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the

Chief Engineer recommends APPROVAL of Application No. 7409-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of \$26.15.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

:SS

NOV 13 2012

County of Union)

WATER RIGHTS
PROGRAM

Kelly Kruithoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application

No. 7409-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 8 day of November, 2012

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 27.16, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me

this 8 day of November, 2012

My commission expires 6-21-17

S.O.O.

Notary Public

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The petition may be informal.

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*Published
wrong date
but wrong petition
date*

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources.
Publish November 8, 2012
Published once at the total approximate cost of \$27.16
45-6-73



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 29, 2012

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7409-3 to Appropriate Water. Please publish the notice once on November 8, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Virgil and Marcia Mollet, 47991 334th St., Jefferson SD 57038 (Ph # 605-966 5783).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 29, 2012

Daily Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 29, 2012

Virgil and Marcia Mollet
47991 334th St
Jefferson SD 57038

Dear Mr. & Mrs. Mollet:

Water Permit Application No. 7409-3 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 Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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

denr.sd.gov

November 14, 2012

Virgil and Marcia Mollet
47991 334th St
Jefferson SD 57038

Dear Mr. & Mrs. Mollet:

The Notice of Application No. 7409-3 for irrigation published in the Elk Point Leader-Courier contained an error. At the end of the third paragraph, there is a date for any person to file a petition. The petition date was incorrectly listed as November 12th. The date should have been a week later, November 19th. Therefore, the notice needs to be readvertised to correct the error to ensure your water permit is free from any legal entanglements due to insufficient public notice.

The Leader-Courier has been instruction to publish the notice again on November 22, 2012 with the date for submittal of petitions being December 3, 2012. The notice in the Yankton Press & Dakotan was correct.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

Instruction to Newspaper - Publish the Notice on November 8, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Published once at the total approximate cost of_____.

Schlaak, Karen

From: G5 <leader1@iw.net>
Sent: Tuesday, November 13, 2012 1:52 PM
To: Schlaak, Karen
Subject: Re: Notices to be published again on November 22

Karen - I received all 4 notices and have them logged to run one time Nov. 22. Again, I apologize for my errors. I can only say the election and all the ads turned my brain to mush, but it's recovering!

Susan Odson
Southern Union County Leader-Courier

On Nov 13, 2012, at 1:31 PM, Schlaak, Karen wrote:

Susan,

Attached are the notices I talked with you about. The two notices for Pat Walsh (7399-3 and 7407-3) were published a week later than requested. The notices for Virgil Mollet (7409-3) and Eugene Mollet (7410-3) were published on the right day, but contained an error in the date listed at the end of the third paragraph.

These notices should be published next week, November 22, 2012. As usual, send me the affidavits ASAP.

Let me know if you have questions.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7399-3public.short.docx><7407-3public.short.docx><7409-3public.short.docx><7410-3public.short.docx>

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Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JAN 17 2013

Virgil and/or Marcia Mollett
47991 334th St
Jefferson SD 57038

Dear Mollets:

Enclosed is Water Permit No. 7409-3 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

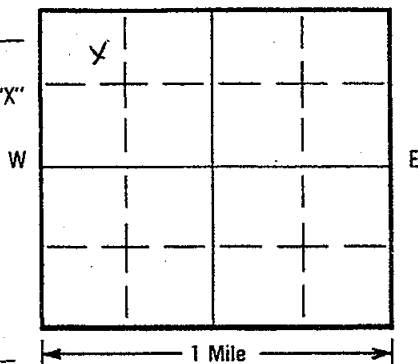
SOUTH DAKOTA WATER WELL COMPLETION REPORT

7409-3

07-92

Location NW 1/4 NW 1/4 Sec 2 Twp 89N Rg 49W
 County Union

Please mark well location with an "X"



Well-Completion Date

11-30-12

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 800 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SCH 40 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>139 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in from bottom up

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size .60 Set From 99 Feet to 139 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

Laboratory sent to for water quality analysis

X NO, Why Not? _____

Irrigation

Well Owner: Virgil Mallet

Business Name: _____

Address: 48329 330th St.
Jefferson, SD 57038

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	3
Grey clay	3	6
Yellow clay	6	10
Silty	10	36
Clay	36	89
Med. gravel	89	145

STATIC WATER LEVEL 19 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: Not Completed
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate Not Completed GPM

REMARKS

RECEIVED

FEB 11 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc

Signature of License Representative:

Danell Valke

Signature of Well Owner or Equitable Property Holder:

Date: _____

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

Date 7-10-13

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

RECEIVED

JUL 12 2013

WATER RIGHTS
PROGRAM

FROM:

Virgil Mollet Jr
(name)47991 324 St
(address)Jefferson SODAK 57098
(city, state, zip)605-966-5783
(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.

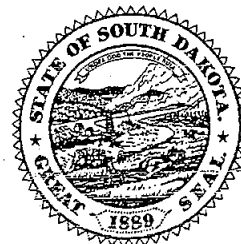
Water Permit No. 7409-3 states that the water use system is to be constructed by

12-3-2017
(date), and water is to be put to beneficial use by 12-3-2021
(date)

The water use system was completed on 1-3-2013
(date)

Applying the water to beneficial use was completed on 7-1-2013
(date)

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

Virgil Mollet Jr
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 16, 2013

7409-3

Virgil Mollet Jr
47991 334th St
Jefferson SD 57038

Dear Mr. Mollet:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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