

WATER PERMIT NO. 1766-1

Corky Jackson call 848-1013

Name of Applicant: Sandra Anderson

Address: 1322 E Grand Crossing, Mobridge SD 57601

Phone: 605 845-7141

Amount of Water Claimed: 4.28 cfs

Total Acres: 300

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Corson

Type of Waste Disposal System:

Location: 5 miles northwest of Mobridge

PRIORITY

Date Received: 3-4-2002

Fee: \$300

Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 9 and
NE ¼ SW ¼ Sec 15; all in T19N-R29W

Land to be Irrigated: NW ¼ Sec 15, NE ¼,
E ½ NW ¼ Sec 10, SW ¼ SE ¼, SE ¼ Sec 3;
all in T19N-R29E

Depth of Well: NA

Well Driller: : NA

Remarks:

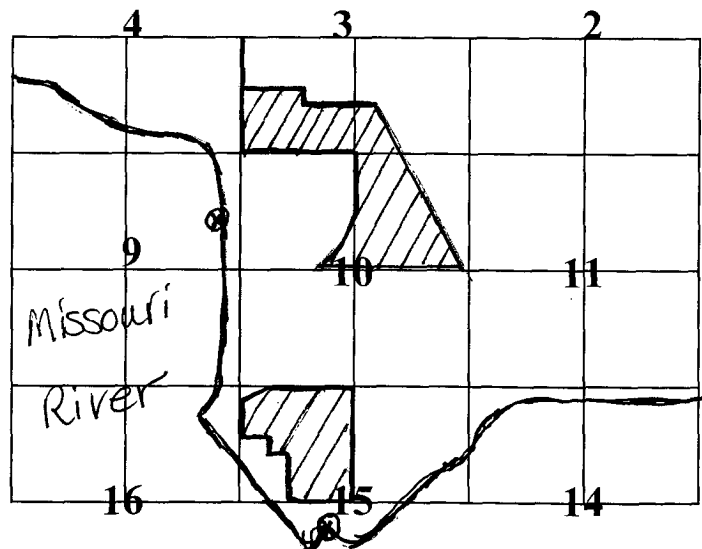
Type of Map: topo

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 3-4-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1766-1**

Date of first receipt of application March 4, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1766-1 to Sandra Anderson, 1322 E Grand Crossing, Mobridge SD 57601 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. 1766-1 appropriate 4.28 cubic feet of water per second from the Missouri River located in the SE ¼ NE ¼ Section 9 and the NE ¼ SW ¼ Section 15 to irrigate 300 acres located in the NW ¼ Section 15, NE ¼, E ½ NW ¼ Section 10, SW ¼ SE ¼, SW ¼ Section 3; all in T19N-R29E.
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: April 1 – September 30.
3. The date from which applicant may claim right is March 4, 2002.
4. The date of approval of Permit No. 1766-1 is April 1, 2002.
5. One-fifth of the construction is to be completed on or before October 1, 2004.
6. All construction is to be completed on or before April 1, 2007.
7. Water is to be put to beneficial use on or before April 1, 2011.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 16 2002

date



03/04/02 MON 12:37 FAX

0001

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1766-1</u>	(office use only) Hydrologic Unit <u>10/30201</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Corson/Sioux Co. News-Messenger</u>	
	<u>McLaughlin</u>	

RECEIVED

MAR - 4 2002

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

- Name of Applicant Sandra Anderson Phone 845-7141
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 1322 E Grand Crossing Mobridge State SD 57601
 (Street, R.R. or Box and City) (Zip Code)
- Amount of water claimed 4.28 *CFS or **GPM ***AF Total Acreage 300
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 NE 1/4 Sec 9; NE 1/4 SW 1/4 Sec 15; all in T19N-R29E
 County Corson
- County or counties where water will be used Corson
- Annual period during which water is to be used Apr 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 sec 15-19N-29E	111	SWSE sec 3-19N-29E	22
NE 1/4 sec 10-19N-29E	98	SW 1/4 sec 3-19N-29E	62
E 1/2 NW 1/4 10-19N-29E	7		

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

STATE OF SOUTH DAKOTA)

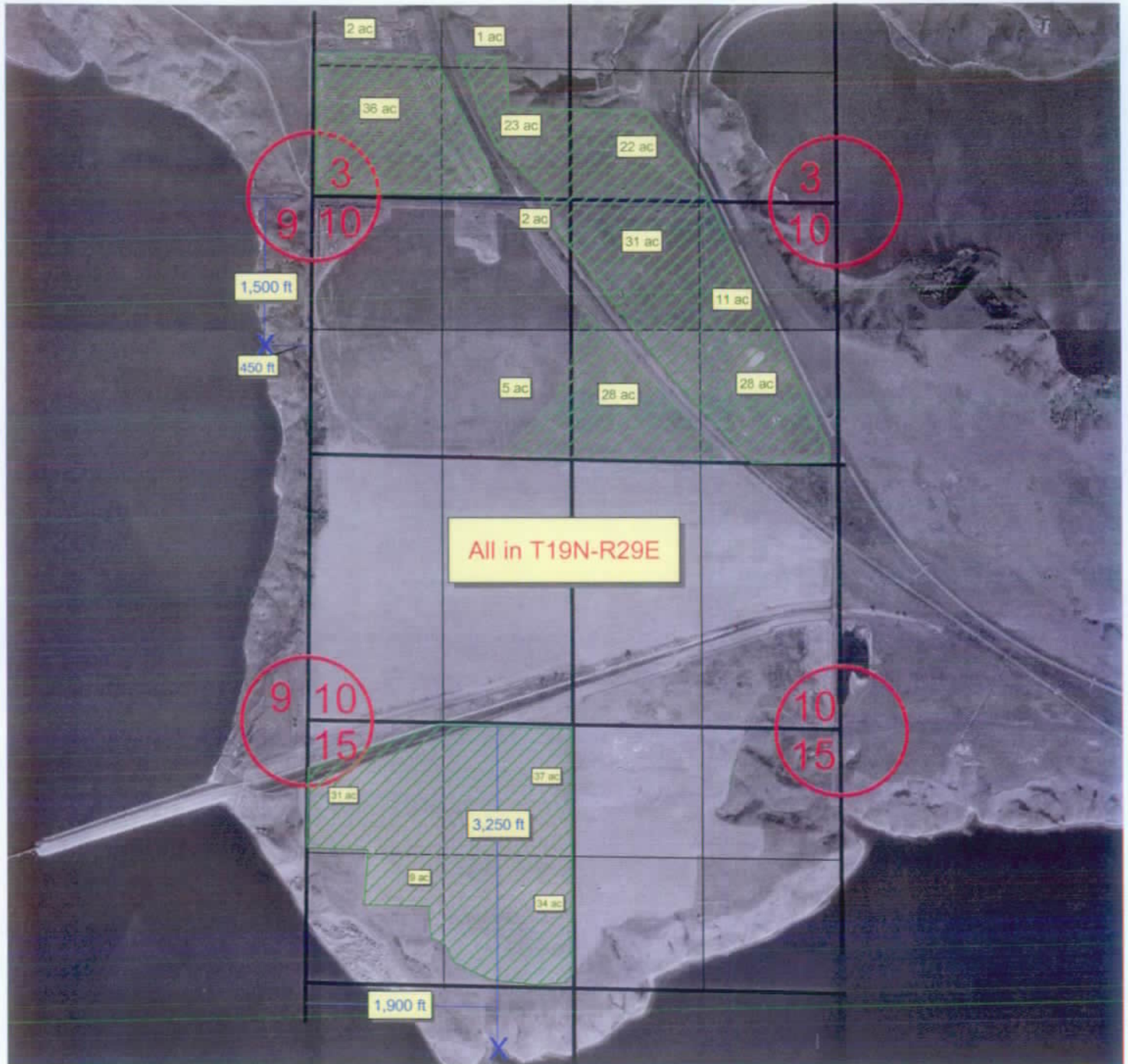
County of Walworth SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Sandra AndersonSubscribed and sworn to before me this 4th day of March 20 02
John A. [Signature] 4-13-2002
 Notary Public signature

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
March 5, 2002

Application No. 1766-1

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 417108

Pierre, March 4, 20 02

RECEIVED OF H L Corky Jackson, 1322 E Grand Crossing, Mobridge, SD 57601
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>17660-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	300	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>17660-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	350 00

By Darlene Erbe
Chief Engineer

gm

REPORT ON WATER PERMIT APPLICATION NO. 1766-1

Sandra Anderson

March 6, 2002

Application No. 1766-1, Sandra Anderson, proposes to appropriate 4.28 cubic feet of water per second from the Missouri River. The diversion points are to be located in the SE1/4 NE1/4 of Section 9 and NE1/4 SW1/4 Section 15 for irrigation of 300 acres located in the NW1/4 of Section 15; NE1/4, E1/2 NW1/4 of Section 10; SW1/4 SE1/4, SW1/4 of Section 3 all in T19N-R29E. The proposed project is located in eastern Corson County approximately 8 miles NW, across the Missouri River, of Mobridge.

Review of the Proposed Project and Existing Water Rights

The applicant proposes to appropriate Missouri River water from two diversion points on Lake Oahe located near the confluence of the Grand River. The water will be used to irrigate 300 acres. This proposed irrigation project is located within the external boundaries of the Standing Rock Indian Reservation. The applicant has indicated to Water Rights staff, the property is privately owned non-tribal land.

The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.

Conclusions

1. This application proposes to appropriate 4.28 cubic feet of water per second (cfs) from the Missouri River to irrigate 300 acres.
2. This proposed irrigation project is located within the external boundaries of the Standing Rock Indian Reservation. The applicant has indicated to Water Rights staff, the property is privately owned non-tribal land.
3. The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.



Mark D. Rath

Natural Resources Engineering Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1766-1, Sandra Anderson**

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. 1766-1, Sandra Anderson, 1322 E. Grand Crossing, Mobridge SD 57601.

The Chief Engineer is recommending APPROVAL of Application No. 1766-1 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) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
March 8, 2002

Instruction to Newspaper - Publish first Notice on March 14, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1766-1 to Appropriate Water

Notice is given that Sandra Anderson, 1322 E Grand Crossing, Mobridge SD 57601 has filed an application for a water permit to appropriate 4.28 cubic feet of water per second from the Missouri River located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 to irrigate 300 acres located in the NW $\frac{1}{4}$ Section 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 3; all in T19N-R29E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1766-1 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 April 1, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

Corson - Sioux County News - Messenger

STATE OF SOUTH DAKOTA)SS
COUNTY OF CORSON)SS

Merle E. Lofgren of said county and state, being first duly sworn, on his oath says that the Corson - Sioux County News - Messenger is a weekly newspaper of general circulation, printed and published in McLaughlin, in said county and within the County of Corson for more than fifty-two successive weeks prior after mentioned and that I, Merle E. Lofgren, the undersigned, am Editor of said newspaper, in charge of advertising department thereof, and have personal knowledge of the facts stated in the affidavit and that the advertisement headed

Notice of Application

NO 1766-1 To

Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, an not in supplement, once each week for 2 weeks, the first publication being made on the 14th day of March, 2002 and the last publication being made on the 21st day of March, 2002.

The 1st publication being on 14 day of March, 2002
The 2nd publication being on 21 day of March, 2002
The 3rd publication being on _____ day of _____, 20____
The 4th publication being on _____ day of _____, 20____
The 5th publication being on _____ day of _____, 20____
The 6th publication being on _____ day of _____, 20____
The 7th publication being on _____ day of _____, 2002
The 8th publication being on _____ day of _____, 20____
The 9th publication being on _____ day of _____, 20____

That said newspaper is a legal newspaper and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Corson for more than fifty-two successive weeks prior to the first publication of said notice and is printed in English in an office maintained at McLaughlin, SD, the place of publication of said newspaper. That the full amount of the fee for the publication of annexed notice is \$ 45.33 and incurs solely to the benefit of said publisher, that no agreement or understanding of a division there of has been made with any other person whomsoever.

Merle E. Lofgren

Subscribed and sworn to before me this 15th day of April, 2002

Edward F. Schrock
Notary Public

My commission expires 2-18-03

NOTICE OF APPLICATION NO. 1766-1 TO APPROPRIATE WATER

Notice is given that Sandra Anderson, 1322 E. Grand Crossing, Mobridge, SD 57601 has filed an application for a water permit to appropriate 4.28 cubic feet of water per second from the Missouri River located in the SE 1/4 NE 1/4 Section 9 and the NE 1/4 SW 1/4 Section 15 to irrigate 300 acres located in the NW 1/4 Section 15, NE 1/4, E 1/2 NW 1/4 Section 10, SW 1/4 SE 1/4, SW 1/4 Section 3; all in T19N-R29E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1766-1 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 April 1, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Pub. Mar. 14, 21)

RECEI

APR - 2

WATER R
PROG



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 8, 2002

Sandra Anderson
1322 E. Grand Crossing
Mobridge, SD 57601

Dear Ms. Anderson:

Water Permit Application No. 1766-1 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 Corson/Sioux Co. News-Messenger printed at McLaughlin, SD (Ph # 605-823-4490). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund /ks

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 57501-3182
www.state.sd.us/denr

March 8, 2002

Corson/Sioux Co. News-Messenger
PO Box 788
McLaughlin, SD 57642-0788

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1766-1 to Appropriate Water to be published twice. Please publish the first notice on March 14, 2002 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 Sandra Anderson, 1322 E. Grand Crossing, Mobridge, SD 57601 (Ph # 605-845-7141).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ss
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1766-1

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

Date _____

We are in receipt of your letter of March 8, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1766-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 16 2002

Sandra Anderson
1322 E Grand Crossing
Mobridge SD 57601

Dear Ms. Anderson:

Enclosed is Water Permit No. 1766-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



1766-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2004

H. L. Corky Jackson
1322 E Grand Crossing
Mobridge SD 57601

Dear Mr. Jackson:

I am writing regarding your request to change the location of an intake structure for irrigation of land authorized by Water Right No. 1081-1 (Corky Jackson) and Water Permit No. 1766-1 (Sandra Anderson) because of low water levels on the Missouri River.

You have requested to change one of the permitted intake structures to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16-T19N-R29E approximately 1 mile southwest of the present Missouri River site located in Section 9. The request is not for any additional appropriation of water.

Upon review of the request and pursuant to 46-5-13.1, you are authorized to change the location of the diversion point without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. A copy of the report prepared on your request is enclosed.

It is our understanding that you are also working with the Corps of Engineers to obtain the necessary easement to move the intake location. If you have any questions on water permitting, please contact Eric Gronlund at 605 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

enclosure

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

January 22, 2004

RE: Change in location of diversion point from the Missouri River for Water Permit No. 1766-1,
Sandra Anderson and Water Right No. 1082-1, H. L. Corky Jackson

Mr. Jackson has made a request to change the location of the Missouri River diversion points for acreage authorized by Water Permit No. 1766-1 and Water Right No. 1082-1 because of low water levels. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the new point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Right No. 1082-1 appropriates 1.82 cubic feet of water per second (cfs) from the Missouri River (Lake Oahe) to irrigate 128 acres. The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9-T19N-R29E. The acres irrigated are located in the NW $\frac{1}{4}$ Section 10-T19N-R29E.

Water Permit No. 1766-1 appropriates 4.28 cfs from the Missouri River (Lake Oahe) to irrigate 300 acres. The points of diversion are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; all in T19N-R29E. The acres irrigated are located in the NW $\frac{1}{4}$ Section 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 3; all in T19N-R29E.

This request is to change the diversion point for the intake that supplies water for the irrigation systems described above. The new diversion site is to be located NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16-T19N-R29E approximately 1 mile southwest of the existing point of diversion located in Section 9. Due to the low level of Lake Oahe, many irrigators are faced with needing to "chase" the water in order to maintain a viable water intake.

A review of existing diversions from the Missouri River was not conducted. The Missouri River at this location is water impounded by Lake Oahe dam. The Missouri River has ample water to supply all permitted water users. There have been no irrigation water use complaints reported on the Missouri River. Allowing this request to change the intake location will not interfere with any water rights.



Eric Gronlund
Water Rights Engineer

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. This point of diversion for Water Right No. 1082-1 and Water Permit No. 1766-1 may be changed without requiring application or publication of a notice of hearing pursuant to SDCL 46-2A-4.



Garland Erbele Chief Engineer
Water Rights Program

January 16, 2004

Chief Engineer
Water Rights Program
523 E. Capitol Avenue
Pierre SD 57501

Dear Mr. Erbele:

I am requesting the point of diversion authorized under Water Right Nos. 1766-1 (Sandra Anderson) and 1082-1(Corky Jackson) be changed as shown on attached map. I request this diversion point change be authorized under SDCL 46-5-13.1.

The reason I am having to change the diversion point is because of low water levels on the Missouri River.

Sincerely,

A handwritten signature in cursive script that reads "Corky Jackson".

Corky Jackson

Enclosure

0.8

0

0.8

1.6 Miles



EASEMENT No. DFCW45-2-01-7003



1766-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 25, 2004

1082-1
1766-1

Bob Hansen
PO Box 553
Salem SD 57058

RE: Corky Jackson

Dear Mr. Hansen:

Thank you for your call concerning the pending ownership change for Water Right No. 1082-1 and Water Permit No. 1766-1. No. 1082-1 is currently held by H L Corky Jackson and No. 1766-1 is held by Sandra Anderson (copies enclosed).

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. The new owner(s) will need to sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If needed, additional forms can be downloaded our web page. The site is located:
<http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

You may keep the enclosed copies of the water permit and water right and pass them onto the buyer in the event they need them. If I can answer any questions for you, please contact me.

Sincerely,

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



August 19, 2004

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1766-1

Richard Gross
812 S Phillips Ave
Sioux Falls SD 57104

Dear Mr. Gross:

Thank you for contacting us regarding ownership of land described in Water Permit No. 1766-1. Enclosed is a copy of the permit and map for your review.

It is my understanding from talking with you and with Mr. Jackson that you now own the NW ¼ Section 15, T19N, R29E. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

The water permit authorizes irrigation of a total of 300 acres. Once we receive the completed transfer form and filing fee from you, the water permit will be divided and reissued to reflect separate ownership as follows:

- **No. 1766A-1** (Sandra Anderson): authorizing diversion of 2.70 cfs to irrigate 189 acres in portions of the N ½ Section 10 and S ½ Section 3, T19N, R29E;
- **No. 1766B-1** (Richard Gross): authorizing diversion of 1.58 cfs to irrigate 111 acres in the NW ¼ Section 15, T19N, R29E.

During our phone conversation, you inquired as to the time limit for completion of works and if needed, how you would go about filing an extension of time. The following is an excerpt from SD Water Laws dealing with this issue. 46-5-26. Extension of time for completion of construction or application to beneficial use. A permit may be amended by extending the time for the completion of construction, or for application to beneficial use, for a reasonable time, but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the water management board.

The time limit for completion of works, as specified on the permit, is set for April 1, 2007. Prior to that time, if you feel that you need more time to complete the project, you can apply for an extension of time. This requires an application to amend the permit and needs to be completed and in our office prior to April 1, 2007. The application will follow the same guidelines as the original application did in the way it will have to be "public noticed".

Page 2
August 19, 2004
Richard Gross

For right now, all we need is the completed transfer form and the filing fee of \$2.50. This will allow us to divide and reissue the water permit accordingly. Both you and Ms. Anderson will receive reissued permits for the portions each of you own.

If you have internet access, you may want to look through our website. It contains program information, water use overview, permitting and forms, information on ground and surface water, water laws and rules, and links to many other sites that may be of interest to you. The site is found at:

<http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

If I can answer any questions for you, please contact me.

Sincerely,



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

enclosures

c: Corky Jackson & Sandra Anderson

Division of Water Permit No. 1766-1

into 1766A-1 and 1766B-1

Water Permit No. 1766-1 appropriated 4.28 cubic feet of water per second (cfs) from the Missouri River located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 to irrigate 300 acres in the NW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10; SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 3, T19N, R29E.

- On January 22, 2004, the Chief Engineer approved a change in the location of the diversion points authorized by No. 1766-1. Due to the low level of lake Oahe, the permit holder is authorized to move diversion points in Section 9 and Section 15 to a new site located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T19N, R29E.

On September 7, 2004, an ownership change was filed to transfer a portion of land described in Water Permit No. 1766-1. The water permit is being divided and reissued to reflect separate ownership as follows:

- **No. 1766A-1, Sandra Anderson, 1311 2nd St E, Mobridge, SD 57601** authorizing diversion of 2.70 cfs from the Missouri River located in either the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 or the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16 to irrigate 189 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (22 acres) & SW $\frac{1}{4}$ (62 acres) Section 3; NE $\frac{1}{4}$ (98 acres) & E $\frac{1}{2}$ NW $\frac{1}{4}$ (7 acres) Section 10, all in T19N, R29E.
- **No. 1766B-1, Richard P Gross, 515 12th St W, Mobridge SD 57601** authorizing diversion of 1.58 cfs from the Missouri River located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 or the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16 to irrigate 111 acres in the NW $\frac{1}{4}$ Section 15, all in T19N, R29E.