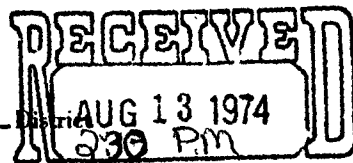


1. Considered NOVEMBER 13, 19 74
2. Name of Applicant GAYLORD SAUKERMAN
3. Post Office Address MIDLAND
4. Amount of water claimed 3.44
5. Source of water supply BAD RIVER & DRY DRAW (DAM 200AC.FT)
6. Water to be used for IRRIGATION
- Acres to be irrigated 241.9
7. Water to be diverted and used in HAAKON County
about 4 Miles W of MIDLAND
8. Proof of Publication Received 10-25-74
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 1024-2 Water Division No. 2 BAD RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Gaylord Saucerman
Postoffice address Midland, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor
3. Name of diversion work Saucerman Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.44
5. Source of water supply Bad River and Dry Draw 200 ft dam
6. Location of point of diversion Bad River between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17 and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, From Draw in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T1N, R24E
County Haakon
7. Annual period or periods during which water is to be used February thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
Total number of acres to be irrigated 241.9
9. For irrigation use,

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.
SW $\frac{1}{4}$, Section 9	45.8
SE $\frac{1}{4}$, Section 8	73.5
N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8	39.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8	16.9

Land Description	No. Acres Irr.
N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17	56.0
All in T1N, R24E	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pioneer Review, Philip, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Pump and Motor

Intend to pump into off stream
Dry Draw Dam from the Bad River
and use water during irrigation
season.

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

pipes and/or ditches

C. Works proposed to apply water to beneficial use.

sprinkler and/or gravity

Estimated Total Cost \$ _____

Attachments: 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 HaakonI, Gaylord Saucerman 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 Gaylord SaucermanSubscribed and sworn to before me this 13 day of August, 19 74

Notary Public (or other qualified officer)

Betty Westlund
Land & Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1205-2
GAYLORD SAUCERMAN MIDLAND
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57552 With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 200 ACRE FEET OF WATER ANNUALLY

Date of first receipt of application AUGUST 13, 19 74
 Date of return to applicant for correction, amendments or changes required AUGUST 13, 19 74
 Date of receipt of corrected application OCTOBER 3, 19 74
 Approved NOVEMBER 13, 19 74, Recorded in Book 13 Page 85

WATER RIGHT PERMIT NO. 1205-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1205-2 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 13, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 83
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 3.44 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 NOVEMBER 13, 19 83; said water to be used during the following described annual period: FEBRUARY THRU OCTOBER

Witness my hand this 15TH day of NOVEMBER, 19 74

WATER RIGHTS COMMISSION

By:

Donald Russell
 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) _____

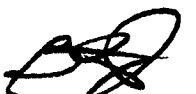
- (2) Distance to nearest existing household or livestock watering wells.

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.

PHONE CALL FROM MR SAUKERMAN ON
10-3-74 INDICATED S.C.S. HAD MADE
A PRELIMINARY EXAMINATION OF THE
DAM SITE, BUT HAD NOT STAKED IT YET.
THEY ESTIMATE THE DAM WILL BE ABOUT
40 SURFACE ACRES, 40' DEEP, WITH A
STORAGE CAPACITY OF ABOUT 200 AC. FT.



Signature of Applicant

1972

46.6

21.6

35.5

48.0

50.4

10.8

17.4

S.W.

15.1

S.W.

32.1

26.3

11.5

39.7

14.2

16.9

44.0

S.W.

1-20

MR. SAUERMAN SAYS MAP WAS PREPARED
AND FURNISHED BY S.C.S.

2-11-81 # 4111

~~MAP NO 1024-2~~
APPL NO 1205-2

STATE OF SOUTH DAKOTA)
) ss.
County Haakon)

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

No. 1205-2Publish first publication, on or before October 31, 1974NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 4, 1974Notice is hereby given that Gaylord Saucermanwhose post office address is Midland, 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 use3.44cubic feet of water per second of time from the Bad River and dry draw through theSaucerman Irrigation Project, the point of diversion of which is to be located ~~in the~~from the Bad River between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17 and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,Section 9 and from a dry draw in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, All in T1N, R24E~~of Section~~ ~~xx~~ ~~xx~~ ~~Range~~ Said water to be used for the purpose
of providing irrigation ~~on~~ portions of the following described land:SW $\frac{1}{4}$, Section 9; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17, T1N, R24EThis application No. 1205-2 will be considered by the Water Rights Commission at the Embassy Room #1 at the
Downtown Holiday Inn at Sioux Falls, S.D. ~~its office~~~~xxxx~~ upon the 13th day of November, 1974, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES

Water Rights Specialist

BFJ/w

cc: Gaylord Saucerman, Midland, S.D. 57552

Permit No. 1205-2Water Division 2 Bad River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS; WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Gaylord
Saucerman of Midland, SD holder
of Permit No. 1205-2, bearing date of priority of August 13, 1974
authorizing the diversion of 3.44 cu. ft. per second of the waters of Bad River
for irrigation purposes, in Haakon County.

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

The Water Use System consists of, pump: cornell motor: 3208 Cat

A. Works used to divert the water: model 6H64B4-2 8cyl. Diesel
S.N. E 1854 Hp. 125
Imp. 15 7/32 in. S.N. 90N7147

B. Works used to transport water to place of use,
size - 6 in diam.

size - 6 in diam.type - PVCtype - Aluminumlength - 1320 ft (underground)length - 3960 ft (overground)

C. Works used to apply water to beneficial use.

Water Winch:

3) Nozzle size - 1 1/8 in 6) Hose size - 4 in1) Make - Big Gun (Nelson) 4) Capacity - 600 gpm 7) Hose length - 660 ft2) S.N. CC 48605) Pressure - 90 psi 8) Model - P 200The system is in the following condition: good

The point of diversion is located On Bad River: 1856 ft W. and 206 ft
N. of SE corner of sec. 8, T1N, R24E

The works are capable of diverting and conveying to the place of use 2.43cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: see attached sheetcomprising a total of 170.3 acres of land.

Final inspection completed Aug. 25, 1983.
This permit no. 1205-2 will be licensed
together with the new application
The permits will be incorporated after
the five year construction period of the
new permit

Date Aug. 25, 1983
Ron Duwall
(Signature)

1205-2

Land Location			Acres
NW 1/4	NW 1/4	sec. 17	22.1
NE 1/4	NW 1/4	sec 17	13.8
SE 1/4	SW 1/4	sec 8	14.6
NE 1/4	SW 1/4	sec 8	4.6
SW 1/4	SE 1/4	sec 8	16.2
SE 1/4	SE 1/4	sec 8	18.0
NW 1/4	SE 1/4	sec 8	16.0
NE 1/4	SE 1/4	sec 8	20.3
NW 1/4	SW 1/4	sec 9	11.0
NE 1/4	SW 1/4	sec 9	12.5
SW 1/4	SW 1/4	sec. 9	8.5
SE 1/4	SW 1/4	sec. 9	12.7
all in T1N, R24E Total			170.3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 16, 1983

Gaylord Saucerman
Midland,
South Dakota 57552

Dear Mr. Saucerman:

On August 25, 1983, I visited your farm for the final inspection of your water permit No. 1205-2. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that the legal description of the storage dam on Permit No. 1205-2 is not correct. I have also found that some of your developed acreage is not covered. The land listed on the enclosed application are the lands which are not covered by Permit No. 1205-2. The time for developing or amending permit No. 1205-2 ended on November 13, 1979; therefore, a new permit is required for the acreage which is not covered. I am also enclosing a listing of the lands covered by Permit No. 1205-2 and a map to show you which lands are not covered. The storage dam will also be covered by the enclosed application.

Soil and water compatibility is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water approval. Haakon County does not have an updated soil survey. I suggest you contact the local Conservation District or the Soil Conservation Service to complete the necessary soils information. Contact the Division of Conservation to determine whether to take the water sample from the dam or the Bad River (773-3259).

Please complete the enclosed forms and correct any errors. The forms must then be notarized and returned with an application fee of \$150.00. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Water Resources Engineer

RD:ks
enclosures



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 12, 1984

Gaylord Saucerman
Midland SD 57552

Dear Mr. Saucerman:

Enclosed is your new application and the WI-1 soil and water application. Haakon County does not have an updated soil survey. I suggest you contact the local Conservation District or the Soil Conservation Service to complete the necessary soils information. Contact the Division of Conservation to determine whether any water samples are necessary (773-3259).

Please answer the questions which have not already been completed and correct any errors. The forms must then be notarized and returned with an application fee of \$250.00. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Water Resources Engineer

RD:ks

enclosures

Equal Opportunity Employer



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

(See Instructions)

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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

Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. 1205-2
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Gaylord Saucerman Phone No. _____
Post Office Address Midland SD 57552
(Street, RR or Box) (City) State Zip Code
2. Amount of water claimed (c.f.s.) 1.99 Total acres irrigated 139.6
3. Source of Water supply Bad River, Nowlin Creek, storage dam
4. Location of point of diversion Bad River: 1856 ft W and 206 ft N; Nowlin Creek; 4158 ft W
and 1485 ft N; both from the SE corner of Sec 8; storage dam: E $\frac{1}{2}$ NE $\frac{1}{4}$ 17
all in T1N-R24E
County Haakon
5. Counties where water will be used Haakon
6. Annual period during which water is to be used _____
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.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8	29.7
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8	25.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8	32.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8	26.0

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 8	26.0
all in T1N-R24E	

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

Nowlin Creek diversion consists of a small dam to raise water for ^{Flooding &} pumping purposes.
No storage capacity.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

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

Signed _____

Subscribed and sworn to before me this 11 day of July 1988

Martin A. Larsonson
Notary Public

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 8 ft

c) Crest Width 20 ft

Crest Length 1000 ft

d) Height 40 ft

e) Outlet Dimensions:
 Pipe diameter none

Spillway width 20 ft

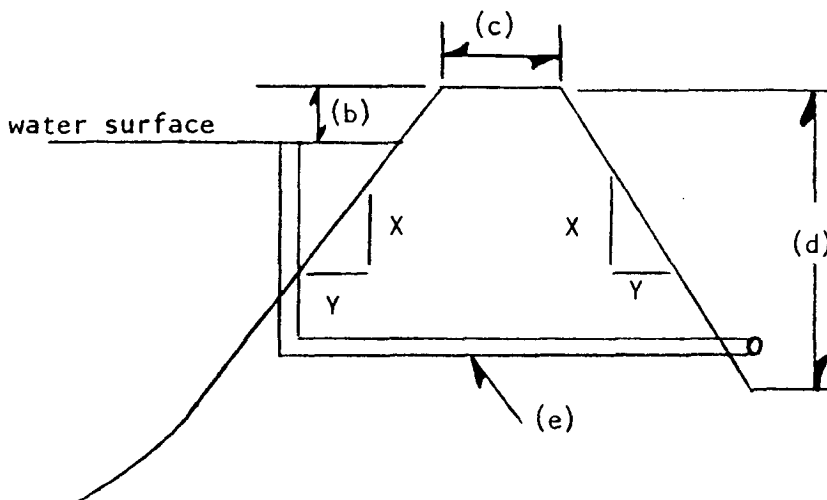
f) X & Y Slope
 Upstream 1:2

Downstream 1:3

Surface Area of Impoundment 15.6 ac

Storage 200 acre feet

Drainage area above dam 810 acres



Signature of Applicant _____

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

Nowlin Creek dam

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

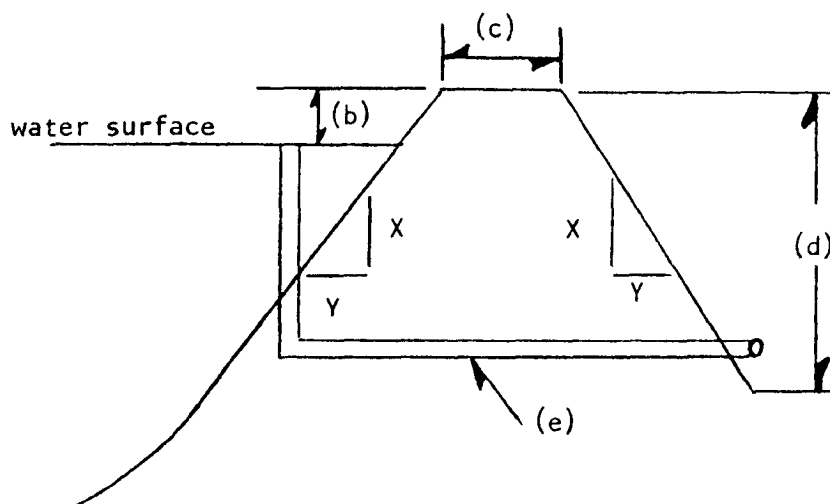
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

acreage irrigated as of August 1983 49.3

acreage to be irrigated

acreage irrigated & not covered by Permit No 1205-2

acreage to be irrigated & was not included on No 1205-2

center of
20 section 8

8

39.7

44.5

14.2

35.3

30.5

1-24

44.0
16.0
10.0

Bad
River

8.19
17.16

13.8

permit # 1205-2
22.1

4.8
8.7
9.6
17.8
40.9

10' PVC
10' above
storage dam

N
↑

1 in = 660 feet

53.3

54.3 acreage developed at time of investigation

acreage to be developed

acreage developed that covered by 1205-2

acreage to be developed & not covered by 1205-2

center of sec 8
20.7

8

39.7

14.2

Moulton Creek

44.5

35.3

30.5

1-24

Bad River

16.7

44.0

13.8

permit # 1205-2

22.1

8.9

17.16

47.8
8.7
9.6
17.8
10.9

10.5

Storage dam



Department of Water & Natural Resources

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

August 16, 1988

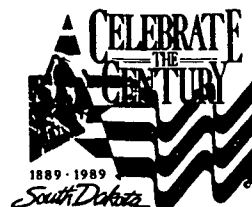
Gaylord Saucerman
Midland SD 57552

Dear Mr. Saucerman:

This letter is in response to your water permit application received on July 13, 1988. The enclosed map outlines the acreage being irrigated and the acreage to be irrigated as specified on your permit application. The area outlined in red was being irrigated at the time of my inspection in August of 1983. All of the area outlined in red except the red area with the blue cross-hatch (SW1/4SW1/4 section 8) was covered by Permit No. 1205-2. The area outlined in green except the green area with the blue cross-hatch (S1/2NW1/4 section 8) was also covered by Permit No. 1205-2 but was not developed for irrigation within the time specified on Permit No. 1205-2. The time limit for applying water to irrigate the acreage specified on Permit No. 1205-2 ended on November 13, 1983.

On November 16, 1983 I sent you application forms for the acreage located in the SW1/4SW1/4 section 8 which was not covered by Permit No. 1205-2 and to specify the correct location of your storage reservoir. You then wanted the acreage outlined in green also added to your new permit application, plus a diversion point on Nowlin Creek. The revised application was sent to you on January 12, 1984. No response was received until your new permit application (copy enclosed) was received on July 13, 1988. The following information is needed to complete the permit application:

- 1) The application fee to irrigate an additional 139.6 acres is \$250.00. The enclosed instruction sheet outlines the fee structure.
- 2) The South Dakota Safety of Dams Rules (copy enclosed) became effective October 19, 1987. The dam may or may not need to comply with spillway requirements depending on the hazard classification for the dam. Therefore, a written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the dam (see Safety of Dams Rules Section 74:02:08:05). The hazard classification of the dam (Category 1, 2 or 3) will determine what provisions of the Safety of Dams Rules will apply to the dam. The SCS or some other consultant can assist with the risk assessment.



Gaylord Saucerman
August 16, 1988
Page 2

The water permit application is complete except for the \$250.00 application fee and the risk assessment. The water permit application can not be processed until the application is complete and the Soil/Water Permit is approved.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Department of Water & Natural Resources

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

October 24, 1988

Gaylord Saucerman
Midland SD 57552

Dear Mr. Saucerman:

This letter is in response to our office conversation regarding your water permit application received on July 13, 1988.

You requested that a new application be completed to add only the acreage located in the SW1/4 SW1/4 section 8-T1N-R24E, plus add Nowlin Creek as a water source. The correct location of the storage dam is also included on this application. The following information is needed to complete the application:

- 1) The application fee to irrigate the additional 30 acres and add Nowlin Creek as a new source is \$150.00.
- 2) The South Dakota Safety of Dams Rules (copy enclosed) became effective October 19, 1987. The dam may or may not need to comply with spillway requirements depending on the hazard classification for the dam. Therefore, a written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the dam (see Safety of Dams Rules Section 74:02:08:05). The hazard classification of the dam (Category 1, 2 or 3) will determine what provisions of the Safety of Dams Rules will apply to the dam. The SCS or some other consultant can assist with the risk assessment.

The water permit application is complete except for the \$150.00 application fee, the risk assessment and the application also needs to be signed in the presence of a notary public. The water permit application can not be processed until the application is complete.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 21, 1980

RECEIVED OF Gaylord Saucerman, HCR 61, Box 22, Midland, SD 57552

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 _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

By John Hatch / mra
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Gaylord SaucermanADDRESS: Midland SD 57552 COUNTY HaakonDATE: March 21, 1989 TELEPHONE _____RE: Status of Water Permit Application

COMMENTS:

Mr. Saucerman stopped by the office to submit an application fee and to make revisions to his permit application. Mr. Saucerman decided to add acreage in the $N\frac{1}{2}SW\frac{1}{4}$ section 8-T1N-R24E in addition to the acreage in the $SW\frac{1}{4}SW\frac{1}{4}$ section 8. The application is to correct the location of the storage dam, add Nowlin Creek as a diversion point and add the above described acreage. Mr. Saucerman was given a map to obtain the necessary signature and was instructed to have the risk assessment completed. A Form 2A was also to be completed for the proposed diversion dam on Nowlin Creek.

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

NAME: Ron Duwall

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

GAYLORD SAUCERMAN
SR 61 BOX 22
MIDLAND, SD 57552

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

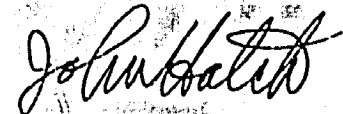
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 1205-2, 1317-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1205-2, 1317-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

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

April 3, 1987

1205-2
1317-2

Gaylord Saucerman
SR 61 Box 22
Midland, SD 57552

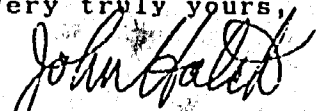
Dear Mr. Saucerman:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1205-2 and 1317-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

1205-2

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

GAYLORD SAUCERMAN
SR 61 BOX 22
MIDLAND, SD 57552

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1317-2, 1205-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1317-2, 1205-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

John Hatch

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA

Department of Water & Natural Resources

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

1205-2

January 29, 1988

GAYLORD SAUCERMAN
SR 61 BOX 22
MIDLAND, SD 57552

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

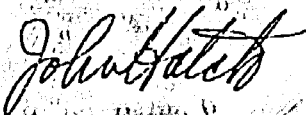
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1317-2, 1205-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1317-2, 1205-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA

Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1205-2, 1317-2

Pursuant to the provisions of the notice dated January 29, 1988 and following the hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 1205-2, 1317-2 to add the following qualification to each:

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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: GAYLORD SAUGERMAN
SR 61 BOX 22
MIDLAND, SD 57552

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

SUBJECT: Amendment to Water Permit No(s). (1205-2) 1317-2

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 1205-2, 1317-2 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

1205-2 1317-2

PS Form 3811, Dec 1983

SENDER: Complete items 1, 2, 3, and 4.
Put your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered _____
☐ Show to whom, date, and address of delivery _____

GAYLORD SAUCERMAN
 SR. 61 BOX 22
 MIDLAND, SD 57552

ARTICLE NUMBER
 P404 786 458

☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COO
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY
 3-16-88

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)
 4061 Box 22
 Midland SD 57552

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
 C

NEVERN RECEIVED, REGISTERED, INSURED AND CERTIFIED MAIL

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 8, 1989

GAYLORD SAUCERMAN
SR 61 BOX 22
MIDLAND, SD 57552

NOTICE

RE: Violation of Water Permit No(s). 1317-2, 1205-2

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1317-2, 1205-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1317-2, 1205-2 qualification:

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

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnsons, Roosevelt Room, I-90 at LeCrosse, Rapid City SD.

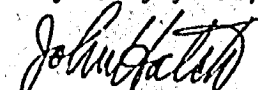
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1317-2, 1205-2 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

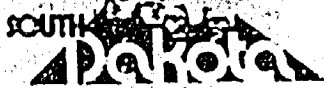
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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





Department of Water & Natural Resources

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

March 7, 1989

1205-2
1317-2

Gaylord Saucerman
SR 61 Box 22
Midland, SD 57552

Dear Mr. Saucerman:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1205-2 and 1317-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Gerny McMath, at (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH

Dakota Department of Water & Natural Resources

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

February 9, 1990

GAYLORD SAUCERMAN
SR 61 BOX 22
MIDLAND, SD 57552

NOTICE

RE: Violation of Water Permit No(s). 1317-2, (1205-2)

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1317-2, 1205-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1317-2, 1205-2 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 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

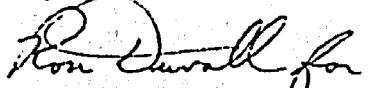
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDC 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1317-2, 1205-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 23, 1990

1205-2
1317-2

Gaylord Saucerman
SR 61, Box 22
Midland SD 57552

Dear Mr. Saucerman:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1205-2 and 1317-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



1205-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GAYLORD SAUCERMAN
HC 61 BOX 22
MIDLAND SD 57552

NOTICE

RE: Violation of Water Permit No(s) 1205-2 & 1317-2

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1205-2 & 1317-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1205-2 & 1317-2 qualification:

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

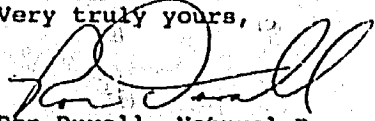
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1205-2 & 1317-2 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 on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


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



1205-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 1994

1205-2 ✓
1317-2

Gaylord Saucerman
HC 61 Box 22
Midland, SD 57552-8913

Dear Mr. Saucerman:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994; Notice of Violation of Water Permit Nos. 1205-2 and 1317-2.

The questionnaires were 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 Division
(605) 773-3352



1205-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: GAYLORD SAUCERMAN, HC 61 BOX 22, MIDLAND, SD 57552 8913

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1205-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 1205-2 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to 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) 1205-2 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 on/or before March 8, 2002, 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 at (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 22, 2002

1205-2

Gaylord Saucerman
HC 61 Box 22
Midland SD 57552-8913

Dear Mr. Saucerman:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit No. 1205-2.

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

1205-2

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Gaylord Saucerman</u> B. Date of Delivery <u>2/17/02</u>	
1. Article Addressed to: GAYLORD SAUCERMAN HC 61 BOX 22 MIDLAND SD 57552 8913		C. Signature <u>X [Signature]</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below:	
		☐ Registered Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.	
		Is Restricted Delivery? (Extra Fee) ☐ Yes	
2. <u>7001 2510 0004 4797 3893</u>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Gaylord Saucerman

DATE: January 10, 2003

TELEPHONE: 605 843-2103

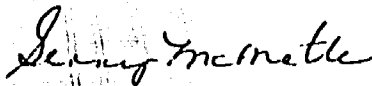
RE: irrigation questionnaire

COMMENTS:

I called and spoke with Mrs. Saucerman about their 2002 irrigation questionnaire. She confirmed that they do not irrigate and haven't for about 20 years.

The water permit authorizes diversion of water from the Bad River and a dry draw with storage of 200 acre feet of water annually. Due to the fact that the permit includes a storage dam, it can be modified to exclude the irrigation portion and authorize storage of water for stock watering purposes.

Mrs. Saucerman indicated she would visit with her husband and have him send us a request to modify the permit. This would eliminate the need for an annual irrigation questionnaire.



Genny McMath
Environmental Scientist

Schaal, Tim

From: Gronlund, Eric
Sent: Tuesday, October 30, 2012 2:08 PM
To: Schaal, Tim; McMath, Genny
Subject: 1205-2, Saucerman

Mrs. Saucerman called after Tim stopped by and told them the irrigation component of this water right should be cancelled and the license reissued for just the dam. They wanted to know their legal rights. I explained forfeiture for nonuse and legal excuse. Her husband would like to keep the water right including the irrigation component. I explained that in 2003 I talked with her and at that time irrigation had not occurred for 20 years. So we're now pushing 30 years of no irrigation and I think the intent of the statutes are clear that irrigation component is likely subject to cancellation. I did say I would send her the statutes on forfeiture and legal excuse. She said she understood but if possible they'd like to keep the entire water right.

I said once Tim gets back in the office, he would write up a investigation report and we'd likely schedule the irrigation component for cancellation. They'd have the ability to object to that and the citizen board would ultimately make the decision.

Genny – their address has changed a little and should be 24251 US Hwy 14, Midland SD 57552

File No. 1205-2

Water Rights Division -DENR
Conversation or File Documentation

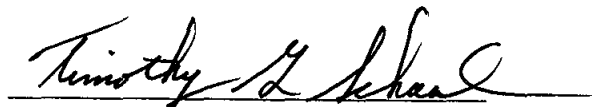
NAME OF PERSON OR FILE: Gaylord Saucerman

ADDRESS: 24251 US Hwy 14, Midland, SD 57552 COUNTY: Haakon

DATE: November 6, 2012 TELEPHONE: 843-2103

RE: Licensing of Water Permit No. 1205-2 for Livestock Water only

On October 30, 2012, I visited with Mrs. Saucerman about Water Permit No. 1205-2. She admitted that they had not used the permit for irrigation or diversion from the Bad River into their storage dam for many years. I explained to her that Water Permit No. 1205-2 should be scheduled to cancel the irrigation portion and diversion from the Bad River into their storage dam portion of the permit, and then we could license the existing 200 acre-foot storage dam for livestock water; however, we will need to change the authorized location of the storage dam from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16-T1N-R24E to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17-T1N-R24E.



Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
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>

November 7, 2012

NOTICE OF CANCELLATION

TO: Gaylord Saucerman, 24251 US Hwy 14, Midland SD 57552

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of the irrigation component of Water Permit No. 1205-2

Water Permit No. 1205-2 authorizes diversion of water from the Bad River and a dry draw storage dam for irrigation purposes. On October 31, 2012, Tim Schaal with our program visited with Mrs. Saucerman about the use of water. She indicated the storage dam is present however they have not diverted water for irrigation purposes for many years. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Permit No. 1205-2 for abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation component of Water Permit No. 1205-2 at 10:00 a.m., December 6, 2012 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1205-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 26, 2012. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 26, 2012.

Prior to November 26, 2012, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 17, 2012.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1205-2, GAYLORD SAUCERMAN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1205-2.

The Chief Engineer is recommending cancellation of the irrigation component of the water permit for abandonment and/or forfeiture. On October 30, 2012, Tim Schaal, a staff engineer with the Water Rights Program spoke with Mrs. Gaylord Saucerman and found irrigation has not been done for many years. The 200 acre-feet storage dam is in place and is used for livestock water purposes.

A handwritten signature in black ink, reading 'Ron Duvall'.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
November 7, 2012

Note:

Pending a Board decision on cancellation of the irrigation component of the water permit, the permit can be licensed allowing continued use of the 200 acre-feet storage dam for domestic livestock water purposes.

CERTIFICATION

I hereby certify that on November 7, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated November 7, 2012 regarding cancellations addressed as stated below:

Water Permit No.1205-2 Gaylord Saucerman, 24251 US Hwy 14, Midland SD 57552

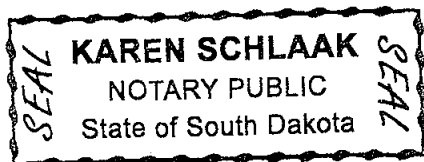
Water Permit No. 2699-3 Howard & Kathy Bragg, 2067 171st Ave., Madison MN 56256


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of November, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.gov

December 10, 2012

1205-2

NOTICE

Gaylord Saucerman
24251 US Hwy 14
Midland SD 57552

Dear Mr. Saucerman:

This will notify you that the Water Management Board cancelled the irrigation component of Water Permit No. 1205-2 on December 6, 2012. This action was taken under the conditions outlined in our notice to you dated November 7, 2012.

With the irrigation component cancelled, the water permit will be licensed for use of water from the storage dam for domestic purposes. The license will be issued and sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 10, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 10, 2012 regarding cancellations addressed as stated below:

Water Permit No. 1205-2 Gaylord Saucerman, 24251 US Hwy 14, Midland SD 57552

Water Permit No. 2699-3 Howard & Kathy Bragg, 2067 171st Ave., Madison MN 56256

Water Permit No. 6726-3 Ron Young, PO Box 639, Pierre SD 57501
Jonathon Hofer, 3608 N Frontier Rd., Fort Pierre SD 57532

Water Permit No. 1769-1 Lee Ahrlin, 531 Fox Run Dr., Rapid City SD 57701
Loren & Kelly David, 14988 93rd St. SE, Lidgerwood ND 58053

Water Permit Nos. 1241A-2 & 1241B-2 Mimi Hillenbrand, Dakota Partnership, dba
Triple Seven Ranch, PO Box 8308, Rapid City
SD 57709
Jane Darnell, NE Nat'l Forest & Grassland, 125
N Main St., Chadron NE 69337

Water Right No. 6400-3 Floyd Peterson, Oscar Inc., 209 27th St NW, Huron SD 57350

Water Right No. 1148-3 City of Miller, James Bonebright, Water Supt. and Laura Smith,
CFO, 120 W 2nd St., Miller SD 57362

Water Right No. 1460-2 Thomas Marts, 3615 Forest Park Lane, Spearfish SD 57783

Water Right No. 265-1 and Water Permit No. 1624-1 Deb Gunderson, 3X Ranch LLC,
10890 Gunderson Place, Buffalo SD 57720

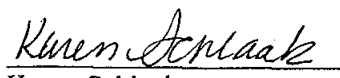
Water Right No. 282-3 Renae Veskrna Morog, 19041 363rd Ave., St. Lawrence SD 57373

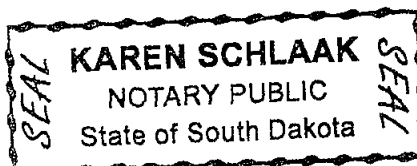
Water Right No. 1688B-3 (future use) South Central Water Dev. Dist., C Van Zee, PO
Box 43, Armour SD 57313-0043


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of December, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Permit No. 1205-2
Bad River - Water District

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

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

I have this day, October 30, 2012, made a thorough examination of the water use system for Gaylord Saucerman of 24251 US Hwy 14, Midland, SD 57552 holder of Permit No. 1205-2, bearing the priority of August 13, 1974 authorizing the storage of 200 acre-feet of the waters of Dry Draw dam for Domestic use (livestock water) purposes, in Haakon County.

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

A. Works used to divert the water:

A 40 ft. high earth dam with a normal storage capacity of 200 ac-ft.

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

N/A

C. Works used to apply water to beneficial use:

A 40 ft. high earth dam with a normal storage capacity of 200 ac-ft.

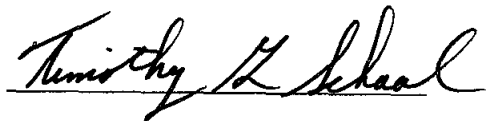
The system is in the following condition good. The point of diversion is located 950 ft. south & 750 ft. west of the NE corner of Sec.17-T1N-R24E (NE ¼ NE ¼) (Lat. 44.04992, Long. -101.24975). The works are capable of storing 200 acre-feet of water which is to be used for Domestic use (livestock water). Water has been put to beneficial use to the maximum extent as follows:

A 40 ft. high earth dam with a normal storage capacity of 200 ac-ft.

and the license should be issued for 200 acre-feet of storage.

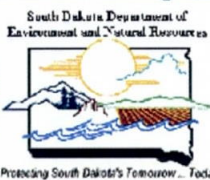
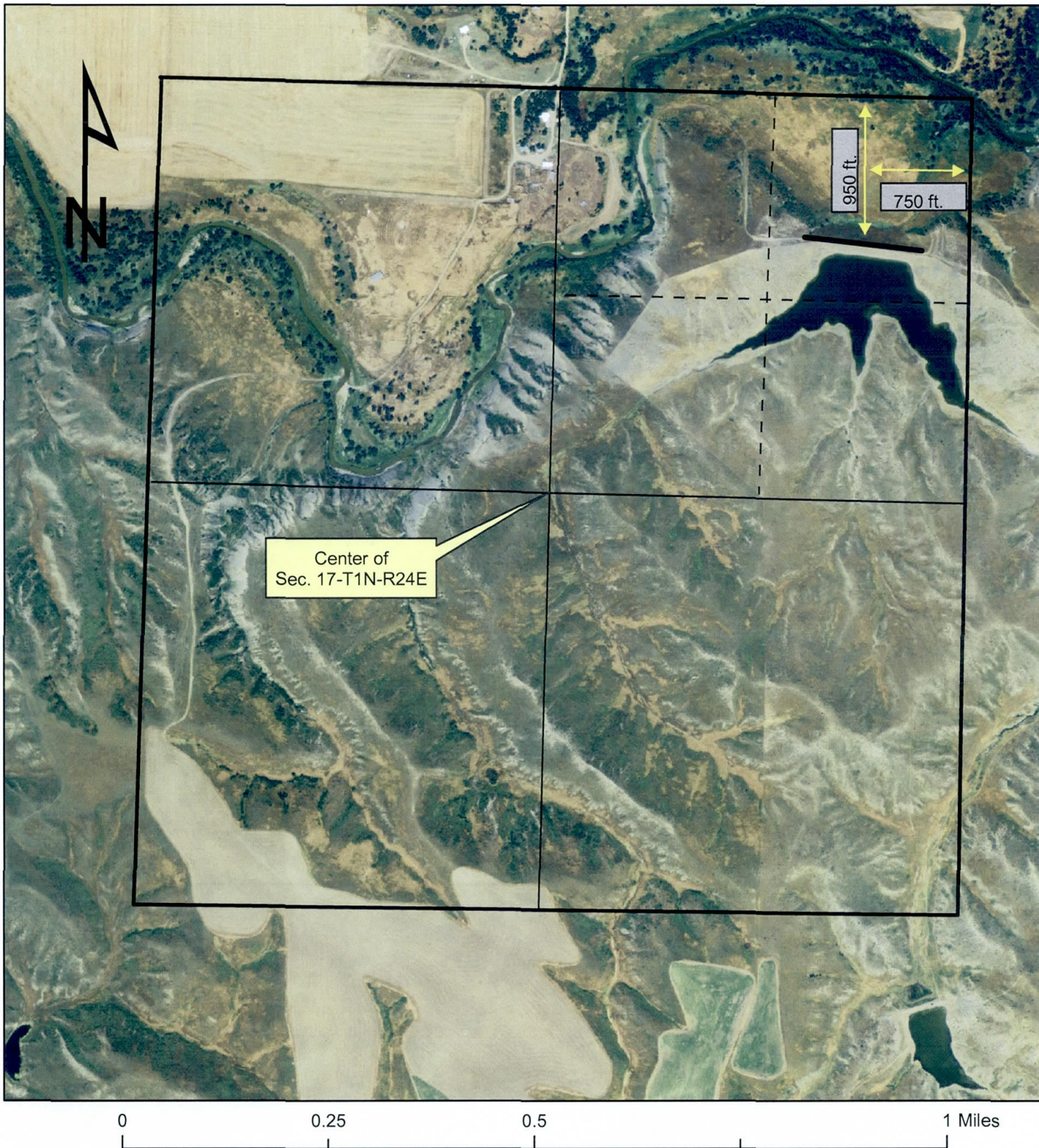
Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: November 6, 2012



Timothy G. Schaal, P.E.
Natural Resources Engineer IV
DENR, Water Rights Program

Water Permit Application No. 1205-2



Timothy G. Schaal

Timothy G. Schaal, P.E.
Natural Resources Engineer IV
SD DENR, Water Rights Program

11/6/12

Licensing of Irrigation Water Permit for Stock Watering

NAME: Gaylord Saucerman

ADDRESS: 24251 US Hwy. 14, Midland SD 57552

DATE: November 6, 2012

COUNTY: Haakon

TELEPHONE: 843-2103

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

On October 30, 2012, I visited with Mrs. Saucerman about Water Permit No. 1205-2. She admitted that they had not used the permit for irrigation or diversion from the Bad River into their storage dam for many years. I explained to her that Water Permit No. 1205-2 should be scheduled to cancel the irrigation portion and diversion from the Bad River into their storage dam portion of the permit, and then we could license the existing 200 acre-foot storage dam for livestock water; however, we will need to change the authorized location of the storage dam from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16-T1N-R24E to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17-T1N-R24E.

RECOMMENDED ACTION

Based on the above request, it is recommended that the water license be issued for stock watering.



Timothy G. Schaal, P.E.

Natural Resources Engineer IV

Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer

Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Gaylord Saucerman

ADDRESS: 24251 US Hwy 14, Midland, SD 57552

DATE: November 6, 2012

COUNTY: Haakon

TELEPHONE: (605) 843-2103

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes

- **If irrigation, no new land is irrigated**

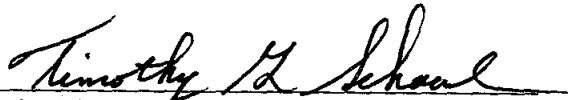
N/A

- **Review of Existing Diversions**

Water Permit Application No. 1205-2 advertised the 200 acre-foot storage dam in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16-T1N-R24E; however, the dam was constructed in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17-T1N-R24E (Lat. 44.04992 and Long. -101.24975).

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



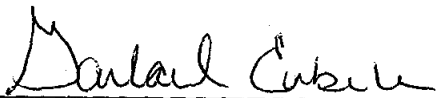
Timothy G. Schaal, P.E.

Natural Resources Engineer IV

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

DEC 11 2012

1205-2

Gaylord Saucerman
24251 US Hwy 14
Midland SD 57552

Dear Mr. Saucerman:

Enclosed is Water License No. 1205-2. A map prepared by the staff engineer who conducted the licensing investigation is also included with the license.

On December 6, 2012, the Water Management Board took action to cancel the irrigation component of the water permit. The enclosed license authorizes impoundment of water in the existing dam for livestock watering purposes.

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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1205-2**

(1) Gaylord Saucerman, 24251 US Hwy 14, Midland SD 57552 made Application No. 1205-2, August 13, 1974 for a water permit to divert 3.44 cubic feet of water per second from the Bad River and storage of 200 acre feet of water annually in a dry draw dam, located in Haakon County, South Dakota for irrigation purposes. Permit No. 1205-2, with a priority date of August 13, 1974 was approved November 13, 1974 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 13, 1979 and for the application to beneficial use of water on or before November 13, 1983.

An October 30, 2012 investigation of the water use system found the land was no longer being irrigated. The 200 acre feet storage dam was constructed and is being used for livestock watering purposes. On December 6, 2012, the Water Management Board cancelled the irrigation component of the water permit due to abandonment and/or forfeiture.

Water Permit No. 1205-2 authorized a 200 acre feet storage dam in the NW ¼ NW ¼ Section 16, T1N, R24E. The investigation found the dam was constructed in the NE ¼ NE ¼ Section 17, T1N, R24E. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in location of the storage dam did not increase the potential for adverse effects to existing diversions.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to the water license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not impair existing rights.

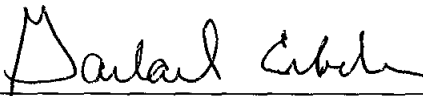
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 200 acre feet of water annually for beneficial use. The storage dam (spillway) is located 950 feet south and 750 feet west of the NE corner of Section 17 with water impounded in the E ½ NE ¼ and SW ¼ NE ¼ Section 17 and SW ¼ NW ¼ Section 16, T1N, R24E.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gaylord Saucerman, 24251 US Hwy 14, Midland SD 57552 the holder and/or owner of Water Right No. 1205-2 is issued a license to appropriate water, the right to store 200 acre feet of water annually from a dry draw storage dam with a priority date of August 13, 1974 from the location specified in (2) of this license for domestic stock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1205-2 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Approval authorizes storage of 200 acre feet of water annually.



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

DEC 11 2012
date

