

Considered: _____

WATER PERMIT NO. 1517-1

Phone: 605 865-3758

Name of Applicant: Arbie 'Gene' Springer

Post Office Address: PO Box 104, Timber Lake SD 57656

Amount of Water Claimed: 2.57 Total Acres: 180

Source of Water Supply: Little Moreau River

Water to be used for: irrigation County: Dewey

About 5 miles SW of Timber Lake

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 3-7-91 Fee: \$250 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 4/22/91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

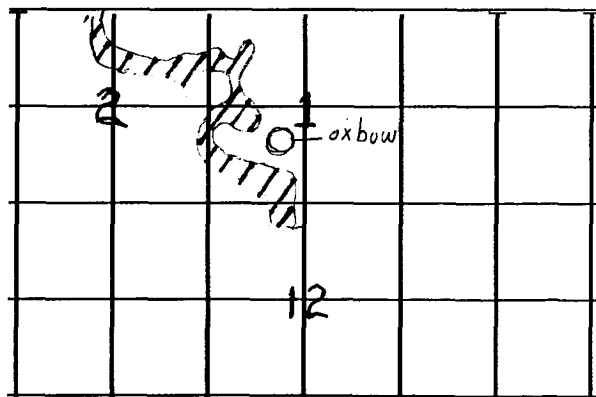
Diversion Point: points between NE 1/4 NW 1/4

Sec 2 and NE 1/4 NW 1/4 Sec 12; T16N-R24E

Land to be Irrigated: portions of E1/2 NW 1/4,

NE 1/4, NE 1/4 SE 1/4 Sec 2; W 1/2 NW 1/4, SE 1/4

NW 1/4, SW 1/4 Sec 1; NE 1/4 NW 1/4 Sec 12



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Mike LaCompte Reviewed and the Number

Assigned on 2-22-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 1517-1 FOR IRRIGATION

Date of first receipt of application March 7, 1991.

Date Soil/Water Compatibility Permit received April 22, 1991.

Date of return to applicant for corrections, amendments or changes March 8, 1991.

Date of receipt of corrected application March 14, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1517-1 to Arbie 'Gene' Springer, PO Box 104, Timber Lake SD 57656 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. 1517-1 authorizes 1.69 cubic feet of water per second (cfs) from the Little Moreau River to irrigate 118.4 acres. The point of diversion from the Little Moreau River is between the NE 1/4 NW 1/4 Section 2 and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E. The irrigated land is to be located in the W 1/2 NW 1/4, SE 1/4 NW 1/4, NW 1/4 SW 1/4 Section 1, E 1/2 NW 1/4, NE 1/4, Section 2, and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E.
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 - October 31.
3. The date from which applicant may claim right is March 7, 1991.
4. The date of approval of Permit No. 1517-1 is October 2, 1991.
5. One-fifth of the construction is to be completed on or before April 2, 1994.
6. All construction is to be completed on or before October 2, 1996.
7. Water is to be put to beneficial use on or before October 2, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

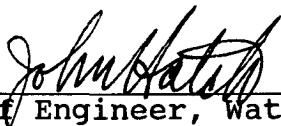
1. Water may not be pumped from the Little Moreau River until Water Right No. 489-1 for storage of 198 acre-feet of water in the Little Moreau lake is satisfied.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

(continued)

Water Permit No. 1517-1
Page 2

3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 27 1992
(date)

Mail to: Water Rights
523 E. Capitol
Pierre, SD 57501
(605) 773-1855
DIVISION OF
WATER RIGHTS
Pierre, SD

(See instructions)

No. 1517-1 Hydrologic Unit 10130306
Basin Moreau River
Newspaper Timber Lake TOPIC, Box 10 (Thurs)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

- Name of Applicant Arbie 'Gene' Springer Phone No. (605)-865-3758
Post Office Address P.O. Box 104 Timber Lake State So. Dak. Zip Code 57661
(Street, RR or Box) (City) #
- Amount of water claimed (c.f.s) 1.69 Total acres irrigated 118.4
- Source of Water supply Stream (Little Moreau River)
- Location of point of diversion from NE 1/4 NW 1/4 sec 2 R24 T16 to NE 1/4 NW 1/4 sec 12 R24 T16; and all stream points in between;
E.B.H.M. County Dewey
- Counties where water will be used Dewey October 31
- Annual period during which water is to be used May 1 - Aug 15 (maybe a little in October after spring open again)
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

3.6 acres change made

Land Description	No. Acres Irr.
NE 1/4 NW 1/4 sec 2, R24 T16 N	12.4
SW 1/4 NW 1/4 sec 2, R24 T16 N	4
NW 1/4 NE 1/4 sec 2, R24 T16 N	2
SW 1/4 NE 1/4 sec 2, R24 T16 N	15.6

Land Description	No. Acres Irr.
SE 1/4 NE 1/4 sec 2, R24 T16 N	17.2
NE 1/4 NE 1/4 sec 2, R24 T16 N	3.2
NW 1/4 NW 1/4 sec 1, R24 T16 N	4
SW 1/4 NW 1/4 sec 1, R24 T16 N	18.7

Attach sheet if more space is needed

- Type of Irrigation: Gravity mainly Towline: _____ Center Pivot: _____ Gun: X Other: _____ (Specify) _____
- Crops to be Irrigated alfalfa, grass (native), or alfalfa / w cover crop (oats)
- Give a description of proposed project. (Attach sheet if more space is needed) INTERSEEDED ONLY

irrigate lands adjacent to river NOT ILLAGE!
also I would like to reserve to fill a acre
Swamp for the purpose of duck brooding / environmental enhancement. If I choose this option it will be managed by the Game Fish & Parks Dept.
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Dewey)^{ss}

I, Gene Springer, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used; and that the matters stated in this application are true and correct.

Signed Arbie T. Springer

Subscribed and sworn to before me this 5th day of March 19 91

Sharon J. Maher
my Commission expires 7-8-96

Water Permit Application No. 1517-1 -- Arbie 'Gene' Springer

Indian Trust Land

	<u>Acres</u>
SW1/4 SW1/4 Section 1, T16N, R24E	13.6
NE1/4 SW1/4 Section 1, T16N, R24E	16.0
SE1/4 SW1/4 Section 1, T16N, R24E	28.0
NE1/4 SE1/4 Section 2, T16N, R24E	<u>4.0</u>
TOTAL	61.6

Fee Land

	<u>Acres</u>
NW1/4 NW1/4 Section 1, T16N, R24E	4.0
SW1/4 NW1/4 Section 1, T16N, R24E	18.4
SE1/4 NW1/4 Section 1, T16N, R24E	2.0
NW1/4 SW1/4 Section 1, T16N, R24E	20.0
NE1/4 NW1/4 Section 2, T16N, R24E	12.4
SE1/4 NW1/4 Section 2, T16N, R24E	4.0
NW1/4 NE1/4 Section 2, T16N, R24E	2.0
SW1/4 NE1/4 Section 2, T16N, R24E	15.6
SE1/4 NE1/4 Section 2, T16N, R24E	17.2
NE1/4 NE1/4 Section 2, T16N, R24E	3.2
NE1/4 NW1/4 Section 12, T16N, R24E	<u>19.6</u>
TOTAL	118.4

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

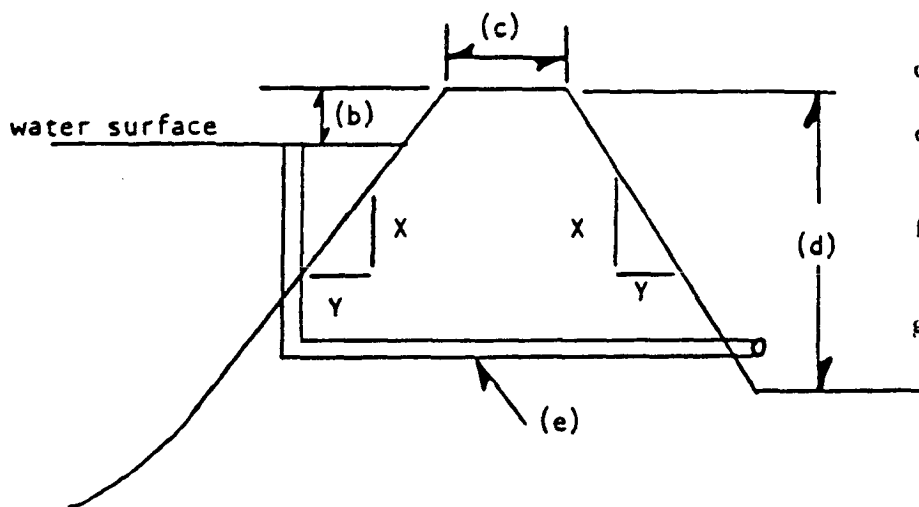
- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions 19.2 acres Depth 1-2' to 1.5' ? ~ 12 acre swamp
- b) Depth to water (ground surface to water level) seasonal high water within 3 ft ~ 2ft deep - 3ft deep
3. Water Storage Dams 50 ~ 28.8 acre feet ~ 24 acre feet

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____
- Surface Area of Impoundment _____
- Storage _____ acre feet
- Drainage area above dam _____

Signature of Applicant _____

1517-1

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY
Division of Conservation



Office Use Only

4578

WR#

OWNERS NAME: ARBIE (GENE) SPRINGEROWNERS ADDRESS: PO BOX 104TIMBER LAKE SD 57656-0104COUNTY LAND LOCATED IN: DEWEYPHONE: 865-3758 or 865-3605

LITTLE MOREAU RIVER

LEGAL DESCRIPTION:

☐ Well☒ Surface1. LOCATION NE 1/4 NW 1/4 2-T16N-R24W to NE 1/4 NW 1/4 12-T16N-R24W; and allDepth stream points in between; East of B.H.M.

Legal Description	Acres	Legal Description	Acres
NE 1/4 NW 1/4 2-T16N-R24W	12.4	SE 1/4 NW 1/4 2-T16N-R24W	4.0
NW 1/4 NE 1/4 2-T16N-R24W	2.0	SW 1/4 NE 1/4 2-T16N-R24W	15.6
SE 1/4 NE 1/4 2-T16N-R24W	17.2	NE 1/4 NE 1/4 2-T16N-R24W	3.2
NW 1/4 NW 1/4 1-T16N-R24W	4.0	SW 1/4 NW 1/4 1-T16N-R24W	18.0
SE 1/4 NW 1/4 1-T16N-R24W	2.0	NW 1/4 SW 1/4 1-T16N-R24W	20.0
NE 1/4 SE 1/4 2-T16N-R24W	4.0	SW 1/4 SW 1/4 1-T16N-R24W	13.6
NE 1/4 SW 1/4 1-T16N-R24W	16.0	SE 1/4 SW 1/4 1-T16N-R24W	28.0
NE 1/4 NW 1/4 12-T16N-R24W	19.6		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: XXX (Specify) _____3. CROPS TO BE IRRIGATED: TREES (MAINLY), ALFALFA, GRASS (NATIVE) AND/OR ALFALFA WITH COVER CROPS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0102 & 91-0103 7. ADJUSTED (SAR): 5.09 & 4.74
 5. SALINITY (EC X 10⁶): 650 & 570 8. PERCENT SODIUM 45.37 & 42.48
 6. SODIUM (SAR): 2.38 & 2.16

Requirements:

The areas as Flasher-Vebar fine sandy loam, 6-15% slope (FvD) and Flasher-Vebar fine sandy loam, 15-25% slope are subject to a severe erosional hazard and shall not be irrigated.

The area adjacent to the Little Moreau River shall be maintained in vegetation and shall not be irrigated.

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

APRIL 13, 1991

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412588

Pierre, _____ March 14, 19 91

RECEIVED OF Arbie "Gene" Springer, PO Box 104, Timber Lake, SD 57656

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

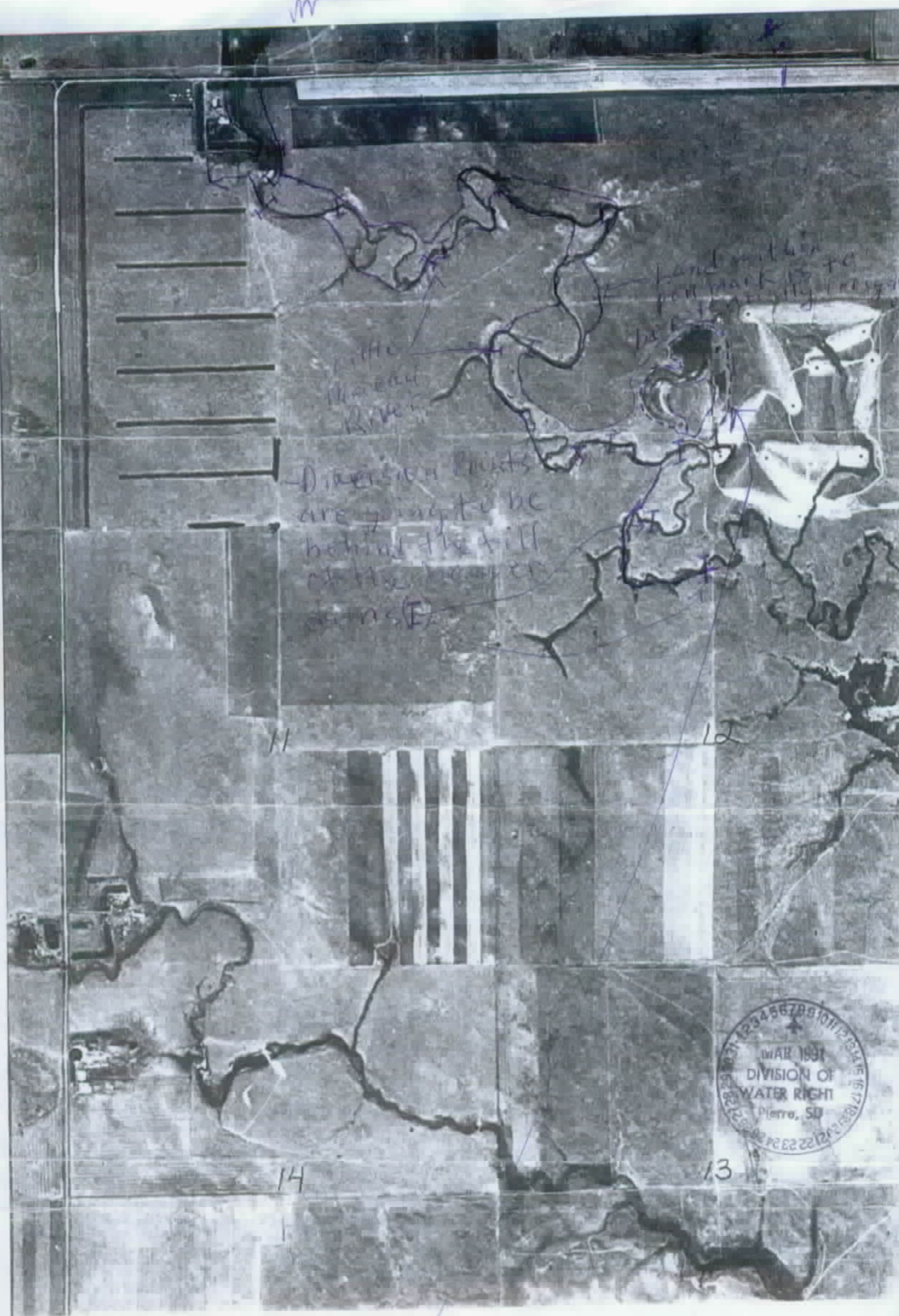
Fee for Application for Permit No. <u>1517-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

Chief Engineer

John H. H. H. H.

W



area within hatched line is the approximate outline of the oxbow swamp for dimensions see Sheet 2A

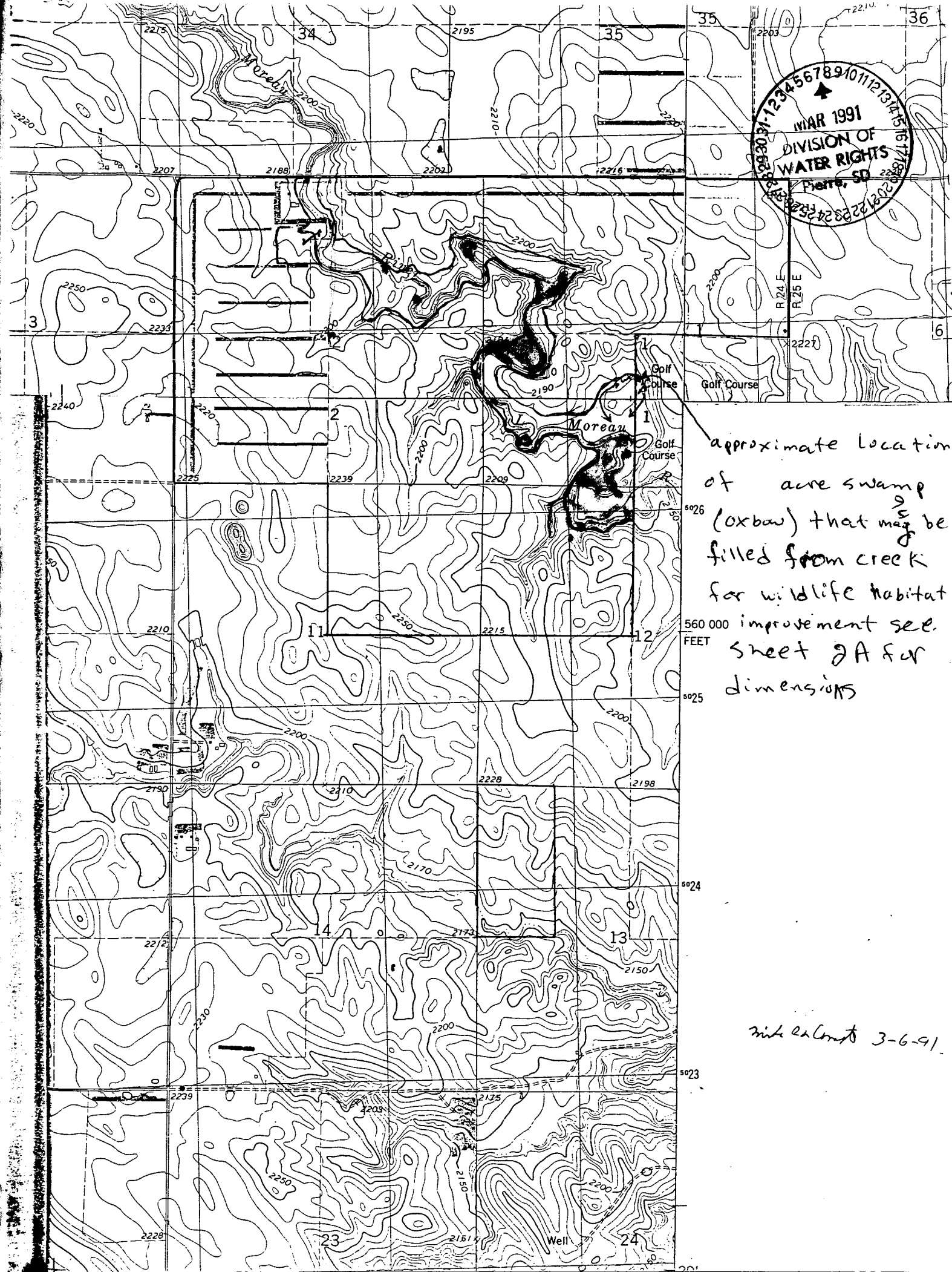
Walter J. Co. Cont'd 9-24 3-6-91 for map copy only

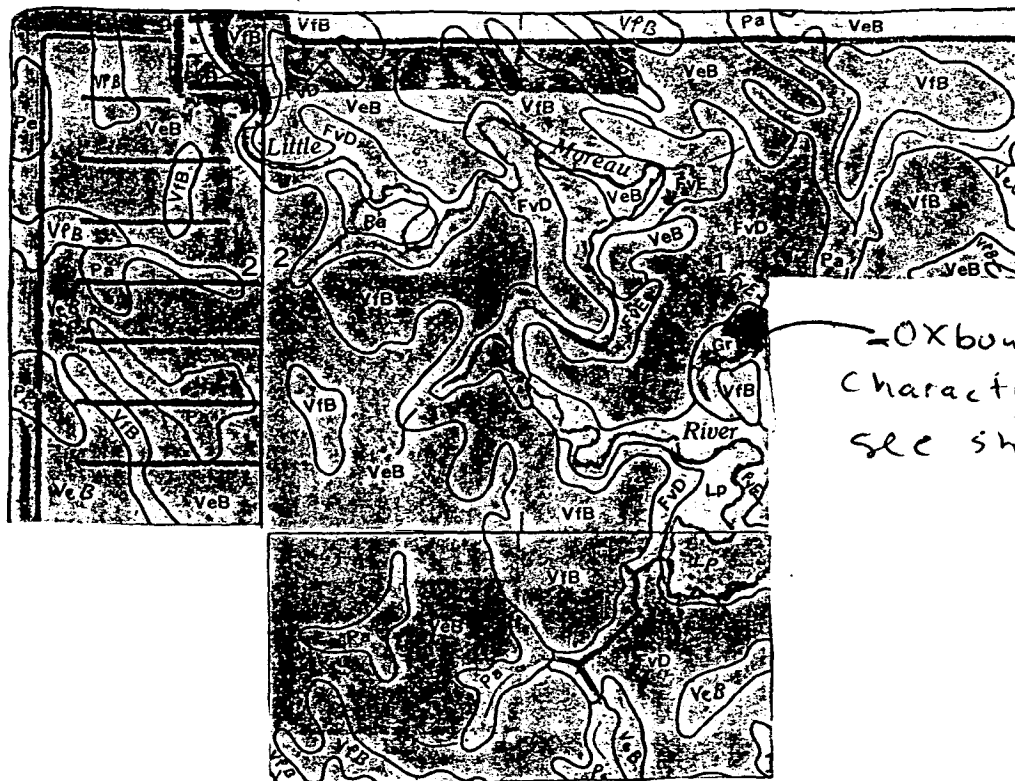
1517-1



approximate location
of acre swamp
(oxbow) that may be
filled from creek
for wildlife habitat
560 000 improvement see
sheet 2A for
dimensions

with 2A Cont 3-6-91





OXbow swamp and its
characteristic soil series
see sheet 2A for dimension

Mike L. Compt 3-6-91



FARM AND RANCH
TABLE OF SOIL INTERPRETIVE GROUPS

MAP SYMBOL	SOIL MAPPING UNIT NAME	SLOPE %	CROPLAND CAPABILITY UNIT*	PASTURE & HAYLAND GROUP	RANGE SITE	WINDBREAK GROUP	OTHER
FvD	Flasher-Vebar fine sandy loam Flasher part Vebar part	6-15	VIe10	NS H	Sw Sy	10 5	
FvE	Flasher-Vebar fine sandy loams Flasher part Vebar part	15-25	VIe10	NS HN	Sw Sy	10 10	
Gr	Glenross-Regan fine sandy loams Glenross part Regan part	0-2	VIw4	NS J	SL Sb	10 10	
Lp	Lohler and Havrelon soils Lohler part Havrelon part	0-2	IIc1	F G	Ov Ov	1 1	
Pa	Parshall fine sandy loam	0-2	IIIe7	H	Sy	1	
Pe	Parshall-Ekalaka fine sandy loams Parshall part Ekalaka part	0-2	IIIe7			1 5	
VeB	Vebar fine sandy loam	0-6	IIIe10	H	Sy	5	
VfB	Vebar-Flasher complex Vebar part Flasher part	2-9	IVe8 VIe10	H NS	Sy Sw	5 10	

Indicate with Asterisk () if Irrigated.



- | | |
|--------|---|
| IIIc1 | Deep, loamy well to moderately well drained soils on bottom lands that sometimes receive beneficial overflow. However, moisture is still inadequate in most years. These soils have moderate wind erosion hazard. |
| IIIc7 | Deep and moderately deep, moderately sandy soils on nearly level (0 to 2X) uplands. They have a severe wind erosion hazard. |
| IIIc10 | Moderately sandy soils with sand and gravel or sandstone at 20 to 40 inches. These soils are on gently sloping (2 to 6X) uplands. They have severe and moderate water erosion hazards. |
| IVe8 | Deep and moderately deep, moderately sandy soils on undulating or sloping (6 to 9X) uplands, and eroded soils on gently undulating or gently sloping (2 to 6X) uplands. These soils have severe wind and moderate water erosion hazards. |
| VIc10 | Shallow, sandy soils on nearly level to moderately steep (0 to 25X) uplands. These soils have severe wind and water erosion hazards. They are not suited for cultivation. |
| VIW4 | Poorly drained soils with 1 to 4 inches of loamy material over compact claypan subsoil on nearly level (0 to 2X) low-lying plains. These soils have salts in the subsoil and a fluctuating water table. They are not suited for cultivated crops. |



DESCRIPTIONS OF LAND CAPABILITY UNITS (DRYLAND)

BRIEF DESCRIPTIONS OF PASTURE AND HAYLAND SUITABILITY GROUPS

- GROUP F - LOAMY OR SILTY SOILS well suited for all climatically adapted plants.
- GROUP G - LIMY SOILS with thin surface layers where yields and choice of species are limited by a rooting zone high in lime content, generally low fertility, and severe erosion hazard.
- GROUP H - SANDY SOILS where choice of species and yields are limited by (1) limited available water capacity and wind erosion hazard.
- GROUP HM - Steeper slope phases (6-40%) of SANDY SOILS that are not recommended for pasture plantings because of erosion hazard.
- GROUP J - SALINE SOILS where choice of species and yields are severely limited by high salinity and/or alkalinity.
- GROUP NS - Soils not suited for pasture plantings because of severe limitations in depth of rooting zone, water intake rate, available water capacity, or low fertility.



DESCRIPTIONS OF LAND CAPABILITY UNITS (DRYLAND)

BRIEF RANGE SITE DESCRIPTIONS

- (Sb) SUBIRRIGATED - This site is subirrigated most of the growing season but the water table rarely reaches the surface. The principal plants in the original vegetation were: big bluestem, prairie cordgrass, switchgrass, indiangrass, and perennial forbs such as sunflowers.
- (Ov) OVERFLOW - This site regularly receives additional moisture from adjacent slopes or stream overflow. The principal plants in the original vegetation were: western wheatgrass, green needlegrass, Canada wildrye, big bluestem, and perennial forbs. In a few places trees or shrubs are significant.
- (SL) SALINE LOWLAND - This site includes overflow and subirrigated soils that have a concentration of soluble salts sufficient to affect the kind of vegetation. The principal plants in the original vegetation were: cordgrasses, western wheatgrass, alkaligrass, plains bluegrass and saltgrass.
- (Sy) SANDY - This site includes deep, well drained soils that have a sandy loam or fine sandy loam surface that grades into sandy loam or sand in the subsoil. Principal plants in the original vegetation were: little bluestem, prairie sandreed, big bluestem and needleandthread.
- (Sw) SHALLOW - This site includes soils underlain at depths of 10-20 inches by impervious materials which reduce the water-holding capacity. Principal plants in the original vegetation were: little bluestem, and woody plants, such as leadplant and rose, are of common occurrence.



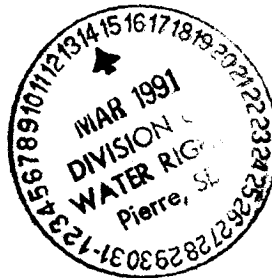
tion 7 cont:

Land Description	No. acres Irrigated
SE $\frac{1}{4}$, NW $\frac{1}{4}$, sec 1, R24W, T16N $\rightarrow$	2
NW $\frac{1}{4}$, SW $\frac{1}{4}$, sec 1, R24W, T16N $\rightarrow$	20
NE $\frac{1}{4}$, SE $\frac{1}{4}$, sec 2, R24W, T16N $\rightarrow$	4
SW $\frac{1}{4}$, SW $\frac{1}{4}$ sec 1, R24W, T16N $\rightarrow$	13.6
NE $\frac{1}{4}$, SW $\frac{1}{4}$, sec 1, R24W, T16N $\rightarrow$	16
SE $\frac{1}{4}$, SW $\frac{1}{4}$, sec 1, R24W, T16N $\rightarrow$	28
NE $\frac{1}{4}$, NW $\frac{1}{4}$, sec 12, R24W, T16N $\rightarrow$	19.6 acres
all East B. H. M.	



Question 7 cont:

<u>Land Description</u>	<u>No. acres Irrigated</u>
SE $\frac{1}{4}$, NW $\frac{1}{4}$, sec 1, R24 $\frac{1}{2}$, T16N →	2
NW $\frac{1}{4}$, SW $\frac{1}{4}$, sec 1, R24 $\frac{1}{2}$, T16N →	20
NE$\frac{1}{4}$, SE$\frac{1}{4}$, sec 2, R24$\frac{1}{2}$, T16N →	4
SW$\frac{1}{4}$, SW$\frac{1}{4}$, sec 2, R24$\frac{1}{2}$, T16N →	13.6
NE$\frac{1}{4}$, SW$\frac{1}{4}$, sec 1, R24$\frac{1}{2}$, T16N →	16
SE$\frac{1}{4}$, SW$\frac{1}{4}$, sec 1, R24$\frac{1}{2}$, T16N →	28
NE $\frac{1}{4}$, NW $\frac{1}{4}$, sec 12, R24 $\frac{1}{2}$, T16N →	19.6 acres
all East of B. H. N.	
Total →	180.0 acres
	118.4



South Dakota



GREAT FACES. GREAT PLACES.

March 8, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Arbie 'Gene' Springer
PO Box 104
Timber Lake SD 57656

Dear Mr. Springer:

Enclosed is the water permit application and fee submitted for your irrigation project.

On Item No. 2 of the application you list the total acres irrigated as 180. The total of the acreage listed in Item No. 7 is 183.6 acres. Which acreage total is correct? The filing fee for 180 acres is \$250.00 and for 183.6 acres is \$275.00. If you intend to irrigate only 180 acres, some of the land listed in Item No. 7 will need to be deleted. If you intend to irrigate 183.6 acres, please submit the \$275.00 fee.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of your application and the filing fee, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

I subtracted
3.6 acres from
tract #1 NE 1/4, NW 1/4, Sec 2
R24, T16N
Signed:
Arbie Springer
March 13, 1991
E.B.H.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1517-1, Arbie Springer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1517-1, Arbie Springer, PO Box 104, Timber Lake, SD 57656.

The Chief Engineer is recommending APPROVAL of Application No. 1517-1 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) in the public interest with the following qualifications:

1. Water may not be pumped from the Little Moreau River until Water Right No. 489-1 for storage of 198 acre-feet of water in Little Moreau lake is satisfied.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Approval of No. 1517-1 authorizes storage of 28.8 acre-feet of water annually.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 9, 1991

Report on Water Permit Application No. 1517-1
Arbie Springer
April 2, 1991

Background

Water Permit Application No. 1517-1 requests appropriation of 2.57 cubic feet of water per second (cfs) from the Little Moreau River. The diversion points will be located between points in the NE1/4 NW1/4 Section 2 and the NE1/4 NW1/4 Section 12, T16N-R24E, in Dewey County. Water will be used to irrigate 180 acres of land along the Little Moreau River in the NW1/4 and SW1/4 Section 1; NW1/4, NE1/4, and SE1/4 Section 2; and the NW1/4 Section 12, all in T16N-R24E. The application also requests to impound 28.8 acre feet of water on an old oxbow of the Little Moreau River located in the E1/2 SW1/4 Section 2, T16N-R24E to provide wildlife habitat.

Discussion

Shallow observation wells in the area show the water table to be from 25 feet to 8 feet below the surface. The water table elevations in the observation wells show that ground water movement is towards the river. There are a number of springs in the area between Little Moreau Lake and the proposed diversion points, which may contribute to the lake. The lake is located approximately 2.5 miles downstream from the proposed diversion points. Water Right No. 489-1, for the Department of Game, Fish, and Parks, authorizes storage of 198 acre feet of water, in Little Moreau Lake, from Little Moreau River and its tributary, with a priority date of 1935. The water is used for public recreation. There are no other water permits/rights in the area which would be adversely affected by this application.

Conclusions

1. Surface and ground waters are connected in the area.
2. Water Right No. 489-1 may be adversely affected by this application.
3. If Water Permit Application No. 1517-1 is approved the following qualifications should be on the permit:
 - A. The irrigation questionnaire must be submitted annually.
 - B. The needs of Water Right No. 489-1 must first be met before the applicant diverts water.

C. Low flows must be bypassed for downstream domestic water users.

M. Rassool Ahadi / (JMK)

M. RASSOOL AHADI
Natural Resources Engineer III

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

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

April 16, 1991

Arbie Springer
PO Box 104
Timber Lake, SD 57656

Dear Mr. Springer:

Water Permit Application No. 1517-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Timber Lake Topic printed at Timber Lake, SD. 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.

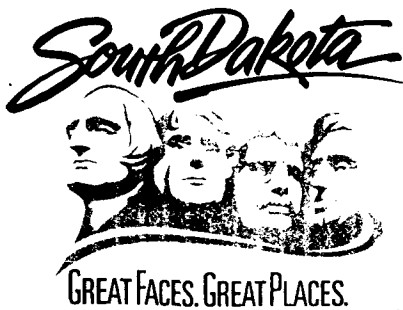
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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 WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 16, 1991

Timber Lake Topic
Box 10
Timber Lake, SD 57656

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1517-1 to be published twice. Please publish the first notice on April 25, 1991, with the second publication 7 days later.

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 Arbie Springer, PO Box 104, Timber Lake, SD 57656.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on April 25, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1517-1 to Appropriate Water

Notice is given that Arbie Springer, PO Box 104, Timber Lake, SD 57656 has filed an application for a water permit to appropriate 2.57 cubic feet of water per second (cfs) from the Little Moreau River to irrigate 180 acres and to maintain the water level in an oxbow impoundment. The point of diversion from the Little Moreau River is between the NE 1/4 NW 1/4 Section 2 and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E. The irrigated land is to be located in the W 1/2 NW 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 1, E 1/2 NW 1/4, NE 1/4, NE 1/4 SE 1/4 Section 2, and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E. This application, if approved, also authorizes the diversion of water to a 28.8 acre-foot impoundment on an old oxbow of the Little Moreau River located in the E 1/2 SW 1/4 Section 2-T16N-R24E to provide wildlife habitat. Diversions from the Little Moreau River for irrigation and the oxbow impoundment may not exceed 2.57 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1517-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 May 13, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1517-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 23, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 23, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 23, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 13, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4,
46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County DEWEY)



I, _____
 certify that the attached printed Notice was taken
 from the TIMBER LAKE TOPIC

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

CITY of TIMBER LAKE

County of DEWEY and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

APRIL 25, 1991

MAY 2, 1991

Kathy Snyder Nelson
 (Signature)
 publisher
 (Title)

May 2, 1991
 (Date Signed)

*Notarized before me the
 2nd day of May 1991. Kathy Snyder Nelson*

Cost of Printing: \$60.10

(Springer has paid.)

Notice of Hearing No. 1517-1 to Ap

Notice is given that Arbie Springer, PO Box 104, Timber Lake, SD 57056 has filed an application for a water permit to appropriate 2.57 cubic feet of water per second (cfs) from the Little Moreau River to irrigate 180 acres and to maintain the water level in an oxbow impoundment. The point of diversion from the Little Moreau River is between the NE 1/4 NW 1/4 Section 2 and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E. The irrigated land is to be located in the W 1/2 NW 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 1, E 1/2 NW 1/4, NE 1/4, NE 1/4 SE 1/4 Section 2, and the NE 1/4 NW 1/4 Section 12; all in T16N-R24E. This application, if approved, also authorizes the diversion of water to a 28.8 acre-foot impoundment on an old oxbow of the Little Moreau River located in the E 1/2 SW 1/4 Section 2-T16N-R24E to provide wildlife habitat. Diversions from the Little Moreau River for irrigation and the oxbow impoundment may not exceed 2.57 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1517-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capital, 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 May 13, 1991. 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,



g on Application propriate Water

and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1517-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 23, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 23, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and person filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 23, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for automatic delay must be filed by May 13, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01 thru 74:02:15.

Published April 25 and May 2, 1991
by the Timber Lake Topic

(date)

page -----

Parties of Record before Water Management Board

Water Permit Application No. 1517-1, Arbie 'Gene'
Springer

Arbie 'Gene' Springer

P.O. Box 104

Timber Lake, SD 57656

Dewey County Board of Commissioners

P.O. Box 277

Timber Lake, SD 57656

Dewey County Board of Commissioners

P.O. Box 277
Timber Lake, South Dakota 57656

Phone 605-865-3672

May 8, 1991



Chief Engineer
Water Rights Division
Foss Building
523 East Capitol
Pierre, SD 57501

Re: Arbie Springer Application for Water Permit #1517-6

During their regular May meeting, the Dewey County Commissioners considered the information you provided on the above referenced application. After reviewing that information, the Dewey County Commissioners went on record as being opposed to this application.

The proposed irrigation project lies just north of two popular recreational areas-the Little Moreau Park and Little Moreau Country Club. During the summer, there is relatively little water which runs down the Little Moreau River. If a dam were established along the river and this water is used for irrigation, the fresh water habitat of the Little Moreau Lake could be jeopardized. There is no indication that any study on the impact on this wildlife has been done or considered. Also, depending upon the location of the proposed dam, water could also be backed up into the Little Moreau Country Club, thereby affecting the use of the golf course.

Another concern the Dewey County Commissioners had was with the possible affects upon county roads. Depending upon the location of the dam, water could be backed up to the county road or wash out county roads further down the Little Moreau River if the dam were to wash out.

The last concern which was expressed by the Dewey County Commissioners dealt with the affect upon livestock producers along the Little Moreau River. If the flow of the Little Moreau River is restricted and the overflow from the Little Moreau Lake is reduced, many of the small ponds along the Little Moreau River could become stagnant and prevent livestock from watering in those ponds. In many cases, this is the primary source of water for the livestock produced along the Little Moreau River.

From the notice published in the Timber Lake Topic, it was extremely difficult to tell what the impact of the proposed irrigation project would be. It also appeared as though there has been no study made to determine adverse affects upon recreational

areas, wildlife habitat, livestock and county roads. Therefore, Dewey County went on record as being opposed to the proposed irrigation project, at least until further studies or satisfactory answers to the County Commissioners' concerns can be obtained.

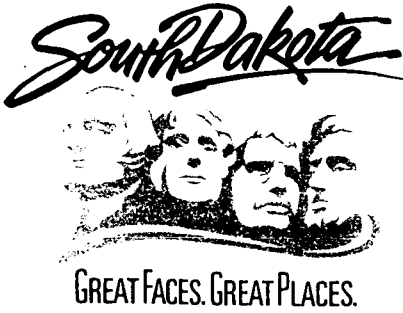
Thank you very much for your consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Adele R. Enright". The signature is written in dark ink and is positioned above the printed name and title.

Adele Enright
Dewey County Auditor

cc: Arbie Springer
P.O. Box 104
Timber Lake, SD 57656



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 10, 1991

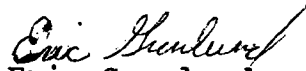
Ivan Lind
RR 2, Box 27A
Timber Lake, SD 57656

Dear Mr. Lind:

Enclosed is a copy of the report and recommendations for Water Permit Application No. 1517-1 that you requested.

If you have any questions, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure



Water Rights:

I Arbie (Gene) Springer want to withdraw the 'Wildlife Appropriation' for water, (i.e. Oxbow impoundment storage of 28.8 acre feet), from my application (No. 1517-1) for water appropriation.

Respectfully Submitted:

Signed: Arbie (Gene) Springer
Arbie Gene Springer
dated: 5-13-91

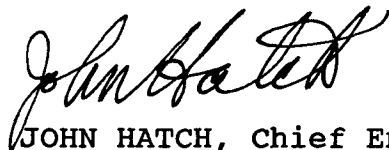
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1517-1, Arbie Springer

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1517-1, Arbie Springer, PO Box 104, Timber Lake, SD 57656.

The Chief Engineer is recommending APPROVAL of Application No. 1517-1 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) in the public interest with the following qualifications:

1. Water may not be pumped from the Little Moreau River until Water Right No. 489-1 for storage of 198 acre-feet of water in Little Moreau lake is satisfied.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See revised report on application for additional information.



JOHN HATCH, Chief Engineer
May 15, 1991

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

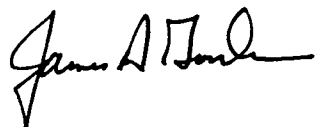
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 16, 1991

NOTICE

1517-1

TO: Arbie Springer
PO Box 104
Timber Lake, SD 57656
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer 
Water Rights Division
605 773-3352

SUBJECT: Rescheduling of Hearing for Water Permit Application No.
1517-1

A petition on Water Right Application No. 1517-1 has been filed by the Dewey County Board of Commissioners. The hearing before the Water Management Board will no longer be held on May 23, 1991.

Mr. Springer has withdrawn the portion of his permit application to maintain the water level in an oxbow impoundment to provide wildlife habitat. A copy of the revised report and recommendation that reflects the withdrawal of the impoundment portion of the application will be sent to all parties upon completion.

The Water Management Board will now consider Water Permit Application No. 1517-1 on July 24, 1991 at 10:30 am in the Kneip Room, Governor's Inn, 700 West Sioux Ave., Pierre, SD 57501. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published April 25, 1991 and May 2, 1991 in the Timber Lake Topic will still apply at this hearing.

This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General
Adele Enright, Dewey County Auditor

John Hatch
Notary Public



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 18, 1991

COPY

Arbie 'Gene' Springer
P.O. Box 104
Timber Lake, SD 57656

Dear Mr. Springer:

This letter is a follow-up to our previous conversations regarding your Water Permit Application No. 1517-1. This application was opposed by the Dewey County Board of Commissioners and subsequently a notice was sent to you on May 16, 1991 rescheduling the hearing before the Water Management Board for July 24, 1991 in Pierre.

During discussions with you after the application had been rescheduled you indicated that a portion of the lands to be irrigated and the points of diversion from the Little Moreau River are on tribal trust lands which would not fall under the jurisdiction of the state water permitting process. As I recall, you were going to send me a copy of the land ownership for the various land parcels to be irrigated as specified on your application.

To date, I have not received a copy of the land ownership for these parcels. I would certainly like to resolve this prior to the hearing before the Water Management Board. If the state does not have jurisdiction this would negate the need for a hearing before the Board.

Please address the question of land ownership so that it can be determined whether a water permit is required. Please feel free to give me a call if you have any questions.

Sincerely,

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

Eric Gronlund
Water Rights Division
605 773-3352

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: Arbie 'Gene' Springer

ADDRESS: Timber Lake

COUNTY:

DATE: 7/8/91

TELEPHONE:

RE: Ownership of lands on Water Permit Application No. 1517-1

COMMENTS:

I contacted the Bureau of Indian Affairs titles branch in Aberdeen (226-7393) and talked to a lady by the name of Bonnie. I explained that Mr. Springer had made an application for a water permit (which has been opposed by Dewey County Commissioners) and that we have come to find out that some of the lands maybe Indian trust lands in which the state does not have jurisdiction in water permitting. I gave Bonnie the legal descriptions and she got back to me with the following information:

The following lands from the application are Indian trust land:

NE1/4 SE1/4 Section 2, T16N, R24E

SW1/4 SW1/4, E1/2 SW1/4 Section 1, T16N, R24E

The following lands are to the best of her knowledge fee lands:

E1/2 NW1/4, NE1/4 Section 2, T16N, R24E

NW1/4 Section 1, T16N, R24E

NE1/4 NW1/4 Section 12, T16N, R24E

Bonnie stated that she also contacted the Cheyenne River Indian real estate office to verify that their files were correct on the Indian trust land and stated that I should contact the Dewey County Register of Deeds to verify the ownership of the fee lands. I contacted the Register of Deeds (865-3661) and she stated the E1/2 NW1/4, NE1/4 Section 2; NW1/4 Section 1; and the NE1/4 NW1/4 Section 12; all in T16N, R24E were fee lands held in joint tenancy by three people with Springer as a last name. This information was found in Book 34 Page 403 of her records.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Handlund

Revised Report on Water Permit Application No. 1517-1
Arbie Springer
July 15, 1991

Background

Water Permit Application No. 1517-1 requests appropriation of 2.57 cubic feet of water per second (cfs) from the Little Moreau River. The diversion points will be located between points in the NE1/4 NW1/4 Section 2 and the NE1/4 NW1/4 Section 12, T16N-R24E, in Dewey County. Water will be used to irrigate 180 acres of land along the Little Moreau River in the NW1/4 and SW1/4 Section 1; NW1/4, NE1/4, and SE1/4 Section 2; and the NW1/4 Section 12, all in T16N-R24E.

Discussion

Shallow observation wells in the area show the groundwater level to be from 25 feet to 8 feet below the surface. Water level measurements for observation wells in the area show that groundwater movement is towards the river. The proposed diversion points are located approximately 2.5 miles upstream from Little Moreau Lake. Vested Water Right Claim No. 489-1, for the Department of Game, Fish, and Parks, authorizes an annual storage of 198 acre feet of water, in Little Moreau Lake, from the Little Moreau River and its tributary, with a priority date of 1935. The water is used for public recreation. There are a number of springs in the area between the proposed diversion points and the Little Moreau Lake which may contribute to the lake.

There are no other water permits/rights of record in the area which would be adversely affected by this application.

On May 14, 1991, the Division of Water Rights received a letter from the applicant withdrawing the wildlife appropriation portion of the application.

On July 8, 1991, the Bureau of Indian Affairs in Aberdeen and the Dewey County Register of Deeds were contacted to determine the ownership of the land in the application (see Eric Gronlund's note). Approximately 61.6 acres of the land is located on the Indian Trust Land and 118.4 acres on Fee Land (see attached sheet).

Conclusions

1. By filing a water permit application with the Division of Water Rights, the applicant has submitted to the jurisdiction of the State of South Dakota over Indian Fee Lands mentioned in the application.
2. The Indian Fee Land comprises 118.4 acres located in the W1/2 NW1/4, SE1/4 NW1/4 Section 1, E1/2 NW1/4, NE1/4 Section 2 and the NE1/4 NW1/4 Section 12; all in T16N-R24E.

3. The equivalent diversion rate for 118.4 acres is 1.69 cfs.
4. Due to the shallow groundwater level in the area, surface and groundwaters may be connected.
5. If Water Permit Application No. 1517-1 is approved, the following qualifications should be included in the permit:
 - A. Irrigation questionnaire must be submitted annually.
 - B. Vested Water Right Claim No. 489-1 must receive its annual fill of 198 acre feet before the applicant diverts any water.
 - C. Low flows must be bypassed for downstream domestic water users.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved by:

Delvin D. Brosz ^{CS}

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV



3. The equivalent diversion rate for 118.4 acres is 1.69 cfs.
4. Due to the shallow groundwater level in the area, surface and groundwaters may be connected.
5. If Water Permit Application No. 1517-1 is approved, the following qualifications should be included in the permit:
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 - B. Vested Water Right Claim No. 489-1 must receive its annual fill of 198 acre feet before the applicant diverts any water.
 - C. Low flows must be bypassed for downstream domestic water users.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved by:

Delvin D. Brosz ^{ES&T}

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

*I Arbie 'Gene' Springer willingly withdraw
my application for Water Permit No. 1517-1. I
would like my 250⁰⁰ application fee plus any
other monies owed to me returned promptly
upon receipt of this written confirmation.*

Respectfully Submitted;

Signed: Arbie E. Springer

*Arbie Eugene 'Gene' Springer
dated: July 20th, 1991*

Department of Water
and Natural Resources:

I Arbie 'Gene' Springer
Choose to withdraw my 'withdrawal'
letter recieved by you July 24th
1991, and accept my 'approved'
water ~~per~~ permit # 1517-1.

Arbie 'Gene' Springer
Signed: Arbie E. Springer
dated: 8-5-91





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

August 8, 1991

COPY

Arbie 'Gene' Springer
P.O. Box 104
Timber Lake, SD 57656

Dear Mr. Springer:

I am writing regarding your Water Permit Application No. 1517-1 which was approved by the Water Management Board at their July 24, 1991 meeting. I was writing the permit for issuance when I discovered there was an error in the public notice that was published for two consecutive weeks in the Timber Lake Topic. The public notice failed to cover all of the acres to be irrigated, specifically the NW1/4 SW1/4 of Section 1, T16N, R24E was not included in the notice. This water permit must now be readvertised to ensure that the permit is free of any future legal entanglements due to insufficient public notice.

This readvertisement will not include the oxbow subimpoundment that you withdrew from the original application. Also, the readvertisement will not include the proposed irrigated acreage that is located on Indian trust land. The readvertisent will be to appropriate 1.69 cubic feet of water per second to irrigate 118.4 acres.

The cost of publication of this readvertisement will be paid by the Water Rights Division. A copy of this notice of readvertisement will be sent to you and the Timber Lake Topic in the near future.

If you have any questions regarding the need to readvertise this water permit application, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

cc: Diane Best, Assistant Attorney General
Steve Aberle, Dewey County States Attorney
PO Box 236, Timber Lake, SD 57656

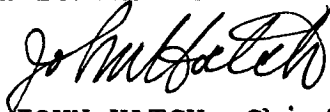
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 1517-1, Arbie 'Gene' Springer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertisement of Water Permit Application No. 1517-1, Arbie 'Gene' Springer, PO Box 104, Timber Lake, SD 57656.

The Chief Engineer is recommending APPROVAL of Readvertised Water Permit Application No. 1517-1 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) in the public interest with the following qualifications:

1. Water may not be pumped from the Little Moreau River until Water Right No. 489-1 for storage of 198 acre-feet of water in Little Moreau Lake is satisfied.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 27, 1991

Report on Water Permit No. 1517-1
Arbie 'Gene' Springer
August 13, 1991

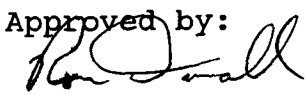
Water Permit No. 1517-1 appropriating 1.69 cubic feet of water per second (cfs) from the Little Moreau River to irrigate 118.4 acres was approved by the Water Management Board on July 24, 1991. The point of diversion from the Little Moreau River is to be between the NE1/4 NW1/4 Section 2 and the NE1/4 NW1/4 Section 12; all in T16N, R24E. The legal location of the acres to be irrigated was in error in the NOTICE OF HEARING published on April 25, 1991 and May 2, 1991 in the Timber Lake Topic. The notice failed to include the NW1/4 SW1/4 Section 1, T16N, R24E. Readvertisement with the correct legal description of the acres to be irrigated is necessary before Water Permit No. 1517-1 is issued. The correct legal location of the acres to be irrigated is the W1/2 NW1/4, SE1/4 NW1/4, NW1/4 SW1/4 Section 1, E1/2 NW1/4, NE1/4, Section 2, and the NE1/4 NW1/4 Section 12; all in T16N, R24E.

Conclusions

1. This is a readvertisement of the NOTICE OF HEARING on Water Permit No. 1517-1.
2. This readvertisement is necessary to correct the legal description of the acres to be irrigated.
3. This readvertisement does not include the proposed irrigation to be located on the Tribal Trust Land.
4. The corrected legal description of the land to be irrigated is the W1/2 NW1/4, SE1/4 NW1/4, NW1/4 SW1/4 Section 1, E1/2 NW1/4, NE1/4 Section 2, and the NE1/4 NW1/4 Section 12; all in T16N, R24E.


Eric Gronlund
Natural Resource Engineer

Approved by:


Ron Duvall
Natural Resource Engineer IV



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 30, 1991

Arbie 'Gene' Springer
PO Box 104
Timber Lake, SD 57656

Dear Mr. Springer:

The original notice of hearing for Water Permit No. 1517-1 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Timber Lake Topic printed at Timber Lake, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

cc: Steve Aberle, Dewey County States Attorney, PO Box 236, Timber Lake, SD 57656

enclosures

NOTE: This readvertisement does not include the oxbow impoundment which was withdrawn from the application or those lands which are located on Indian Trust Land.



August 30, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Timber Lake Topic
PO Box 10
Timber Lake, SD 57656

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 1517-1 to be published twice. Please publish the first notice on September 5, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 5, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application
No. 1517-1 to Appropriate Water

Notice is given that Arbie 'Gene' Springer, PO Box 104, Timber Lake, SD 57656 filed an application for a water permit to appropriate 1.69 cubic feet of water per second from the Little Moreau River to irrigate 118.4 acres. The point of diversion from the Little Moreau River is between the NE 1/4 NW 1/4 Section 2 and the NE 1/4 NW 1/4 Section 12; all in T16N, R24E. Readvertisement of the notice of hearing published on April 25, 1991, and May 2, 1991, in the Timber Lake Topic is needed to correct the legal description of the irrigated acres. The corrected legal description of the irrigated acreage is the W 1/2 NW 1/4, SE 1/4 NW 1/4, NW 1/4 SW 1/4 Section 1, E 1/2 NW 1/4, NE 1/4 Section 2, and the NE 1/4 NW 1/4 Section 12; all in T16N, R24E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 1517-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 September 23, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1517-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 2, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the October 2, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 2, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County DEWEY) ss.



I, Kathy Snyder Nelson

certify that the attached printed Notice was taken
 from the TIMBER LAKE TOPIC

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

CITY _____ of TIMBER LAKE

County of DEWEY and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

SEPTEMBER 5 and 12, 1991

Kathy Snyder Nelson
 (Signature)

publisher
 (Title)

Sept. 13, 1991
 (Date Signed)

Cost of Printing: \$ 27.82

Readvert Notice o on Application Appropri

NOTICE IS GIVEN that Arbie "Gene" Springer, PO Box 104, Timber Lake, SD 57656 filed an application for a water permit to appropriate 1.69 cubic feet of water per second from the Little Moreau River to irrigate 118.4 acres. The point of diversion from the Little Moreau River is between the NE 1/4 NW 1/4 Section 2 and the NE 1/4 NW 1/4 Section 12; all in T16N, R24E. Readvertisement of the notice of hearing published on April 25, 1991, and May 2, 1991, in the Timber Lake Topic is needed to correct the legal description of the irrigated acres. The corrected legal description of the irrigated acreage is the W 1/2 NW 1/4, SE 1/4 NW 1/4, NW 1/4 SW 1/4 Section 1, E 1/2 NW 1/4, NE 1/4 Section 2, and the NE 1/4 NW 1/4 Section 12; all in T16N, R24E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 1517-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 September 23, 1991. 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.

For purposes of publishing 1) the notice

Sharon J. Maher
 my commission expires: 7-8-1996

**No. 1517-1 to
ate Water**

Published Sept. 5, 1991 in the
 Timber Lake



ABERLE AND ABERLE, ATTORNEYS

P.O. Box 236

TIMBER LAKE, SOUTH DAKOTA 57656

September 5, 1991

ANDY ABERLE
STEVE ABERLE

PHONE
(605) 865-3528

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Water Permit No. 1517-1

Dear Sirs:

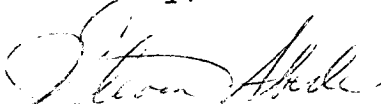
This letter is in response to the readvertisement of notice of hearing for water permit no. 1517-1.

The Dewey County Commissioners went on record as opposing the granting of water permit no. 1517-1 for the reasons originally stated in their letter of opposition previously filed herein. If such a water permit is issued, the Dewey County Commissioners agree that the limitations contained in the Engineers report is necessary and further understand that the granting of a water permit would not include the right to build any impoundment along the little moreau river.

Unless otherwise requested, the Dewey County board of County Commissioners will not be presenting further testimony at the second hearing on water permit no. 1517-1 since that testimony would be identical to that presented at the first hearing.

Thank you very much for your consideration on this matter.

Sincerely,


Steven Aberle
SA:sf



South Dakota

GREAT FACES. GREAT PLACES.

FEB 27 1992

Arbie 'Gene' Springer
PO Box 104
Timber Lake, SD 57656

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

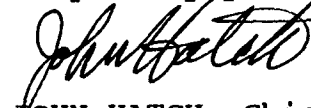
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Dear Mr. Springer:

Enclosed is Water Permit No. 1517-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: ARBIE 'GENE' SPRINGER
PO BOX 104
TIMBERLAKE SD 576560104

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 1517-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1517-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1517-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1517-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Arbie (Gene) Springer
1208 10th Ave N.
Fargo, ND 58102-3533

5. Signature (Addressee)

6. Signature (Agent)

Mike Stokim

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 906 56 238

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 9, 1993

1517-1

Arbie (Gene) Springer
1208 10th Ave N
Fargo, ND 58102-3533

Dear Mr. Springer:

Attached is a Notice of Violation of Water Permit No. 1517-1. The Notice was sent to your old address in Timber Lake. The Post Office returned the notice to our office and included your new address.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 1, 1993

1517-1

Arbie "Gene" Springer
1208 10th Ave N
Fargo, ND 58102-3533

Dear Mr. Springer:

I am writing to acknowledge receipt your 1992 irrigation questionnaire. You may disregard the January 29, 1993, **Notice of Violation of Water Permit No. 1517-1.**

The questionnaire was received prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 14, 1995

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Arbie "Gene" Springer, PO Box 104, Timber Lake, SD 57656-0104

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: One Year Suspension of Water Permit No. 1517-1

Pursuant to the provisions of the notice dated February 7, 1995, and following the hearing of March 8, 1995, the Water Management Board has ordered:

That Water Permit No. 1517-1 be suspended until December 31, 1995. Suspension of the water permit does not excuse the permit holder from the requirement to submit the 1994 Irrigation Questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1995 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ARBIE 'GENE' SPRINGER
PO BOX 104
TIMBERLAKE, SD 57656 0104

4a. Article Number

P 757 566 416

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-14-95

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

Arbie 'Gene' Springer

6. Signature (Agent)

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

ARBIE 'GENE' SPRINGER
PO BOX 104
TIMBERLAKE SD 57656 0104

NOTICE

RE: Violation of Water Permit No 1517-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1517-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1517-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 1517-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

No 1517-1. ARBIE SPRINGER

7/17/95

I STOPPED AT RESIDENCE, TALKED TO RAY SPRINGER,
BROTHER. TALKED TO HIM ABOUT SUSPENSION. SMOG TESTS WERE NOT
INDICATING. THE SMOG LAAN HAS BEEN SWITCHED TO TRUST
(2401) TRUST, BECAUSE OF NEIGHBOR PROBLEM. NEED TO CHECK WITH
LAND MANAGEMENT OFFICE IN ENGLE BUTTE, SEND LETTER TO
MR SPRINGER ABOUT DECISION

M Rath

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Arbie (Gene) Springer** File No. **1571-1**
Address: **PO Box 104** County: **Dewey**
Date: **8/11/1995** Telephone: **605-865-3758**
RE: **Suspended Permit Inspection**

Comments:

On July 17, 1995 I stopped at the Arbie Springer place. I talked to his brother Ray Springer. He said had not irrigated this year and did not intend to irrigate the rest of this year. He said that they had been having problems with a neighbor who was a county commissioner who was opposed to Springers irrigating. Ray Springer said that because of this Arbie Springer had enrolled his irrigated land into tribal trust in order to avoid non-tribal jurisdiction problems. I told him I would check into this and see if the permit could be canceled.

I called the Cheyenne River Sioux Tribe Realty Office (964-6200) on July 24, 1995. They said the Springers had recently enrolled some land into tribal trust. they indicated the land they had enrolled was located in the SW1/4 of Sec 1 and SE1/4 of Section 2 T16N-R24E. Only a portion of this land was covered by Permit No 1571-1. There was additional land located in Sections 1, 2, and 12 that were covered by the permit but was not enrolled into tribal trust.



Mark D Rath
Natural Resources Engineer

Water Permit Application No. 1517-1

Arbie 'Gene' Springer

(map prepared by Eric Gronlund based solely from application and information received from B-IA and Dewey County Register of Deeds

- diversion point reach markers
- proposed irrigated acreage
- Tribal Trust land
- Little Moreau River
- beaver dams

