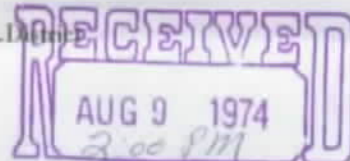


1. Considered 9-11, 19 74
2. Name of Applicant LOWELL SWISHER
3. Post Office Address KADOKA
4. Amount of water claimed .34
5. Source of water supply DRY DRAW
6. Water to be used for IRRIGATION
- Acres to be irrigated 24
7. Water to be diverted and used in JACKSON County
about 2W, 5N Miles 1st of KADOKA
8. Proof of Publication Received 9-10-74
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1200-2Map No. 1021-2 Water Division No. 2 WHITE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Lowell P. Swisher
 Postoffice address Kadoka State South Dakota
 If a corporation show date and place of incorporation -0-
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Swisher Irrigation Project # 3
4. Amount of water claimed (cubic feet per second) 0.34 cfs
5. Source of water supply Dam
6. Location of point of diversion #1) 90 rods North, 34 rods west of SE corner of Sec 36 T1S R22E
#2) 104 rods North 5 rods west of SE corner of Sec 36 T1S R22E
 County Jackson
7. Annual period or periods during which water is to be used April 1 - Sept. 30 during run off periods
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 24

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.	Land Description	No. Acres Irr.
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec36, T1S, R21E	2.0		
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec36, T1S, R21E	1.0		
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 36, T1S, R21E	21.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Month 2 years. Additional time required to complete application of water to the proposed beneficial use Month 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Kadoka Press
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Gravity flow after dam is filled

B. Works proposed to transport water to place of use.

Diversion ditches

C. Works proposed to apply water to beneficial use.

Land leveling, gravity flow, spreader system.

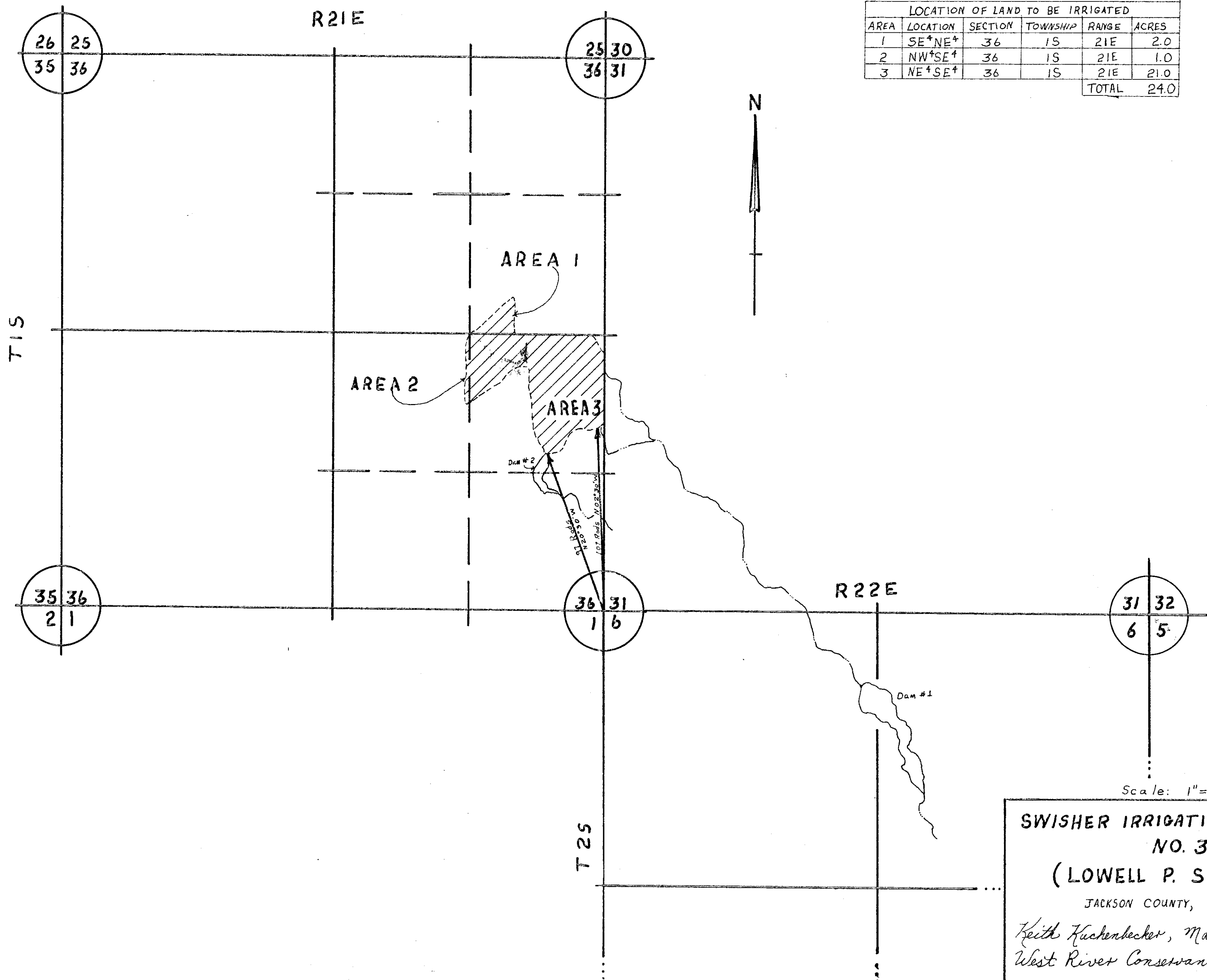
Estimated Total Cost \$ 3200.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of JacksonI, Lowell P. Swisher the applicant, certify that I have read the foregoing application and 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 Lowell P. SwisherSubscribed and sworn to before me this 6th day of August, 1974

Notary Public (or other qualified officer)

My Commission Expires 6-18-82



**SWISHER IRRIGATION PROJECT
NO. 3
(LOWELL P. SWISHER)**
JACKSON COUNTY, SOUTH DAKOTA
Keith Kuckenbecker, Manager
West River Conservancy Sub-District

MAP NO 1021-2 (APPL NO 1200-2)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1200-2
LOWELL P. SWISHER KADOKA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57543 With the following modifications:
 (State)

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 23ACRE FEET
 OF WATER ANNUALLY

Date of first receipt of application AUGUST 9, 19 74
 Date of return to applicant for correction, amendments or changes required _____, 19 _____
 Date of receipt of corrected application _____, 19 _____
 Approved SEPTEMBER 11, 19 74, Recorded in Book 13 Page 67

WATER RIGHT PERMIT NO. 1200.2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1200-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 9, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 11, 19 75
3. The whole of said work is to be completed on or before SEPTEMBER 11, 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith SEPTEMBER 11, 19 78
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 injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed .34 cubic feet per second; 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, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 SEPTEMBER 11, 19 78; said water to be used during the following described annual period: APRIL 1 TO SEPTEMBER 30

Witness my hand this 13TH day of SEPTEMBER, 19 74

WATER RESOURCES COMMISSION

By:

Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

DAM # 1

Height = 20 ft.

Maximum Water Depth = 15 ft.

Surface area = 4.5 acres

Storage capacity = 28 acre ft.

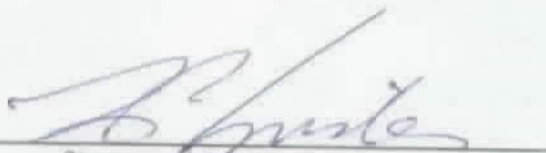
Location = 120 rds West 56 rds South NE Corner, Sec. 6, T2S, R22E

DAM# 2

Primary Use - Stock Water

Very little if any water will be used for water spreading

Location = 88 rds North 32 rods west SE corner Sec 36, T1S, R21E


Signature of Applicant

1200-1

Publish first publication, on or before August 29, 19 74NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 12, 19 74Notice is hereby given that Lowell P. Swisherwhose post office address is Kadoka, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use.34 cubic feet of water per second of time from a dry draw through the Swisher Irrigation Project #3, the point of diversion of which is to be located in the _____NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Twp. 18, Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land:N $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T18, R21E

This application No. 1200-2 will be considered by the Water Resources Commission at their office at Pierre upon the 11th day of September, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Lowell P. Swisher, M.D. Kadoka, South Dakota 57543

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jackson) ss.

I, L. G. Parkinson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Kadoka Press

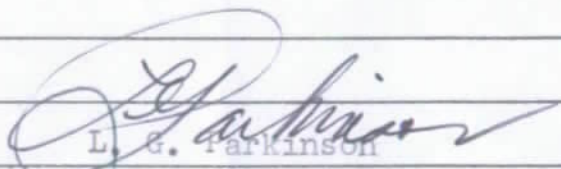
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Kadoka

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

Thursday, August 22, 1974

Thursday, August 29, 1974


L. G. Parkinson
(Signature)

Editor and Publisher
(Title)

Thursday, August 29, 1974
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
August 12, 1974

Notice is hereby given that
Lowell P. Swisher whose post of-
fice address is Kadoka, South Da-
kota, has made an application in
accordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use .34 cubic feet of
water per second of time from
a dry draw through the Swisher
Irrigation Project No. 3, the point
of diversion of which is to be
located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec-
tion 36, Twp. 1S, Range 21E. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land:

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 36, T1S, R21E.

This application No. 1200-2 will
be considered by the Water Re-
sources Commission at their of-
fice at Pierre upon the 11th day
of September, 1974, at 2:30 p.m.
All interested persons may appear
and be heard.

WATER RESOURCES
COMMISSION

BY:

Burton F. Jones
Water Rights Specialist
Pub. Aug. 22-29

RECEIVED
SEP 10 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1200-2

I have this day, September 26, 2018 made a thorough examination of the water use system constructed by Grant Patterson, P.O. Box 579, Kadoka, SD 57543 of Permit No. 1200-2, bearing the priority of 8/9/1974 authorizing 24 acres of irrigation from a dry draw tributary of Willow Creek in Jackson County.

Inspection contact & relationship to permit holder, if applicable: **Grant Patterson, owner**
605-430-3570

A. Works used to divert the water:

Dam Information:

- 1) Height to crest 20 feet (approx.)
- 2) Height to earth spillway 15 feet
- 3) Crest width 15 feet
- 4) Crest length 1,140 feet
- 5) Spillway length 220 feet
- 6) Spillway width 40 feet
- 7) Approx. storage 4.8 ac-ft
- 8) Date constructed: approx. 1975

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

The system uses an earth fill diversion dam which transitions into a dike located along the highest part of the irrigated acreage. The dike portion of the fill has two 12" cmp gated culverts which will drain impounded water into the water spreading area if/when the dam reaches full capacity. There are no conduit spillways that would allow the pool to be emptied. The earth spillway flows around the end of the dike and appears to empty back into the water spreading area.

C. Works used to apply water to beneficial use:

- 1) Irrigation type : water spreading system
- 2) Spreading method: earth fill dikes /12" gated drain tubes
- 3) Area spread 23.2 acres

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
If no, describe:
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

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

- 3) Exceptions to compliance are: **None**

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,492' N and 578' W of the SE corner Section 36 T 1S R 21E (43.91206, -101.544212)
2. The works are capable of diverting and conveying to the place of use water which is to be used for surface irrigation (water spreading). Water has been put to beneficial use to the maximum extent as follows:

Section 36 T1S R21E
NE ¼ SE ¼ 22.4 ac. SE ¼ NE ¼ 0.8 ac.

comprising a total of **23.2** acres of land and the license should be issued for **0.33** cfs.

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

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

Permit No. 1200-2 authorized 24 acres of irrigation, a diversion rate of 0.34 cfs and storage of 28 acre-feet annually. During peak flows this system is capable of diverting in excess of 0.34 cfs, however the maximum licensed diversion rate is 0.33 cfs. (Statutory limit for 23.2 acres)



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **9/28/2018**

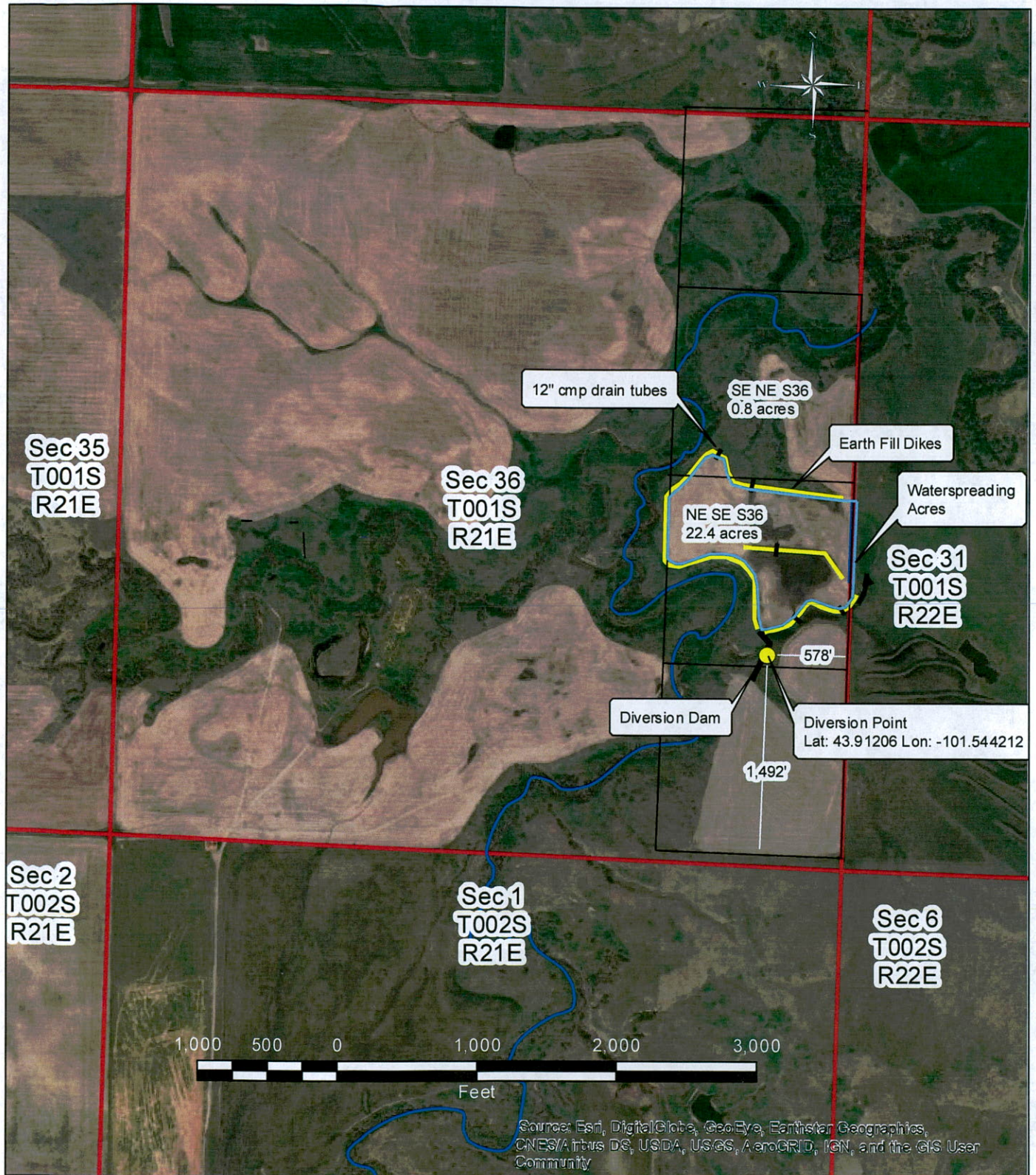


Diversion dam and pool



Upper dike and water spreading area

Water Right #1200-2
Grant Patterson
9/26/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 2018

1200-2

Grant Patterson
PO Box 579
Kadoka SD 57543-0579

Dear Mr. Patterson:

On September 26, 2018 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1200-2, was completed by Steve Quissell, a staff engineer with our program. The 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. Your licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

Additionally, the water permit is still listed in the name of Lowell Swisher. Prior to issuance of the water license, the permit should be transferred to your name to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

A total of \$100 is due for the licensing investigation and filing of the ownership change. Upon receipt of the fee, the water permit will be transferred and a water license issued. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2019

SECOND NOTICE
1200-2

Grant Patterson
PO Box 579
Kadoka SD 57543-0579

Dear Mr. Patterson:

On October 19, 2018, we wrote to you concerning a water permit held by Lowell Swisher. The water use system was inspected for licensing in September, 2018 by Steve Quissell, a staff engineer with our program. Our letter to you indicated the permit could be licensed upon payment of fees totaling \$100 and completion of a transfer form. To date, we have not received anything back from you.

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

In the event you do not have the original transfer form sent to you, enclosed is another form. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

A **total of \$100** is due for the licensing investigation and filing of the ownership change. Upon receipt of the fee, the water permit will be transferred and a water license issued. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352

PAID

FEB 11 2019

Ck# 36004
36005

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 11 2019

WATER RIGHTS
PROGRAM

No. 1200-2

Date: Feb 5-2019

I/We request that Water Permit No. 1200-2

formerly owned by: Lowell Swisher

be transferred to: (name & address)

Grant Patterson - PO Box 579
708 2nd Avenue, Rapid City, South Dakota 57543

Telephone No. 605-430-3570

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

SE ¼ NE ¼ and N ½ SE ¼ Section 36, T1S, R21E

I/We understand that the validity of Water Permit No. 1200-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Grant Patterson, the new owner, certify that the above information is true and correct.

Grant Patterson

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **February 11**, 20 **19**

RECEIVED OF **Grant Patterson PO Box 579 Kadoka SD 57543**

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. 1200-2	50	00
Fee for Filing Transfer Form 1200-2	50	00
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	100 00

No. **09039**

By *Jeanne Goodman*
Chief Engineer *jm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAR 19 2019

1200-2

Grant Patterson
PO Box 579
Kadoka SD 57543-0579

Dear Mr. Patterson:

Enclosed is your Water License No. 1200-2.

Water Permit No. 1200-2 was transferred to your name prior to licensing. The water license is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation along with Receipt No. 09039 in the amount of \$100 for the fees you paid.

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: license, map, receipt for fees

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1200-2

(1) Lowell P Swisher, Kadoka SD 57543 made Application No. 1200-2, August 9, 1974 for a water permit to divert 0.34 cubic feet of water per second from a dry draw (tributary of Willow Creek), Jackson County, South Dakota for irrigation purposes. Permit No. 1200-2, with a priority date of August 9, 1974 was approved September 11, 1974 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 11, 1976 and for the application to beneficial use of said water on or before September 11, 1978.

On February 11, 2019, Water Permit No. 1200-2 was transferred to Grant Patterson.

(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 0.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,492'N and 578'W of the SE corner of Section 36, T1S, R21E (NE ¼ SE ¼)
Latitude 43.91206, Longitude -101.544212

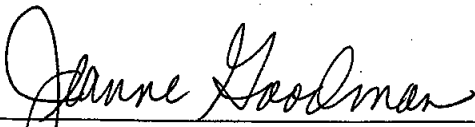
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 36, T1S, R21E	NE ¼ SE ¼	22.4 acres
	SE ¼ NE ¼	0.8 acres
	Total	23.2 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Grant Patterson, PO Box 579, Kadoka SD 57543 the holder and/or owner of Water Right No. 1200-2 is issued a license to appropriate water, the right to use 0.33 cubic feet of water per second from a dry draw (tributary of Willow Creek) with a priority date of August 9, 1974 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1200-2 and subject to the following qualification:

- Approval of this Water Right authorizes storage of 4.8 acre feet of water annually. ***Original permit authorized 28 acre feet annually – license is issued for the storage dam as developed.***



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

MAR 19 2019

date

