

WATER PERMIT NO. 1625-1

Name of Applicant: Glenn A. or Peggy D. Brown

Address: HC 67, Box 29, Buffalo SD 57720

Phone: 375-3380

Amount of Water Claimed: ^{0.36}~~4.8~~ add'l cfs

Total Acres: 79 acres

Source of Water Supply: North Bull Creek and Gallager Draw

Depth of Well: NA

Water to be used for: irrigation

County: Harding

Type of Waste Disposal System: NA

Location: 12 miles northwest of Buffalo

PRIORITY

Date Received: 7-21-1995

Fee: \$225.00

Corrected Application Received: NA

Period of Annual Use: March 1 - November 30

Remarks: Addition acreage and diversion to Water Permit No. 1112-1. Based on an inspection by Rassool Ahadi.

Diversion Point: Dam #1- SW 1/4 SE 1/4, Sec 24-T22N-R3E; Dam #2-NW 1/4 SE 1/4 Sec 30; Dam #3-SW 1/4 SW 1/4 Sec 29; all in T22N-R4E

Additional land to be Irrigated: W 1/2 SE 1/4 Sec 30; NE 1/4 NE 1/4 Sec 31; NE 1/4 NW 1/4, NE 1/4, SE 1/4 Sec 32; all in T22N-R4E

Reviewed and the Number Assigned on: 7-31-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1625-1**

Date of first receipt of application July 21, 1995.

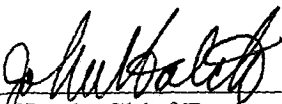
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1625-1 to Glenn A. or Peggy D. Brown, HC 67, Box 29, Buffalo SD 57720 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1625-1 appropriates an additional 0.39 cubic feet of water per second (cfs) to irrigate 27.1 additional acres and correct the location of 51.9 acres. Water Permit No. 1112-1 appropriates 3.77 cfs from three dams to irrigate, via a waterspreading system, 263.9 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 30; W 1/2 SW 1/4 Section 29; E 1/2 NE 1/4 Section 31; NW 1/4, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, NW 1/4 SW 1/4 Section 32; all in T22N-R4E. The three dams are located on North Bull Creek and Gallager Draw in the SW 1/4 SE 1/4 Section 24-T22N-R3E, NW 1/4 SE 1/4 Section 30 and SW 1/4 SW 1/4 Section 29; in T22N-R4E and have an approximate total storage capacity of 100 acre-feet of water to the primary spillway and a total capacity of 228 acre feet of water at the crest elevation. The location of the 27.1 additional acres and the correct location of the 51.9 acres are in the W 1/2 SE 1/4 Section 30; NE 1/4 NE 1/4 Section 31; NE 1/4 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32; all in T22N-R4E.
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: March 1 - November 30.
3. The date from which applicant may claim right is July 21, 1995.
4. The date of approval of Permit No. 1625-1 is December 11, 1995.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 1625-1 authorizes three dams with a total storage capacity of 100 acre feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 21 1995

date



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. 1625-1 Hydrologic Unit 10130302
Basin Grand River
Newspaper Nation's Center News, Buffalo, SD
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No. 1112-1
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant Glenn A. and Peggy D. Brown Phone 375-3380

(check one) Owner Tenant/lessee
Mailing Address HC 67 Box 29 (Street, RR, or Box) Buffalo (City) SD (Zip Code) 57720
HCR 1, Box 29, Ladner Route

2. Amount of water claimed 1.3 add 1 *CFS or **GPM ***AF Total Acreage 79 (27.1 odd 1)
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout if applicable) (51.9 Correction)

3. Source of water supply North Bull Creek and Gallager Draw (SW 1/4 SE 1/4)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Dam #1-1200'N & 1420'W of SE Corner Sec. 24, T22N, R3; Dam #2-2840'S & 1620'W of NE Corner Sec. 30, T22N, R4E; Dam #3-80'N & 1160'E of SW Corner Sec. 29, T22N, R4E (NW 1/4 SE 1/4) County Harding

5. County or counties where water will be used Harding

6. Annual period during which water is to be used March thru November 30

7. List below each forty acre subdivision, 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
NW1/4SE1/4 Sec. 30 T22N R4E	7	SW1/4NE1/4 Sec. 32 T22N R4E	15
SW1/4SE1/4 Sec. 30 T22N R4E	7	SE1/4NE1/4 Sec. 32 T22N R4E	11
NE1/4NE1/4 Sec. 31 T22N R4E	2	NW1/4SE1/4 Sec. 32 T22N R4E	4
NE1/4NW1/4 Sec. 32 T22N R4E	6	NE1/4SE1/4 Sec. 32 T22N R4E	4
NW1/4NE1/4 Sec. 32 T22N R4E	8	SW1/4SE1/4 Sec. 32 T22N R4E	15

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

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)

STATE OF SOUTH DAKOTA)

County of HARDING)^{SS}

I, PEGGY D. BROWN, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Peggy D. Brown

Subscribed and sworn to before me this 19th day of July 1995

Steve L. Engel
Notary Public

RECEIPT

414562

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 25, 19 95

RECEIVED OF Peggy D Brown, HC 67 Box 29, Buffalo, SD 57720

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

Fee for Application for Permit No. <u>1625-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1995

Glenn and Peggy Brown
HCR 1, Box 29, Ladner Route
Buffalo, SD 57720

Dear Mr. and Mrs. Brown:

On June 24, 1985, a Water Rights Program Engineer inspected the acreage authorized by Water Permit No. 1112-1. The inspection showed that you irrigate 79.0 acres additional acreage which were not authorized by a permit. On December 3, 1986 you submitted application to file a permit for the 79.0 additional acres. Since the application needed some correction, on January 13, 1987, it was returned to you for correction with the filing fee that you had submitted. We did not receive the corrected application. On June 20, 1995, I inspected the area which it confirmed that you still need to file an application for the 79.0 acres. Enclosed please find completed application form and an instruction sheet. Please review the application form, sign and notarize it, and return it to the Water Rights Program with the filing fee. The filing fee, based on the enclosed instruction sheet, is \$225.00. You do not need to submit a map, since there is one on file.

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Phone: (605) 773-3352

enclosure.

Report on Water Permit Application No. 1625-1
Glenn A. or Peggy B. Brown
August 8, 1995

Background

Water Permit Application No. 1625-1 requests appropriation of an additional 0.39 cubic feet of water per second (cfs) to irrigate 27.1 additional acres and to correct the location of 51.9 acres. Water Permit No. 1112-1 appropriates 3.77 cfs from three dams to irrigate 263.9 acres, using a gravity system of irrigation. The acreage is located in the SW1/4 NE1/4, SE1/4 Section 30; W1/2 SW1/4 Section 29; E1/2 NE1/4 Section 31; NW1/4, SW1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4, NW1/4 SW1/4 Section 32, all in T22N-R4E in Harding County. The three dams are located on North Bull Creek and Gallager Draw in the SW1/4 SE1/4 Section 24, T22N-R3E, NW1/4 SE1/4 Section 30 and SW1/4 SW1/4 Section 29, in T22N-R4E. The location of the 27.1 additional acres and the correct location of 51.9 acres are in the W1/2 SE1/4 Section 30; NE1/4 NE1/4 Section 31; NE1/4 NW1/4, W1/2 NE1/4, SE1/4 NE1/4, N1/2 SE1/4, NE1/4 SW1/4, SW1/4 SE1/4 Section 32, all in T22N-R4E. The dams have an approximate total storage of 100 acre feet of water to the primary spillway and a total capacity of 228 acre feet of water to the secondary spillway.

Discussion

On June 20, 1984, LeRoy Mernaugh, Engineer, with the Water Rights Program, investigated the acreage authorized by Water Permit No. 1112-1. He concluded that 27.1 additional acres were being irrigated which are not included in the water permit. He also concluded that the location of 51.9 acres needs to be corrected.

On June 20, 1995, I inspected the same area and concluded that the changes to the original permit are needed.

The applicant uses a gravity system of irrigation. The applicant diverts water from three dams. Dam No. 1 has an estimated maximum capacity of 200 acre feet to the top of the dam, an estimated capacity of 139 acre feet to the secondary spillway, and an estimated capacity of 75 acre feet to the primary spillway (outlet). The primary spillway is gated and the dam can be filled up to the secondary spillway. Dam No. 2 has an estimated 120 acre feet to the top of the dam, an estimated 77 acre feet of water to the secondary spillway, and an estimated 23 acre feet to the primary spillway (outlet). The primary spillway is gated and the water in the dam could reach the secondary spillway. Dam No. 3 has an estimated capacity of 20 acre feet to the top of the dam, has an estimated capacity of 12 acre feet to the secondary spillway (a 30 inch corrugated metal pipe), and an estimated capacity of 1.5 acre feet to the primary spillway (outlet). The dam has two corrugated metal pipes (CMP). The 24 inch CMP diverts water to irrigate the south field. This pipe has a screw gate. The 30 inch CMP is used to irrigate the north field. This pipe does not have a gate.

All three dams were constructed in the early 1980's. In accordance with the Safety of Dams rules, 74:02:08:06, "Classification of Dam", all three dams are small in size. The dams are also category 3 dams. Since the dams were constructed prior to October 27, 1986, in accordance with Dam Safety rules 74:02:08:02, they are exempt from dam safety spillway requirement rules. Although the dams are exempt from dam safety spillway required rules, the inspection of June 21, 1995, showed that all three dams are in good structural condition.

Conclusions

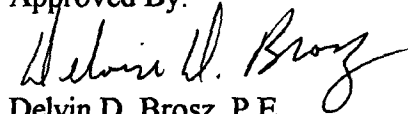
1. The applicant has irrigated the acreage since 1976.
2. All three dams are in good structural condition.
3. The applicant irrigates whenever water is available.
4. If Water Permit Application No. 1625-1 is approved it should be approved with the low flow by-pass qualification.



M. Rassool Ahadi

Natural Resources Engineer III

Approved By:



Delvin D. Brosz, P.E.

Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1625-1, Glenn A. or Peggy B. Brown**

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. 1625-1, Glenn A. or Peggy B. Brown, HC 67, Box 29, Buffalo, SD 57720.

The Chief Engineer is recommending APPROVAL of Application No. 1625-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 Permit No. 1625-1 authorizes three dams with a total storage capacity of 100 acre feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


JOHN HATCH, Chief Engineer
September 19, 1995



**DEPARTMENT of ENVIRONMENT
and 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.**

November 13, 1995

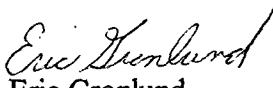
Glenn A. or Peggy D. Brown
HC 67, Box 29
Buffalo, SD 57720

Dear Mr. and Ms. Brown:

Water Permit Application No. 1625-1 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 Nation's Center News printed at Buffalo, SD (Ph # (605) 375-3228). 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 ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 1995

Nation's Center News
Box 107
Buffalo, SD 57720-0107

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1625-1 to be published twice. Please publish the first notice on November 22, 1995, 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 Glenn A. or Peggy D. Brown, HC 67, Box 29, Buffalo, SD 57720 (Ph # (605) 375-3380).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 November 22, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1625-1 to Appropriate Water
and to Amend Water Permit No. 1112-1

Notice is given that Glenn A. or Peggy D. Brown, HC 67, Box 29, Buffalo, SD 57720 has filed an application for a water permit to appropriate an additional 0.39 cubic feet of water per second (cfs) to irrigate 27.1 additional acres and correct the location of 51.9 acres. Water Permit No. 1112-1 appropriates 3.77 cfs from three dams to irrigate via a waterspreading system, 263.9 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 30; W 1/2 SW 1/4 Section 29; E 1/2 NE 1/4 Section 31; NW 1/4, SW 1/4 NE 1/4,, N 1/2 SE 1/4, SE 1/4 SE 1/4, NW 1/4 SW 1/4 Section 32; all in T22N-R4E. The three dams are located on North Bull Creek and Gallager Draw in the SW 1/4 SE 1/4 Section 24-T22N-R3E, NW 1/4 SE 1/4 Section 30 and SW 1/4 SW 1/4 Section 29; in T22N-R4E and have an approximate total storage capacity of 100 acre-feet of water to the primary spillway and a total capacity of 228 acre-feet of water at the crest elevation. The location of the 27.1 additional acres and the correct location of 51.9 acres are in the W 1/2 SE 1/4 Section 30; NE 1/4 NE 1/4 Section 31; NE 1/4 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32; all in T22N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1625-1 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 11, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Harding) SS

I, LaVerne E. Helms

certify that the attached printed Notice was
taken from the Nation's Center News

printed and published in Buffalo, SD

County of Harding and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

November 22, 1995

November 29, 1995

Cost of Printing: 45.99

LaVerne E. Helms
(Signature)

Bus. Mgr.
(Title)

11-30-95
(Date Signed)



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 11, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
11-22, 29

NOTICE OF APPLICATION NO. 1625-1 TO APPROPRIATE WATER AND TO AMEND WATER PERMIT NO. 1112-1

Notice is given that Glenn A. or Peggy D. Brown, HC 67, Box 29, Buffalo, SD 57720 has filed an application for a water permit to appropriate an additional 0.39 cubic feet of water per second (cfs) to irrigate 27.1 additional acres and correct the location of 51.9 acres. Water Permit No. 1112-1 appropriates 3.77 cfs from three dams to irrigate via a waterspreading system, 263.9 acres located in the SW 1/4, NE 1/4, SE 1/4 Section 30; W 1/2 SW 1/4 Section 29; E 1/2 NE 1/4 Section 31; NW 1/4, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, NW 1/4 SW 1/4 Section 32; all in T22N-R4E. The three dams are located on North Bull Creek and Gallagher Draw in the SW 1/4 SE 1/4 Section 24-T22N-R3E, NW 1/4 SE 1/4 Section 30 and SW 1/4 SW 1/4 Section 29, in T22N-R4E and have an approximate total storage capacity of 100 acre-feet of water to the primary spillway and a total capacity of 228 acre-feet of water at the crest elevation. The location of the 27.1 additional acres and the correct location of 51.9 acres are in the W 1/2 SE 1/4 Section 30, NE 1/4 NE 1/4 Section 31; NE 1/4 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32; all in T22N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1625-1 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Permit No. 1112-1/1625-1
Grand River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 6/20/1995, made a thorough examination of the water use system owned by Glenn or Peggy Brown of HC 67, Box 29, Buffalo, SD 57720, holder of Permit No. 1112-1, bearing the priority of August 27, 1976/July 21, 1995, authorizing the diversion of 3.77/0.39 cu. ft. per second and the storage of 228 acre-feet of the waters of surface water for irrigation purposes, in Harding County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Gravity system of irrigation.

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

About 2.5 miles of irrigation canals, 10 feet wide, 4 feet deep.

C. Works used to apply water to beneficial use:

A network of laterals and dikes. The dikes are about 5 feet high and 4 feet wide.

The system is in the following condition Good. The points of diversion are located: Dam No. 1: About 1200 feet north, 1420 west from the southeast corner of Section 24, T22N-R3E (SW1/4 SE1/4); Dam No. 2: About 2840 feet south and 1620 feet west from the northeast corner of Section 30, T22N-R4E (NW1/4 SE1/4); Dam No. 3: About 1160 feet east, 80 feet north from the southwest corner of Section 29, T22N-R4E (SW1/4 SW1/4). The works are capable of diverting and conveying to the place of use 3.77+ cu. ft. per second of water and storing 228 acre-feet of water which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T22N-R4E

Section 29		Section 32	
SW1/4 SW1/4	3.0 ac.	NW1/4 NW1/4	22.0 ac.
		SW1/4 NW1/4	7.0 ac.
Section 30		NE1/4 NW1/4	16.0 ac.
NW1/4 SE1/4	20.0 ac.	SE1/4 NW1/4	32.0 ac.
NE1/4 SE1/4	24.0 ac.	NW1/4 NE1/4	8.0 ac.
SW1/4 SE1/4	14.0 ac.	SW1/4 NE1/4	39.0 ac.
SE1/4 SE1/4	27.0 ac.	SE1/4 NE1/4	11.0 ac.
		NE1/4 SW1/4	1.0 ac.
Section 31		NW1/4 SE1/4	25.0 ac.
NE1/4 NE1/4	16.0 ac.	NE1/4 SE1/4	11.0 ac.
		SW1/4 SE1/4	15.0 ac.

comprising a total of 291 acres of land and the license should be issued for 4.16 cfs and 228 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: 7/27/1995



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO.1112-1

DATE OF INSPECTION: 6/20/1995

NAME & ADDRESS OF PERMIT HOLDER: Glenn or Peggy Brown, HC 67, Box 29, Buffalo, SD 57720

DIVERSION POINT LEGAL LOCATION: Dam No. 1: SW1/4 SE1/4 Section 24, T22N-R3E

DISTRIBUTION LINES OR CANALS:***

1) Type **Earthen** 2) Size **10 feet wide, 4 feet deep** 3) Length about **5000 feet**

*** Water from this dam is transported via the canal to Diversion Point No. 2.

DAM INFORMATION:

- 1) Height to crest **23** feet
- 2) Height to primary spillway **19** feet
- 3) Height to secondary spillway **21** ft
- 4) Crest width **12** feet
- 5) Crest length **400** feet
- 6) Secondary spillway length **120** feet
- 7) Secondary spillway width **80** feet
- 8) Approx. storage **75** ac-ft
- 9) Approx. storage to secondary spillway **139** ac-ft
- 10) Date constructed: **Early 1980's**

OUTLET TUBES:

- 1) Diameter **30** inches
- 2) Type **CMP**
- 3) Valved **Y**
- 4) Valve type **Screw**
- 5) Location on structure **Middle-Bottom**
- 6) Category of dam **III**
- 7) Inspection sheet completed **(N)**
- 8) Name of contractor **Unknown**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

REPORT ON INSPECTION OF PERMIT NO. 1112-1

DATE OF INSPECTION: 6/20/1995

NAME & ADDRESS OF PERMIT HOLDER: Glenn or Peggy Brown, HC 67, Box 29, Buffalo, SD 57720

DIVERSION POINT LEGAL LOCATION: Dam No. 2: NW1/4 SE1/4 Section 30, T22N-R4E

DISTRIBUTION LINES OR CANALS:

- 1) Type **Earthen** 2) Size **10 feet wide, 4 feet deep** 3) Length about **4000 feet**

DAM INFORMATION:

- 1) Height to crest **17 feet**
- 2) Height to primary spillway **13 feet**
- 3) Height to secondary spillway **15 ft**
- 4) Crest width **12 feet**
- 5) Crest length **600 feet**
- 6) Secondary spillway length **60 feet**
- 7) Secondary spillway width **20 feet**
- 8) Approx. storage **23 ac-ft**
- 9) Approx. storage to secondary spillway **77 ac-ft**
- 10) Date constructed: **Early 1980's**

OUTLET TUBES:

- 1) Diameter **30 inches**
- 2) Type **CMP**
- 3) Valved **Y**
- 4) Valve type **Screw**
- 5) Location on structure **East side-Bottom**
- 6) Category of dam **III**
- 7) Inspection sheet completed **N**
- 8) Name of contractor **Unknown**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by **Y**
- 3) All structures, wells and lands on map **Y**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

REPORT ON INSPECTION OF PERMIT NO.1112-1

DATE OF INSPECTION: 6/20/1995

NAME & ADDRESS OF PERMIT HOLDER: Glenn or Peggy Brown, HC 67, Box 29, Buffalo, SD 57720

DIVERSION POINT LEGAL LOCATION: Dam No. 3: SW1/4 SW1/4 Section 29, T22N-R4E

DISTRIBUTION LINES OR CANALS:

1) Type **Earthen** 2) Size **10 feet wide, 4 feet deep** 3) Length **4200 feet**

DAM INFORMATION:

- 1) Height to crest **13 feet**
- 2) Height to primary spillway **11 feet**
- 3) Height to secondary spillway **12 ft**
- 4) Crest width **10 feet**
- 5) Crest length **300 feet**
- 6) Secondary spillway length **30 feet**
- 7) Secondary spillway width **30 inches****
- 8) Approx. storage **1.5 ac-ft**
- 9) Approx. storage to secondary spillway **12 ac-ft**
- 10) Date constructed: **Early 1980's**

OUTLET TUBES:

- 1) Diameter **24 inches**
- 2) Type **CMP**
- 3) Valved **Y**
- 4) Valve type **Screw**
- 5) Location on structure **Middle-Bottom**
- 6) Category of dam **III**
- 7) Inspection sheet completed **N**
- 8) Name of contractor **Unknown**

**** The secondary spillway is used to irrigate the north field. This 30 inch CMP is not gated.**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **NA**
- 2) Special qualifications to permit being abided by **Y**
- 3) All structures, wells and lands on map **Y**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1625-1

(1) Glenn A. or Peggy D. Brown, HC 67 Box 29, Buffalo SD. 57720 made Application No. 1625-1, July 21, 1995 for a water permit to divert 0.39 additional cubic feet of water per second from North Bull Creek and Gallager Draw, Harding County, South Dakota for irrigation purposes. Permit No. 1625-1, with a priority date of July 21, 1995 was approved December 11, 1995 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1625-1 authorizes an increase in the diversion rate and irrigation of additional acres that were developed but not permitted under Water Permit No. 1112-1. The applicable portions of Water Permit No. 1112-1 have been incorporated into this Water License No. 1625-1.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.16 cubic feet of water per second from North Bull Creek and Gallager Draw for irrigation and to fill three dams (combined storage capacity of 228 acre feet) utilized in the irrigation system. The location of the diversion points are: Dam #1 - 1200 feet north and 1420 feet west of the southeast corner of Section 24-T22N-R3E (SW 1/4 SE 1/4); Dam #2 - 2840 feet south and 1620 feet west of the northeast corner of Section 30-T22N-R4E (NW 1/4 SE 1/4); and Dam #3 - 80 feet north and 1160 feet east of the southwest corner of Section 29-T22N-R4E (SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **All in T22N-R4E**

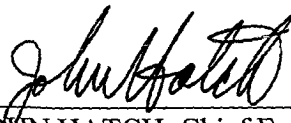
Section 29		Section 32	
SW 1/4 SW 1/4	3 acres	NW 1/4 NW 1/4	22 acres
		SW 1/4 NW 1/4	7 acres
Section 30		NE 1/4 NW 1/4	16 acres
NW 1/4 SE 1/4	20 acres	SE 1/4 NW 1/4	32 acres
NE 1/4 SE 1/4	24 acres	NW 1/4 NE 1/4	8 acres
SW 1/4 SE 1/4	14 acres	SW 1/4 NE 1/4	39 acres
SE 1/4 SE 1/4	27 acres	SE 1/4 NE 1/4	11 acres
		NE 1/4 SW 1/4	1 acre
Section 31		NW 1/4 SE 1/4	25 acres
NE 1/4 NE 1/4	16 acres	NE 1/4 SE 1/4	11 acres
		SW 1/4 SE 1/4	15 acres
Total		291 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Glenn A. or Peggy D. Brown, HC 67 Box 29, Buffalo SD. 57720 the holders and/or owners of Incorporated Water Permit No. 1625-1 are issued a license to appropriate water, the right to use 4.16 cubic feet of water per second from North Bull Creek and Gallager Draw for irrigation and to fill three dams (combined storage capacity of 228 acre feet with priority dates of August 27, 1976 (3.77 cfs) and

(continued)

Water License No. 1625-1
Glenn A. or Peggy D Brown
Page 2

July 21, 1995 (0.39 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1625-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 21 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 21 1995

Glenn A. or Peggy D. Brown
HC 67, Box 29
Buffalo SD 57720

Dear Mr. and Mrs. Brown:

Enclosed is Water Permit and Water License No. 1625-1. Water License No. 1625-1 is the final document which completes the process of obtaining a water right. The applicable portions of Water Permit No. 1112-1 have been incorporated into this Water License No. 1625-1.

The application fee submitted for Water Permit No. 1625-1 was \$225.00. The application fee should have been \$150.00. The fee for the inspection and issuance of the water license is \$50.00 (for a total of \$200.00). Therefore \$25.00 will be refunded to you. You should receive this refund within the next couple of weeks.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1996

1625-1

Tim & Tracy Brown
PO Box 205
Buffalo SD 57720-0205

Dear Mr. & Mrs. Brown:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 1625-1. I received a letter from Peggy Brown requesting information on transferring the water right to your names.

Please review the form for accuracy and make any necessary corrections. Keep in mind that the acreage listed on the transfer form is the acreage described in the water right and not necessarily all of the land you purchased. Please complete the portion titled "*be transferred to: (name & address).....*" Upon completion, you will need to sign the form in the presence of a notary public and return it to our office along with a required filing fee of \$2.50.

Water Right No. 1625-1 will be transferred to your names as soon as we receive the completed form and filing fee. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



HC 67 Box 29
Buffalo, SD 57720

March 11, 1996

Department of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Dear Sir,

We have sold our ranch in Harding County to our son and want to transfer/assign Water Permits and Water Licenses No. 1625-1 and 1112-1 to Tim and Tracy Brown, PO Box 205, Buffalo SD 57720.

Please advise us of the proper procedure.

Sincerely,

Glenn A. and Peggy D. Brown

3/13/96 I called & spoke with Peggy Brown. I explained the transfer process and told her I would send a form directly to Tim & Tracy since they would be the ones signing the form.

Genny

Notice to Mailer of Correction in Address

(4-1-96)

Addressee's Account Number (All numbers, dates, and letters)

1625-1

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Tim G. or Tracy L. Brown

Old Address (Include apartment or suite number)

HC 67 Box 205

City, State, and ZIP Code

New Address (Include apartment or suite number)

P.O. Box 205

City, State, and ZIP Code

Buffalo SD 57720-0205

This card is furnished:

☒ For address correction, as requested (your mailpiece was forwarded).

☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed



UNITED STATES
POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

~~Postage Due~~

Cheryl Frost
Water Rights Program
523 E Capitol
Pierre SD 57501-3181



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1625-1



Date: 3-20-96

I/We request that Water Right No. 1625-1

formerly owned by: Glenn A or Peggy D Brown, HC 67 Box 29, Buffalo, SD 57720

be transferred to: (name & address) Timothy G. or Tracy L. Brown
HC 67 Box 205 Buffalo SD 57720 Telephone No. 605-375-3349

Title to the following described land(s)/property has been transferred as described above: all located in T22N, R4E

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 29; SE $\frac{1}{4}$ Sec 30; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 31; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 32

I/We understand that the validity of Water Right No. 1625-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

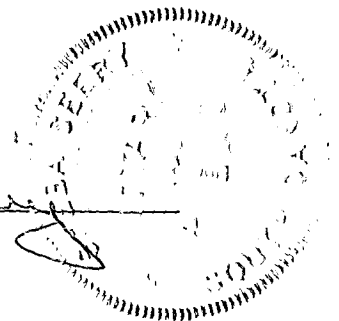
County of Handling)

I/We Timothy G. or Tracy L. Brown being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Timothy G. Brown
(Signed)

Subscribed and sworn to before me this 20 day of March, 1996.

Shirley S. Sweeney
(Notary Public)



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

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

RECEIPT

414867

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 21, 19 96

RECEIVED OF Timothy G. or Tracy L. Brown, HC 67, Box 205, Buffalo, SD 57720

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1625-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Beck (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

No. 1625-1

Timothy G. or Tracy L. Brown
HC 67, Box 205
Buffalo, SD 57720

Dear Mr. and Ms. Brown:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1625-1.

Our records now show you as the owner of Water Right No. 1625-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

PAYMENT REQUEST FORM

PAYEE: Glenn A. or Peggy D. Brown
HC 67, Box 29
Buffalo, SD 57720

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant originally submitted an application fee of \$225 but only needed to submit a fee of \$150 and a Water License fee of \$50; therefore, the difference needs to be refunded.

AMOUNT: \$25.00

FUNDING SOURCE:

GENERAL:

Special account

FEDERAL:

COMMENTS:

AUTHORIZATION: *John H. H. H.* 12-21-77

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.