

cc: Hanten and Nelson

Considered: _____ n

WATER PERMIT NO. 997A-1

MAP No. 997A-1

Name of Applicant Martin D Williamson

Post Office Address RR 1, Box 76, Vale, S.D. 57788

Amount of Water Claimed 110 acre feet annually Total Acres no add'l (213)

Source of Water Supply Nine Mile Creek

Water to be used for IRR County MD

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1-25-85 Not Received _____

APPLICATION: Approved 3-6-85 Subject to _____

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

PRIORITY _____ Date Received 8/31/84 Fee 150.00 Remarks _____

11/13/84 to provide storage of 110 afa to use on Water Right 997-1

WQ received _____
Corrected Application Received _____ Period of Annual Use 4/1 to 11/1

WATER QUALITY APPROVAL RECEIVED 11/13/84 ~~APPROVAL~~/CONDITIONAL (Circle one)

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

Diversion Point NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8-T7N-R7E

Land to be Irrigated _____
no additional same as on W/R 997-1

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS 16' dam storage 110.71 AFA

Type of Map drawn PREPARED BY _____ Reviewed and the Number _____

assigned on _____ By _____

BETTY WESTLUND NRA III

No. 997A-1 Hydrologic Unit 10120202
 Map No. B25-1 Basin BF
 Newspaper Meade Co. Times-Jubilee By 69

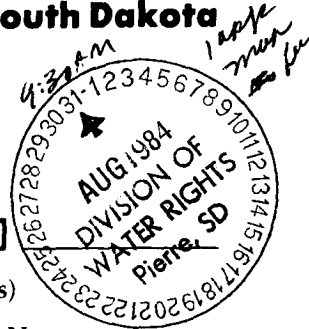
wed

Sturgis 57785

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☒ Vested Right ☐ Future Use ☐ Provide storage of 110 Ac Feet
To use on Water Right No 997-1
☐ Application to amend Permit No. _____ with old priority date retained
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Martin D. Williamson Phone No. 605-456-2516
 Post Office Address RR#1 Box 76 Vale, S. Dak State SD Zip Code 57788
 (Street, RR or Box)
 2. Amount of water claimed (c.f.s) 110 Ac Feet Total acres irrigated 213 Ac on WR No 997-1
 3. Source of Water supply Nine Mile Creek
 4. Location of point of diversion NW 1/4 - NE 1/4 Sec 8 - T7 R7
 _____ County Meade
 5. Counties where water will be used Meade
 6. Annual period during which water is to be used April - Nov -
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>Land described in</u>	
<u>Water Right No 997-1</u>	<u>213</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Construction of Dam on Nine Mile Creek To Provide 110 Ac Feet
of Storage To be used To irrigate 213 Acres of Land as
described in Water Right No 997-1. Provide water for
live stock.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of _____)

I, Martin D Williamson the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Martin D. WilliamsonSubscribed and sworn to before me this 29th day of August 198910/20/91Olivia A. Williamson

Notary Public (or other qualified officer)

1-226 #1004

PLAN OF THE WILLIAMSON IRRIGATION PROJECT

Located in Sections 4 and 9, Township 7 North, Range 7 East of the BHM in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Daryld M. Williamson, Vale, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

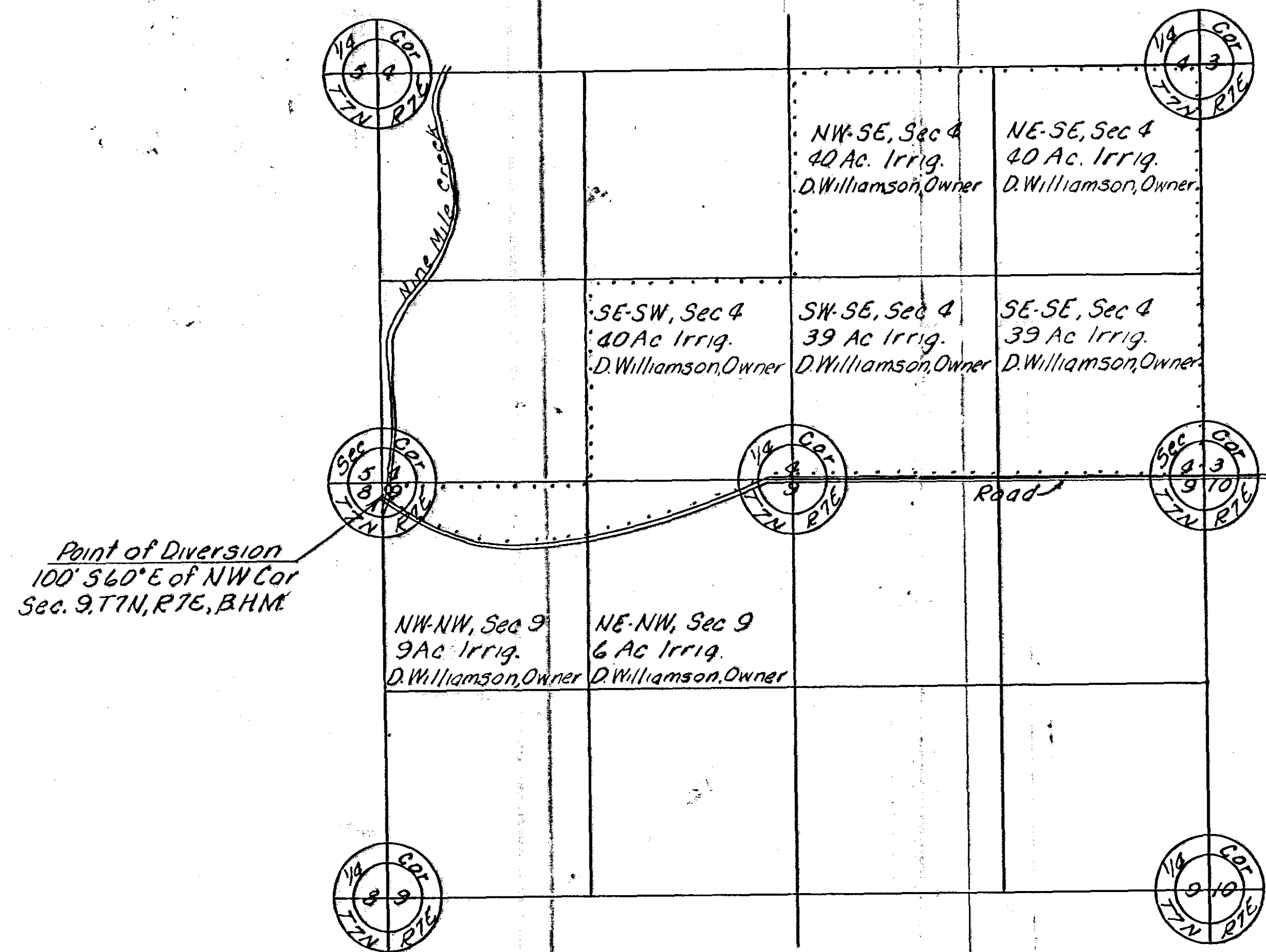
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Daryld M. Williamson, I have made a survey and have prepared this plat as a part of his Application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle (SEAL)
Registered Land Surveyor #1517

Subscribed and sworn to before me this 18th day of September, 1973.

Florence Brengle
Florence Brengle (SEAL)
Notary Public

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., & DAK.
My Commission Expires Aug. 1, 1976



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 997A-1
Martin D. Williamson (Applicant) RT. 1 Box 76 Vale (Post Office Address)
South Dakota (State) 57788 (Zip Code) With the following qualifications.

1. That a low level outlet with capacity to release 10 cfs be provided when the dam is constructed to allow incoming flows to be by-passed.
2. That before any water is stored in the dam, flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. Water held in storage need not be bypassed, only the inflows as needed downstream up to a maximum of 10 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application August 31, 1984.
 Date of return to applicant for correction, amendments or changes required September 4, 1984.
 Date of receipt of corrected application November 13, 1984. Approved March 6, 1985.

The Water Management Board hereby approves this Water Permit No. 997A-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is November 13, 1984.
2. One-fifth of the work is to be completed on or before September 6, 1987.
3. The whole of said work is to be completed on or before March 6, 1990.
4. The time limit for proof of beneficial use of water is March 6, 1994.
5. The water appropriated shall be used for the purpose of irrigation.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 110 acre feet annually; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 6, 1994; said water to be used during the following described annual period: April 1 to November 1.

WATER MANAGEMENT BOARD

By: John H. Hatcher
 Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

APR 22 1985

_____, 19____



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 of 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 _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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 5 feet

c) Crest Width 14'

Crest Length 460'

d) Height 16'

e) Outlet Dimensions:
Pipe diameter 30"

Spillway width 600'-800' est

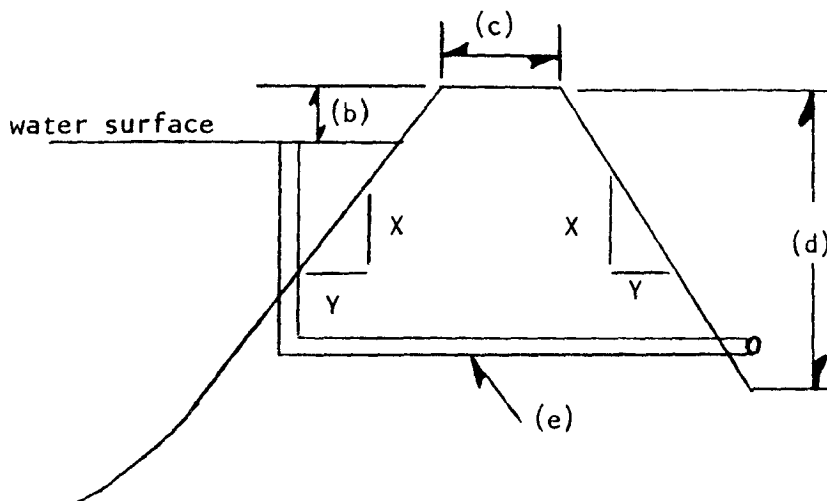
f) X & Y Slope
Upstream 4 to 1

Downstream 2 to 1

Surface Area of Impoundment 22.9

Storage 110.71 acre feet

Drainage area above dam 19,000 acres



Matthew D. Williams
Signature of Applicant



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

October 26, 1984

Daryld M. Williamson
RR 1, Box 76
Vale, SD 57788

Dear Mr. Williamson:

In reviewing your soil and water compatibility application for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4; SE $\frac{1}{4}$ 4-7-7 and N $\frac{1}{2}$ 9-7-7, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their November 8, 1984 meeting. The Conditional recommendation is based on the clay contents of the soils and the salt load of the water. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

The areas mapped as; Nihill gravelly loam, 9 to 40 percent slope; have a high susceptibility to erosion because of the excessively steep slopes. These areas are restricted from irrigation.

The areas mapped as; Pierre clay 6 to 15 percent slope, PbC; is a heavy soil which is highly susceptible to erosion. This area is restricted to less than 9% slope for irrigation. It is recommended that this area remain in permanent vegetation, and/or excluding it from the proposed project.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to control erosion and conserve soil moisture.

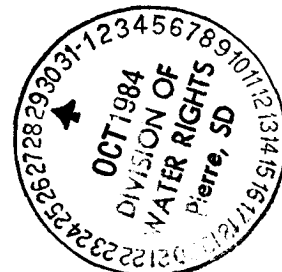
We also have noted that the soil of the area are of varied surface textures which may present a problem in achieving a uniform wetting of the soils. We recommend investigating this and modifying your water management plan if necessary.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Administrator

cf



CONDITIONAL APPROVAL#4113

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Daryld M. WilliamsonLEGAL DESCRIPTION: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4; SE $\frac{1}{4}$ 4 NW $\frac{1}{4}$ 9-7-7SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

The areas mapped as Nihill gravelly loam, 9 to 40 percent slope; have a high susceptibility to erosion because of the excessively steep slopes. These areas are restricted from irrigation.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The areas mapped as Pierre clay 6 to 15 percent slope, PbC; is a heavy soil which is highly susceptible to erosion. This area is restricted to less than 9% slope for irrigation. It is recommended that this area remain in permanent vegetation, and/or excluding it from the proposed project.

RECOMMENDED MANAGEMENT:

We recommend the use of a form of conservation tillage to control erosion and conserve soil moisture.

We also have noted that the soil of the area are of varied surface textures which may present a problem in achieving a uniform wetting of the soils. We recommend investigating this and modifying your water management plan if necessary.

John M. [Signature]
SIGNATURE
DATE

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

997-1

WR#

OWNERS NAME: Daryld W. Williamson

OWNERS ADDRESS: RR 1, Box 70

Vale, SD 57782

COUNTY LAND LOCATED IN: Deade

PHONE: 46-3825

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Nine Mile Creek

Diversion Location: NW 1/4 NE 1/4 8-7-7

Legal Description	Acres	Legal Description	Acres
SE 1/4 SW 1/4 4-7-7			
SE 1/4 4-7-7			
N 1/4 NW 1/4 8-7-7			



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

OTHER: _____

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 84-0528 10. ADJUSTED (SAR): 2.58

8. SALINITY (EC X 10⁶): 1300 11. PERCENT SODIUM 16.92%

9. SODIUM (SAR): 1.11

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Daryld W. Williamson
Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

7 DAY OF Sept, 1989.

[Signature]
NOTARY PUBLIC)

Daryld W. Williamson
APPLICANT'S SIGNATURE

Jack H. Tofall
Director, Division of Conservation

Date _____

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

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

Valle, S. D.

Aug 30, 1984

Jim Winterlin
Dept of Natural Resources
Pierre, S D

Dear Sir:

I failed to put a check in with
my application for the water permit for
storage dam. Included is check for
\$150.00

Thanks for the help when I visited
you on Aug 29th. Hope everything is
in order if not we will do so

Sincerely

Daryl M Williamson

Box 76 Valle, S D 57785



Phone 605-456-2825

RECEIPT

Division of Water Rights

No 4 9742

South Dakota Department of Water and Natural Resources

Pierre, September 4, 1984

RECEIVED OF Daryld M. Williamson, Box 76, Vale, SD 57788

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

Fee for Application for Permit No. 997A-1 to Appropriate Water, to construct works and to put water to beneficial use	150	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	150	00

By

John Hatch
Chief Engineer

JOHN HATCH MS

September 4, 1984

Martin D. Williamson
RR#1, Box 76
Vale, South Dakota 57788

Dear Mr. Williamson:

We received your application August 31, 1984 for construction of a dam on Nine Mile Creek to provide 110 acre feet of storage to be used to irrigate 213 acres of land covered under Water Right No. 997-1. The land under the water right is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 4 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, both in T7N-R7E.

To complete your application you will need soil/water compatibility approval from the State Conservation Commission. For procedures and forms contact Jim Stukel, Division of Conservation, Anderson Building, Pierre, South Dakota, phone 773-3259. (zip code 57501).

Also, Water Right No. 997-1 is in the name of Daryld M. Williamson, should this remain in his name or be transferred to you. *9/5/84 leave in same name now*

To maintain your priority date of August 31, 1984 on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will now have sixty days from the date of this letter to correct your application and/or to have the above information submitted to this office.

Sincerely,

Betty Westlund
Natural Resources Analyst III

BW:ms
cc. Jim Stukel, Div. of Conservation

*Sending WI-1 9/5/84
water
ready sample*

REPORT ON APPLICATION NO. 997A-1

MARTIN D WILLIAMSON

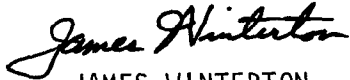
January 10, 1985

Application No. 997A-1 requests the appropriation of 110 acre feet of water from Nine-Mile Creek to be stored in a dam. The storage would be used to irrigate 213 acres of land covered by water right No. 997-1 and to provide water for livestock purposes. The location of the dam would be in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T7N, R7E.

The drainage area above the dam is 19,000 acres. The dam is proposed to be 16 feet in height with a freeboard of 5 feet. The surface area of the impoundment will be 22.9 acres.

Water rights downstream on Nine Mile Creek total 8.31 cfs. Also, livestock watering does take place along the creek. The 19,000 acre drainage area is sufficient to provide the necessary storage from snowmelt and spring runoff and meet the needs of existing irrigators and domestic uses, however a low level outlet on the dam should be required in order to bypass low flows as needed downstream.

It is recommended that the Water Management Board approve Application No. 997-1 with the low flow bypass requirement and a provision for a low level outlet in the dam capable of bypassing 10 cfs.



JAMES WINTERTON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 997A-1, Martin Williamson

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. 997A-1, Martin Williamson, RR #1, Box 76, Vale SD.

The Chief Engineer is recommending APPROVAL of Application No. 997A-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. That a low level outlet with capacity to release 10 cfs be provided when the dam is constructed to allow incoming flows to be by-passed.
2. That before any water is stored in the dam, flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. Water held in storage need not be bypassed, only the inflows as needed downstream up to a maximum of 10 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
January 10, 1985

No. 997A-1

Instruction to Newspaper - Publish first publication of the following Notice on or before January 23, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 997A-1 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Martin D. Williamson whose mailing address is
Route #1, Box 76, Vale, South Dakota has made an application for a permit

to appropriate 110 acre feet per year to be stored in a dam on Nine Mile Creek.
The dam will be located in the NW¼NE¼ Section 8 T7N-R7E. The stored water to
be used in irrigating land already authorized by permit No. 997-1 and for livestock
water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 997A-1 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at 523 E. Capitol
Foss Building, Room 216, Pierre, South Dakota, March 6 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by February 22, 1985.
The petition may be informal, but it must include a statement describing the petitioners
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~
~~46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD~~
~~74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA)~~
~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by February 22, 1985.

No. 997A-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Jackie Allison hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Meade County Times

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 Sturgis

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

January 23 1985

January 30 1985

Jackie Allison
(Signature)

Building Clerk
(Title)

January 23 1985
(Date Signed)

Cost of Printing: \$39.19

WNR-808-7/79
Proof of Publication



NOTICE OF HEARING ON
APPLICATION NO. 997A-1 TO
APPROPRIATE WATER

Notice is hereby given that Martin D. Williamson whose mailing address is Route 1, Box 76, Vale, South Dakota has made an application for a permit to appropriate 110 acre feet per year to be stored in a dam on Nine Mile Creek. The dam will be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 T7N-R7E. The stored water to be used in irrigating land already authorized by permit No. 997-1 and for livestock water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 997A-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at 523 E. Capitol, Foss Building, Room 216, Pierre, South Dakota, March 6, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at a public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is retained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer

February 22, 1985

January 23 & 30, 1985

Meade County Tribune



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

997A-1

APR 22 1985

Martin D. Williamson
Route #1, Box 76
Vale, South Dakota 57788

Dear Mr. Williamson:

Enclosed herewith is your Water Permit No. 997A-1 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 997A-1.

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 your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

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.

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1986 irrigation estimates.

November, 1986

997A-1
MARTIN D WILLIAMSON
RR #1 BOX 76
VALE
SD 57788

MD/BF

SURFACE WATER ☐
GROUNDWATER ☐ (check one)

For Dept. use only ☐

Number of acres actually irrigated _____

S

If you did not irrigate during 1986-check this box ☐

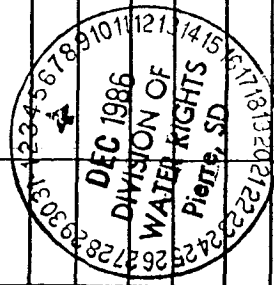
If your system has not been constructed-check this box ☐

This now owned by Rayford Williamson

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____

Type of System	
1. Hand Moved Sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheel	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use		
				Crop	Acres	Water Used
April						
May						
June						
July						
August						
Sept.						
Oct.						
Other Months						



Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS:

This water right is a storage dam and supplies water for the Raymond Williamson water right

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Owner or address change, if any:



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 997A-1

December 5, 1986

Daryld M. Williamson
RR 1, Box 76
Vale, South Dakota 57788

Dear Mr. Williamson:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

410670

South Dakota Department of Water and Natural Resources

Pierre, December 29, 19 86

RECEIVED OF Daryld M Williamson, RR 1, Box 76, Vale SD 57788

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>for Permit No. 997A-1</u>	2	50
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	2 50

By John Hatch

Chief Engineer

JOHN HATCH

ks

No. 997A-1



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 15, 1986

This is to notify you that the title to the lands described as follows:

213 Acres - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 4; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section T7N-R7E

formerly owned by Martin D. Williamson

has been transferred to Daryld M. Williamson, RR 1, Box 76, Vale, SD 57788

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 997A-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Meade) ss.

I, Daryld M. Williamson 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 I know of my own personal knowledge that the information herein stated is true.

Daryld M. Williamson
(Signed)

Subscribed and sworn to before me this 15th Day of December, 1986.

Alice D. Velmer
(Notary Public)

SEAL

My Commission Expires: 1-11-87



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

December 31, 1986

Daryld M. Williamson
RR 1, Box 76
Vale, South Dakota 57788

Dear Mr. Williamson:

Enclosed is receipt No. 410670 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 997 A-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Department of Water & Natural Resources

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

July 20, 1989

997A-1

Myra Jones
2001 North Tyler
Little Rock, AR 72207

Dear Ms. Jones:

I am writing in response to our telephone conversation of July 5, 1989 concerning the existence of a dam above your diversion point on Nine Mile Creek. Water Permit No. 997A-1, listed in the name of Daryld M Williamson, authorizes construction of a dam on Nine Mile Creek (NW 1/4 NE 1/4 Section 8, T7N, R7E) with 110 acre feet of storage. The storage dam would be used to irrigate 213 acres of land described in Water Right No. 997-1.

Water Permit Application No. 997A-1 was received August 31, 1984. The application was advertised in the Meade County Times on January 23 and 30 1985. No protests were received. The permit was approved by the Water Management Board on March 6, 1985, with the following qualifications:

1. That a low level outlet with capacity to release 10 cfs be provided when the dam is constructed to allow incoming flows to be by-passed.
2. That before any water is stored in the dam, flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. Water held in storage need not be bypassed, only the in flows as needed downstream up to a maximum of 10 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Enclosed is a copy of the SD Water Laws and a Summary of the laws for your review. I hope the above information has answered some of your questions. Should you have any further questions, or if you believe Mr. Williamson is not complying with the conditions of his permit and interfering with your water rights, please contact Jim Winterton (605) 773-3352.

Very truly yours,

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

enclosures





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 1994

997A-1

997-1

Tom Bowen
PO Box 187
Vale, SD 57788-0187

Dear Mr. Bowen:

Enclosed, as we discussed, are copies of Water Right No 997-1 and Water Permit No. 997A-1. They are currently listed in the name of Daryld Williamson, 9029 N Oxyoke, Sturgis, SD.

If you have any questions, or need additional information, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1996

997-1
997A-1

Daryld Williamson
9029 N Oxyoke Rd
Sturgis SD 57785

Dear Mr. Williamson:

Enclosed, as you requested, are two partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right No. 997-1 and Water Permit No. 997A-1.

The forms should be reviewed for accuracy prior to completing them. Please fill in the area marked "be transferred to (name and address)". The new owner will need to sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 997A-1

Date: August 13, 1996

I/We request that Water Permit No. 997A-1

formerly owned by: Daryld M Williamson, 9029 N Oxyoke Rd., Sturgis, SD 57785

be transferred to: (name & address) Marrs Ranch LLC R+2 Box 256
Whitewood SD 57793 Telephone No. 605-269-2204

Title to the following described land(s)/property has been transferred as described above:

213 acres - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, T7N, R7E (this water right covers 110 acre feet storage dam)

I/We understand that the validity of Water Permit No. 997A-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 Meade) By: Paul

I/We Marrs Ranch LLC Marrs 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.

Marrs Ranch LLC By Paul Marrs
(Signed)

Subscribed and sworn to before me this 13 day of August, 1996.

Debra L. Powers
(Notary Public)

My Comm. Exp. 6-10-98

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

415057

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre,

August 22, 19 96

RECEIVED OF Marrs Ranch LLC, Rt 2, Box 256, Whitewood, SD 57793

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 Water Permit No. 997A-1

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch



997A-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1996

Nos. 997-1

997A-1

Paul Marrs
Marrs Ranch LLC
Rt 2, Box 256
Whitewood, SD 57793

Dear Mr. Marrs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 997-1 and Water Permit No. 997A-1.

Our records now show Marrs Ranch LLC as the owner of Water Right No. 997-1 and Water Permit No. 997A-1.

Sincerely,

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

enclosure



997A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: MARRS RANCH LLC, PAUL MARRS, 19574 APPLE RD, WHITEWOOD, SD 57793
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 997A-1, 997-1. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 997-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 997A-1 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 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) 997A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 997-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

997-1
997A-1

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

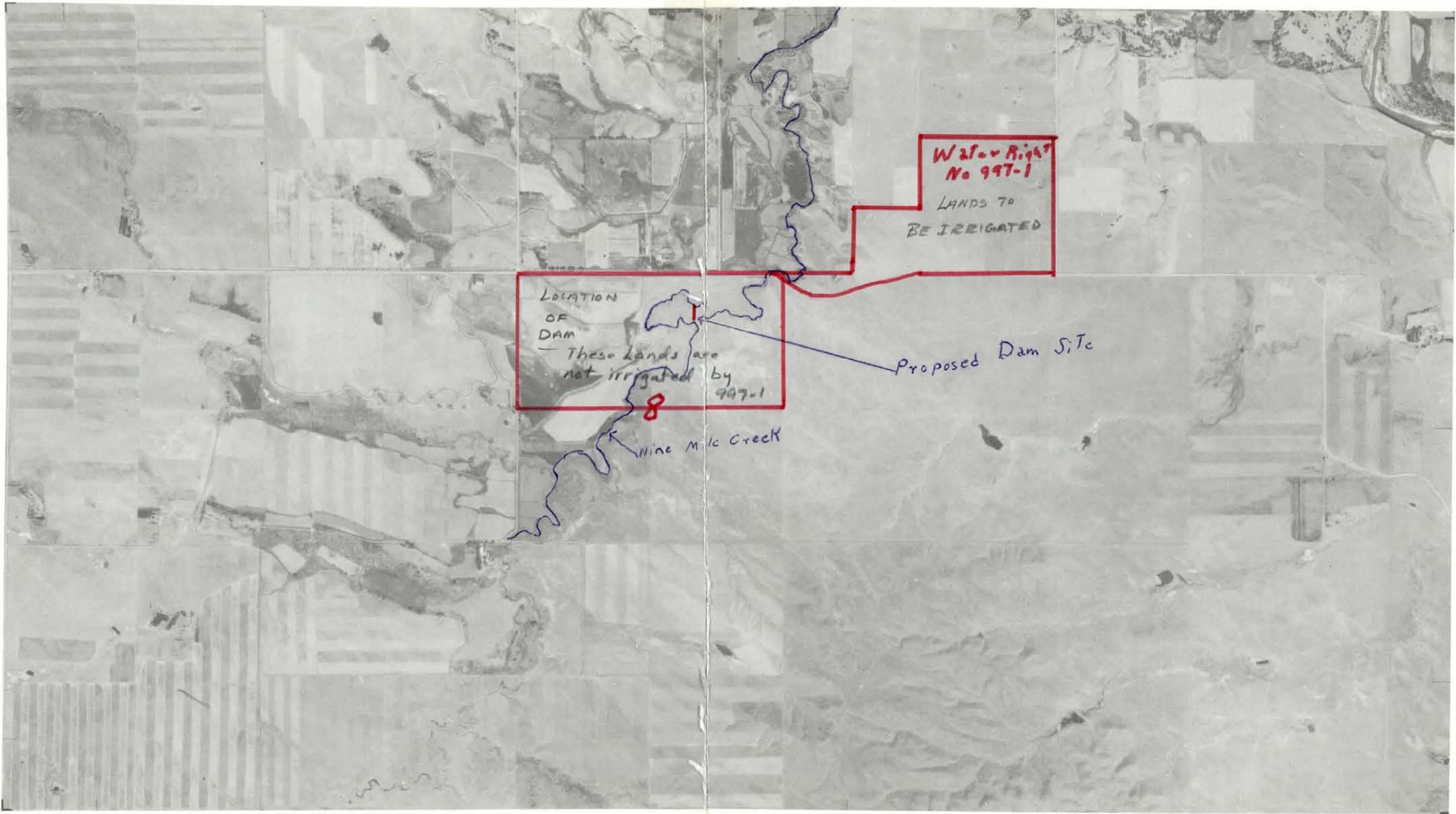
I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 997-1 and 997A-1.

The information was received in our office 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
Environmental Scientist
Water Rights Program
(605) 773-3352



Martin D Williams

JL Johnston
Meade Co. Extension Agent
11-21-84

A/ 997A-1
~~Map 825-1~~

997A-1

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 997A-1 and License No. 997-1**

I have this day, September 21, 2016 made a thorough examination of the water use system constructed by Marrs Ranch LLC, 19574 Apple Rd, Whitewood, SD 57793 of Permit No. 997A-1, bearing the priority of 11/13/1994 authorizing the storage of 110 acre-feet of water from Nine Mile Creek for irrigation purposes, in Meade county.

Inspection contact & relationship to permit holder, if applicable:

Paul Marrs, owner
605-269-2204

A. Pond Information:

- 1) Height to crest 20 feet
- 2) Crest width 20 feet
- 3) Crest length 940 feet
- 4) Primary Spillway 30" concrete
- 5) Secondary Spillway length 510 ft.
- 6) Secondary Spillway width 500 ft.
- 7) Surface Area 27.8 ac.
- 8) Depth 11 ft.
- 9) Approx. storage 110 ac-ft
- Date constructed: 1986

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

The dam is located downstream 1 ½ miles from the waste-way for the south canal of the Belle Fourche irrigation project. Inflows from the irrigation district and normal stream flows are passed through the structure into Nine Mile Creek and are utilized at a diversion point approximately ½ mile below the dam. If inflows are inadequate to supply the irrigation requirement as well as downstream requirements, then water is released from storage. Pool elevation is controlled through removal/installation of check boards and a slide gate.

Pump:

- 1) Make Cornell
- 2) Model 5RBF16
- 3) Size centrifugal
- 4) Capacity 900 gpm

Power:

- 1) Source Electric
- 2) Horsepower rating 60 hp

Pipeline:

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 4,435 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make T&L
- 2) Pipe length 1,297 feet
- 3) Number of towers 8 End Gun 55' feet
- 4) Capacity 900 gpm
- 5) Acres 131.0

D. Chemigation equipment:

- 1) Does chemigate: **No**

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes

A low level outlet with capacity to release 10 cfs is to be provided when the dam is constructed to allow incoming flows to be by-passed. The 30" concrete drawdown pipe which extends into the reservoir is controlled with a slide gate in the 54" diameter concrete riser. The drawdown structure has the capacity to release 10 cfs under very low head (<1')

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: **none**

- 3) Exceptions to compliance are: none

F. Condition and Location:

1. The system is in **fair** condition with the point of diversion located as follows:

Nine Mile Creek: 118' S and 80' E of the NW corner Section 9 T7N R7E (44.589856, -103.286269).

Storage Dam (primary spillway): 565'S and 1,900'W of the NE ¼ Section 8, T7N, R7E (44.588621, -103.293874)

The works are capable of diverting to the place of use **2.0** cu. ft. per second (900 gpm) and storing **110** acre-feet of water which is to be used for sprinkler **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Section 4 T7N R7E:

NW ¼ SE ¼ **34.2 acres**

NE ¼ SE ¼ **32.4 acres**

SW ¼ SE ¼ **33.1 acres**

Section 4 T7N R7E:

SE ¼ SE ¼ **30.1 acres**

NE ¼ SW ¼ **0.6 acres**

SE ¼ SW ¼ **0.6 acres**

compromising a total of 131.0 acres of land and the license should be issued for **1.87** cfs and **110** acre-feet storage.

2. All structures, wells and lands on map: **Yes**

G. Comments or other permit(s) associated with the project:

Water Right #997A-1 provides storage for irrigated acres licensed under #997-1. The storage volume may be less than the 110 acre-feet permitted due to 30 years of sedimentation. The structure is in relatively good condition except for the downstream toe and primary spillway outlet which needs repair.

Water Right 997-1 authorized a diversion rate of 2.89 cfs and 213 acres. License 997-1 should be incorporated into 997A-1 authorizing the current 131 acres irrigation and 1.87 cfs which reflects the statutory limit of 1 cfs for each 70 acres.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **9/29/2016**



pool with riser and slide gate handwheel



dam crest and pool



spillway outlet



spillway slide gate



diversion point downstream of storage



pivot

Water Right #997A-1
Marrs Ranch LLC
9/21/2016

Sec 6
T007N
R07E

Sec 5
T007N
R07E

Sec 4
T007N
R07E

Sec 3
T007N
R07E

NW SE S4
34.6 ac.

NE SE S4
32.6 ac.

SW SE S4
33.6 ac.

SE SE S4
30.2 ac.

131.0 ac. pivot

Reservoir
Primary Spillway
Lat: 44.588621
Lon: -103.293874

Diversion (pump)
Lat: 44.589856
Lon: -103.286269

27.8 acre
surface area

Secondary Spillway

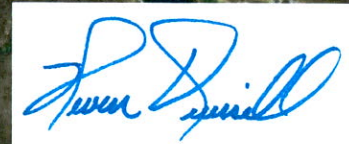
10" PVC

Sec 7
T007N
R07E

Sec 8
T007N
R07E

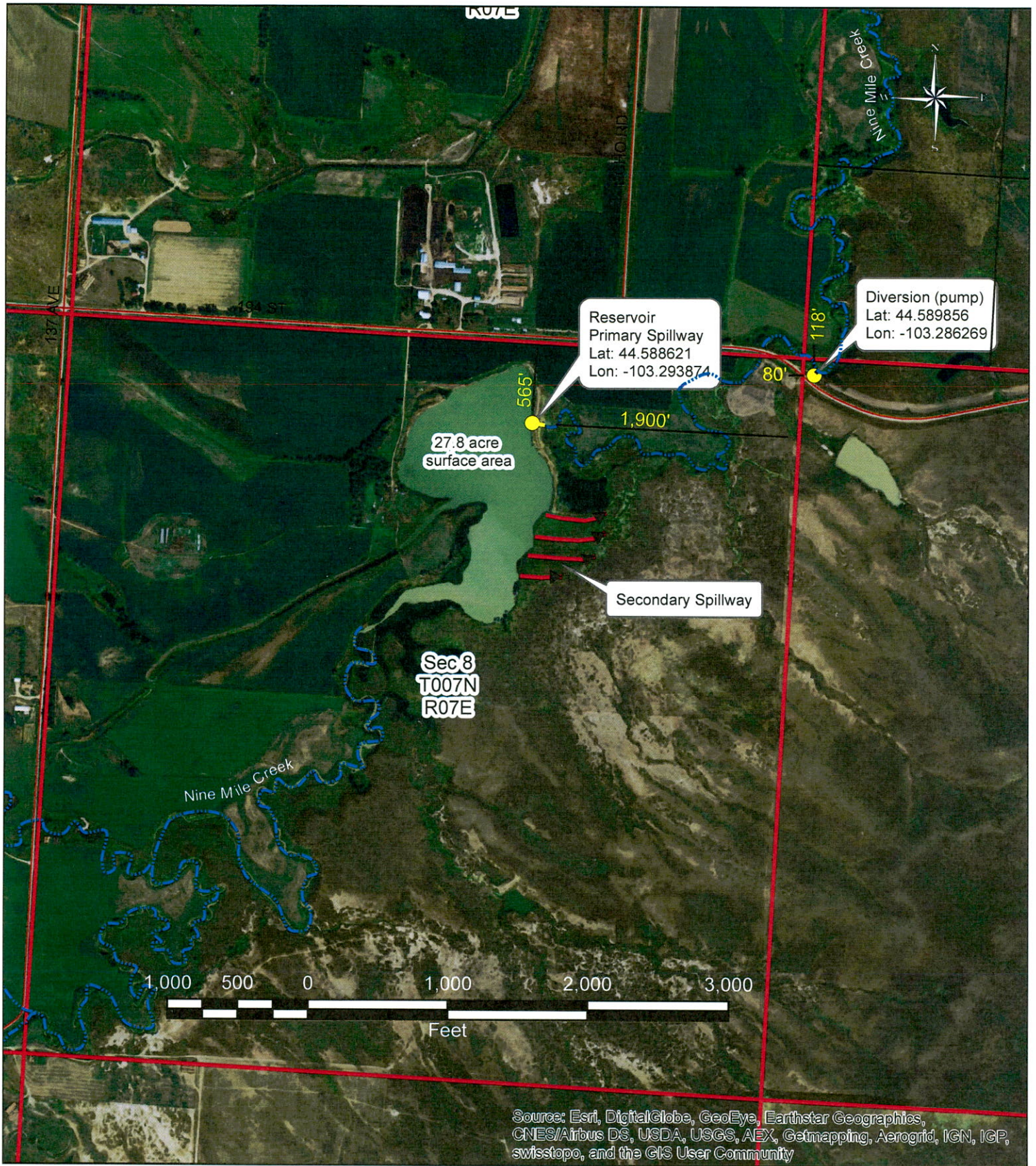
Sec 9
T007N
R07E

Sec 10
T007N
R07E



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Water Right #997A-1
Paul Marrs
9/21/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.gov

September 27, 2016

997A-1

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

On September 21, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 997A-1, was completed by Steve Quissell, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/31, 20 16

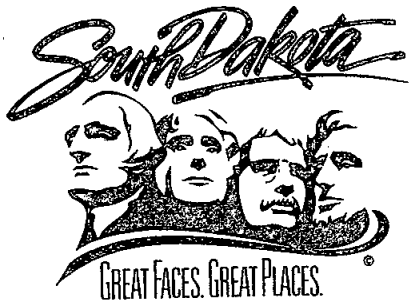
RECEIVED OF Marrs Ranch LLC 19574 Apple Rd Whitehead SD 57793

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	50	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>997A-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07938**

By *James H. [Signature]*
Chief Engineer



997A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 03 2017

997-1
997A-1

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

Enclosed is Water License No. 997A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 997-1 were incorporated into Water License No. 997A-1.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 997A-1

(1) Martin D Williamson made Application No. 997A-1, August 31, 1984 for a water permit to construct a 110 acre feet storage dam on Nine Mile Creek to irrigate land described in Water Right No. 997-1. The project is located in Meade County, South Dakota with water diverted for irrigation purposes. Permit No. 997A-1, with a priority date of November 13, 1984 was approved March 6, 1985 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 6, 1990 and for the application to beneficial use of said water on or before March 6, 1994.

On December 29, 1986, Nos. 997-1 and 997A-1 were transferred from Martin D Williamson to Daryld M Williamson. On August 22, 1996, Nos. 997-1 and 997A-1 were transferred from Daryld M Williamson to Marrs Ranch LLC.

Water Right No. 997-1, with a priority date of October 12, 1973, authorized diversion of 2.89 cubic feet of water per second (cfs) from Nine Mile Creek to irrigate 213 acres. A field investigation conducted in September, 2016 found 82 acres of the original project were no longer irrigated due to a change from flood irrigation to a center pivot system. The pivot diverts at a rate of 900 gpm. The abandoned portions of Water Right No. 997-1 (82 acres & 0.89 cfs) were cancelled by the Water Management Board on December 1, 2016.

The remaining portions of Water Right No. 997-1 are incorporated into this Water License No. 997A-1. A priority date of October 12, 1973 is retained for diversion from Nine Mile Creek for irrigation of 131 acres. A priority date of November 13, 1984 is retained for storage of 110 acre feet of water.

(2) It is certified that the permit holder 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 2.00 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Nine Mile Creek: 118'S and 80'E of the NW corner of Section 9, T7N, R7E (NW ¼ NW ¼);
- Storage Dam (primary spillway): 565'S and 1,900'W of the NE corner Section 8, T7N, R7E (NW ¼ NE ¼) with water impounded in the NE ¼ Section 8.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

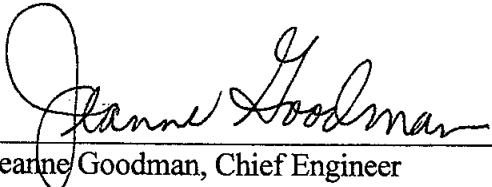
Section 4, T7N, R7E	NW ¼ SE ¼	34.6 acres
	NE ¼ SE ¼	32.6 acres
	SE ¼ SE ¼	30.2 acres
	SW ¼ SE ¼	33.6 acres
Total		131.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Marrs, Marrs Ranch LLC, 19574 Apple Rd, Whitewood SD 57793 the holder and/or owner of Incorporated Water Right No. 997A-1 is issued a license to appropriate water, the right to divert 2.00 cubic feet of water per second from Nine Mile Creek with storage of 110 acre feet of water annually with priority dates of October 12, 1973 (2.00 cfs & 131 acres) and November 13, 1984 (storage) from the locations specified in (2) of this license for irrigation purposes.

continued

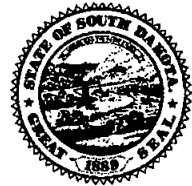
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 997A-1 and subject to the following qualifications:

- A low level outlet with a capacity to release 10 cfs be provided when the dam is constructed to allow incoming flows to be by-passed.
- Before any water is stored in the dam, flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. Water held in storage need not be bypassed, only the inflows as needed downstream up to a maximum of 10 cfs.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 03 2017
date



Dean DENR

12-13-21.

Please disregard my figures on the bottom of the yellow form. Total are pumped are the ones you need to record.

For my own curiosity I did some further calculations that are enclosed on two pieces of paper. I did these numbers the hard way but you probably push a button on your computer and boom - it is done. Take care + Merry Christmas!

Paul Harris

19574 Apple Rd

Whitewood SD 57793

RECEIVED

DEC 16 2021

WATER RIGHTS
PROGRAM

$$1186.52 \text{ hrs} \times 60 (\text{minutes}) \times 900 (\text{gal/min})$$

equals 64072080 gal pumped

$$64072080 \div 131 \text{ acres} = 489,099.8 \text{ gal/acre.}$$

$$43560 \text{ sq ft/acre} \times 12'' \text{ deep} = 43560 \text{ Ft}^3/\text{acre}$$

$$7.48 \text{ gal / Ft}^3 = 325828.8 \text{ gal / acre ft.}$$

$$1 \text{ Ft}^3 \text{ water} = 1728 \text{ in}^3 \div 231 \text{ in}^3 \text{ gal} = 7.48 \text{ gal.}$$

$$64072080 \div 325828.8 = 196.64 \text{ acre}$$

ft of water pumped.

$$489099.8 \div 325828.8 = 1.5 \text{ acre ft/acre.}$$

$$325828.8 \text{ gal} = 1 \text{ acre-ft} \div 12 =$$

$$27152.4 \text{ gal in 1 inch of water / acre-ft.}$$

$$489,099.8 \div 27152.4 = 18.013 \text{ in of water / acre.}$$



997A-1

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 20, 2024

RECEIVED

FEB 20 2024

OFFICE OF
WATER

Dan Marrs
Marrs Ranch, LLC
12117 Weisman Road
Whitewood, SD 57793

RE: Marrs Ranch, LLC Permit Contact Change

During a recent conversation with Anna Marrs, she indicated that you need to replace Paul Marrs as the permit contact for Marrs Ranch, LLC.

Marrs Ranch, LLC is currently permitted under the *2003 General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (**general permit #SDG-0100475**). We have also received the 2017 general permit application for Marrs Ranch, LLC and that application is currently under review. The reviewer of that application will contact you regarding any documents that need to be updated for that application.

The following documents need to be completed and returned to Department of Agriculture and Natural Resources (DANR) as soon as possible so we may transfer the permit into your name.

1. A new Certification of Applicant (COA) form must be submitted by you (a copy of the existing COA as well as a blank COA are attached for your use);
2. A new Notice of Intent (NOI) form must be submitted by you (a copy of the existing NOI and a partially completed NOI are attached for your use);
3. A new Operation and Maintenance Guideline which is signed by you must be submitted (a copy of the existing O&M Guideline is attached for your use. You may either update the signor information on the existing document, sign, and date it or you may create a new document.
4. You or a designated representative will need to attend the next DANR approved Environmental Training Class and a copy of the training certificate will need to be submitted to the department. The training schedule for 2024 has not yet been determined but once a date for the next training is set, we will notify you of the training. Information on the training and a link for pre-registering for the class will be available at: <https://danr.sd.gov/Agriculture/Livestock/FeedlotPermit/FormsPermits/CAFOTraining.aspx>; and
5. **Water Right Permit No. 997A-1** is held by Marrs Ranch, LLC but have Paul listed as the contact. You will need to contact the Water Rights Program to update the contact information. Please contact Ron Duvall with the Water Right Program at (605) 773-3352, to update the contact information for this permit.

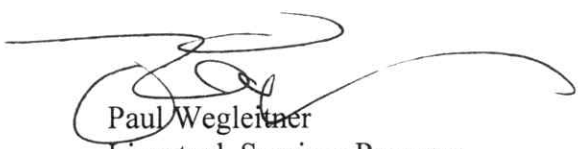
Dan Marrs
Marrs Ranch, LLC
February 20, 2024
Page 2 of 2

In addition to transferring the general permit into your name, you are also responsible for:

- contacting county government to determine if they have any transfer requirements, and
- if the existing operation has a right of way permit from the Department of Transportation or local government, contacting that entity about permit transfer requirements.

Thank you for your concern for the environment and for the natural resources of the state of South Dakota. If you have any questions or comments, please feel free to contact me at (605) 773-4647.

Sincerely,



Paul Wegleitner
Livestock Services Program

cc: SD Water Rights Program

Enclosures Certificate of Applicant Form
 Notice of Intent Form
 O&M Guideline



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: MARRS RANCH LLC, DANIEL MARRS, 12117 WEISMAN RD, WHITEWOOD, SD 57793

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 997A-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 997A-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 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) 997A-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(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GEGYUW**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 4, 2025

997A-1

Marrs Ranch LLC
c/o Daniel Marrs
12117 Weisman Rd
Whitewood SD 57793

Dear Mr. Marrs:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 997A-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us