

1. Considered: July 28, 1982 Water Right No. 1822-2
2. Name of Applicant Tom and Bill Cox
3. Post Office Address Valentine, NE 69201
4. Amount of Water Claimed 0.30 maximum acre feet
5. Source of Water Supply dam - surface runoff
6. Water to be used for IRR acres to be irrigated 21.3
7. County Todd about 205.35 miles of Mission
8. PROOF OF PUBLICATION: Received 7-13-82 Not Received
- APPLICATION: Approved 7-28-82 Subject to IG WS
- Not Approved Action Deferred

PRIORITY
6-28-82

Dated Received 6/28/82 Application complete-yes ☒ no FEE \$150.00
Remarks

Corrected Application received Period of Annual Use

WATER
QUALITY

Received yes ☒ no APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application-yes ☒ no Remarks

Disapproved Returned

Diversion Point NE⁴NE⁴ Sec 10-35N-28W

Land to be irrigated
NE⁴ Sec 10, T35N, R28W

WELL LOG

N/A

Driller Licensed - yes no

Depth

Remarks

MAP Map No. 1576-2 Map located in Water Right _____ Map file _____
 Type of Map _____ Prepared by _____

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

July 1, 1982

Sunny Young
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1822-2Map No. 1576-2 Water Division No. NIobrara Tributary District
Above for Office Use 10150004

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Tom and Bill Cox Phone No. 378-2579Post Office Address Valentine State Nebraska 69201
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Tom and Bill Cox Ground Water Control Structure4. Amount of water claimed (cubic feet per second) 70 (Peak flow of 10 year storm) 0.30 (MAX ALLOW)5. Source of water supply Drainage area of 4.69 S.M. culminating in NE $\frac{1}{4}$ Sec. 10, T-35N, R-28W6. Location of point of diversion Conservation pool to assumed water elevation of 95.0
Water depth at dam at elevation 95.0 is approximately 7.0 feetCounty Todd
7. Annual period or periods during which water is to be used Spring - through fall8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 21.3

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.
NE $\frac{1}{4}$, Section 10, T-35N, R-28W	21.3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 10 5 years. Additional time required to complete application of water to the proposed beneficial use -- 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Todd County Tribune,12. Principal Features of the Proposed Water Supply System. Mission, So. Dak.

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

Earth fill dam with a 24" CMP. Inlet is a 36" CMP with an 18" drawdown valve.

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

None

C. Works proposed to apply water to beneficial use.

A structure is planned to temporarily store flood waters and cause them to

irrigate lands beneath and immediately adjacent to the conservation pool. These waters will then be released so as to avoid grass kills.

Estimated Total Cost \$ 10,500.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 Todd) ss.I, Bill Cox 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 Bill CoxSubscribed and sworn to before me this 24 day of June, 1982Timothy J. [Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1822-2

Tom and Bill Cox

(Applicant)

Valentine

(Post Office Address)

NEBRASKA

69201

(State)

With the following qualifications:

Date of first receipt of application June 28, 1982

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application w/o July 1, 1982

Approved July 28, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1822-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1822-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is June 28, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 28, 1985
3. The whole of said work is to be completed on or before July 28, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 28, 1991
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 0.30 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before July 28, 1991; said water to be used during the following described

annual period: MARCH 1 thru NOVEMBER 30

Witness my hand this 4th day of August, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) 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. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

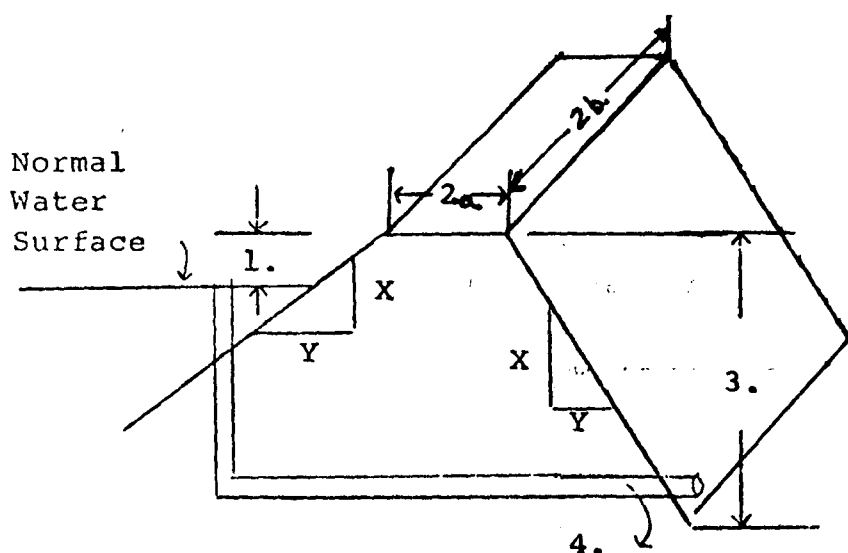
- (2) Distance to nearest existing household or livestock watering well.

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



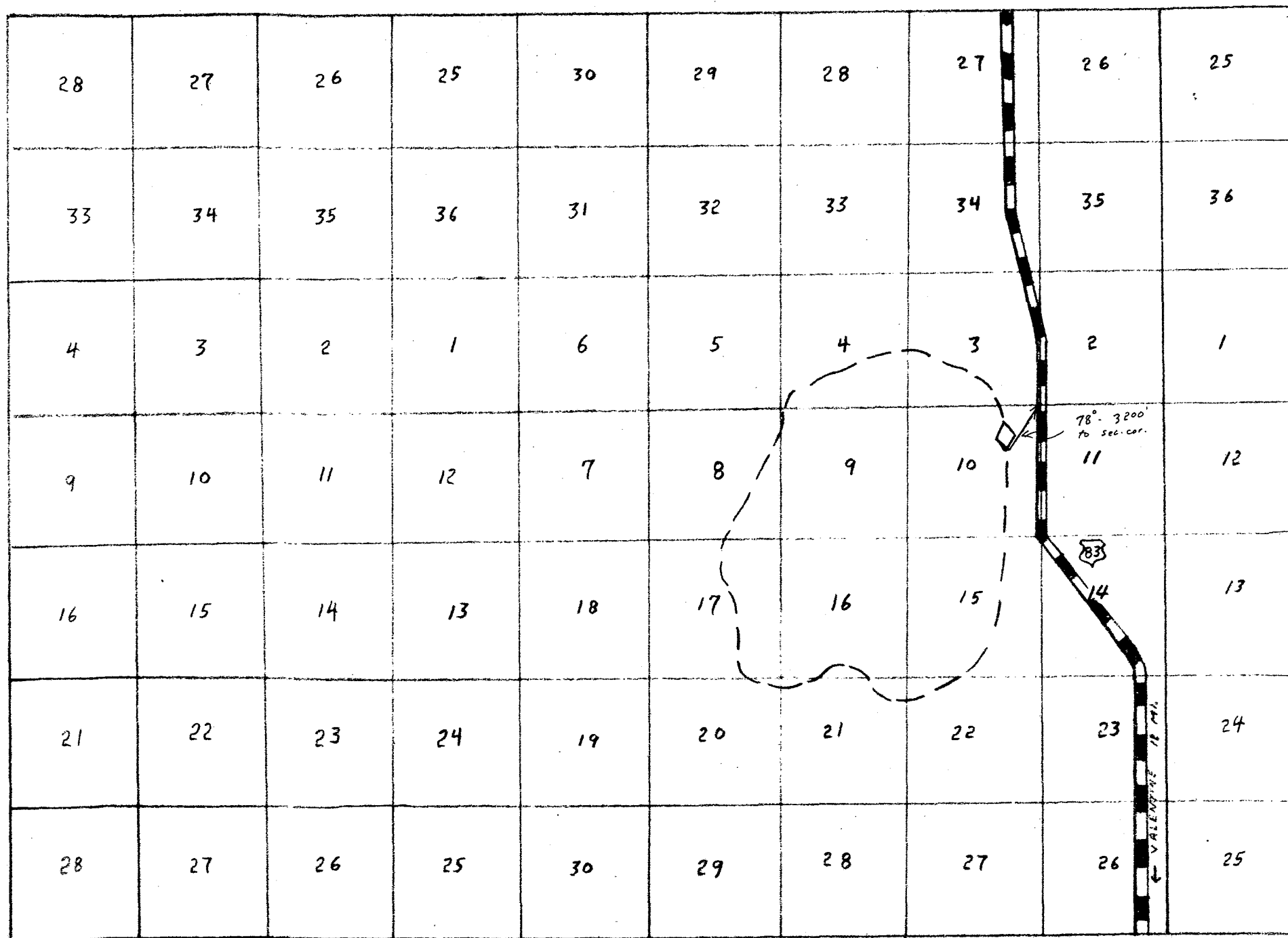
1. Freeboard 3.6
- 2a Crest width 10 b. length 700
3. Height of Dam 11.8
4. Outlet dimensions:
Pipe diameter 24"
Spillway width 50
- X & Y slope:
Upstream $Y = 3, X = 1$
Downstream $Y = 2\frac{1}{2}, X = 1$
- Surface area of impoundment 21.3
- Drainage area above dam 4.69 S.Miles

90 Don Cox
Signature of Applicant

Bill Cox Str.

Stream has no name.
Land irrigated is above the
str. and belongs to Cox.

R 28 W



T 35 N

NE $\frac{1}{4}$ of Sec. 10 : T 35 N ; R 28 W

~~Map # 1576-2~~
App'l # 1822-2

Jack Walts
Area Engineer
SCS

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8876

PIERRE, June 29, 1982

RECEIVED OF Tom & Bill Cox, Valentine, NE 69201

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

Fee for Application for Permit to Appropriate Water No. 1822-2 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Tor and Bill Cox

OWNERS ADDRESS: Valentine, Nebraska 69201

COUNTY LAND LOCATED IN: Todd

PHONE: 378-2579

TENANT'S NAME AND ADDRESS: _____

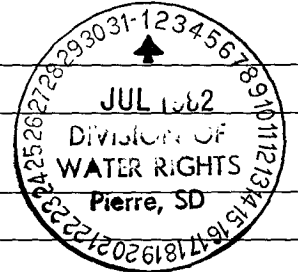
LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: NE 1/4 NE 1/4 10-35-28

Diversion Location _____



Legal Description	Acres	Legal Description	Acres
NE 1/4, Section 10, Township 35N, Range 28W	21.3		

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

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

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

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

6. CROPS TO BE IRRIGATED: Native Hay

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

7. WATER SAMPLE NUMBER: _____ 10. ADJUSTED (SAR): _____

8. SALINITY (EC X 10⁶): _____ 11. PERCENT SODIUM _____

9. SODIUM (SAR): _____

dry draw

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

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

Signature

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

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF _____, 19____

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

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

3074

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Bill Cox

LEGAL DESCRIPTION: NE 1/4 10-35-28 - 21.3 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



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

July 28 1982
These soils must be kept in grass or a grass alfalfa mixture.

RECOMMENDED MANAGEMENT:

Ted M. Field
SIGNATURE

7-1-82
DATE

Betty



Department of Agriculture

DIVISION OF CONSERVATION

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

July 6, 1982

Bill and Tom Cox
Valentine, NE 69201



Dear Sirs:

In reviewing your soil and water compatibility application for the NE 1/4 10-35-28 for 21.3 acres, the irrigation staff is issuing a Conditional Permit.

The Conditional permit is based on the restrictions; that these soils must be kept in grass or grass alfalfa mixture and that a water sample must be submitted, when available. For further Conditional restrictions please see attached letter.

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

Sincerely,

Jim Stukel
Irrigation Program Director

cf

Enclosures: Conditional letter
Management Form
WI-1 form

Publish first publication, on or before July 8, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 2, 1982Notice is hereby given Tom and Bill Cox whose post office

address is Valentine, Nebraska, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~) ~~46-6-3 thru 46-6-5, 46-6-6, 46-6-10, 46-6-13, 46-6-14, (6-6-15) 46-5-38, (transfer lands) 46-5-39 thru 46-5-39 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:23 thru 74:02:01:26 (10,000 Acre) 74:02:07:01 thru 74:02:07:02~~, for a permit to appropriate for beneficial use

0.30 cubic feet of water per second of time from a dam
through the Tom & Bill Cox Groundwater Control/ structure, the point ~~(to)~~ of diversion which
is ~~(are)~~ to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

fw of Section 10, Twp. 35N, Range 28W. Said water to be used for purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 10, 35N, 28W

This Application No. 1822-2 will be considered by the Water Management Board at Civil Defense Room, Capitol Building, Pierre SD upon the 28th day of July, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Kathy Klein hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd County Tribune

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

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

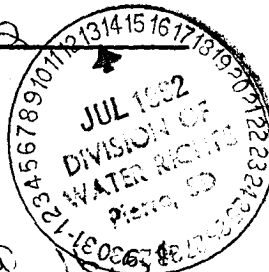
July 7, 1982 Wednesday

July 14, 1982 Wednesday

Kathy Klein
(Signature)

Bookkeeper
(Title)

July 8, 1982
(Date Signed)



Cost of Printing: 69 lines @
11.39 1st publication
9.11 2nd publication w/20%
discount
20.50 Total due

Notice of Hearing

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Notice is hereby given Tom and Bill Cox whose post office address is Valentine, Nebraska has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.30 cubic feet of water per second of time from a dam through the Tom and Bill Cox Groundwater Control structure, the point of diversion which is to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Twp. 35N, Range 28W. Said water to be used for purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$, Section 10, 35N, 28W.

This application No. 1822-2 will be considered by the Water Management Board at Civil Defense Room, Capitol Building, Pierre SD upon the 20th day of July, 1982 at 10 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water
Management Board
Betty Westlund



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Valentine, Nebraska.
Date Dec 27/1982

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

1822-2.

Water Right Permit No. 1822-2 states that the diversion system is to be constructed by July 28/1982, and that the water is put to beneficial use by July 28/1991.

The diversion system was completed on Nov 15, 1982. Applying the water to beneficial use was completed on Nov 15, 1982.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Bill Cox
(Signature)

Complete address.

Bill Cox
Mission Rt.
Valentine, Nebr
69201

Permit No. 1822-2
Niobrara Tributary - 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 25, 2001, made a thorough examination of the water use system constructed by Tom & Bill Cox of HC 14, Box 104, Valentine, NE 69201 holder of Permit No. 1822-2, bearing the priority of June 28, 1982 authorizing the diversion of 0.30 cu. ft. per second of the waters of runoff for irrigation purposes, in Todd County.

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

A. Works used to divert the water:

A diversion dam, about 12 feet high with a gated outlet structure. Flood waters are temporarily stored to irrigate upstream lands and then release to avoid killing the grass.

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

N/A

C. Works used to apply water to beneficial use:

A diversion dam, about 12 feet high with a gated outlet structure. Flood waters are temporarily stored to irrigate upstream lands and then release to avoid killing the grass.

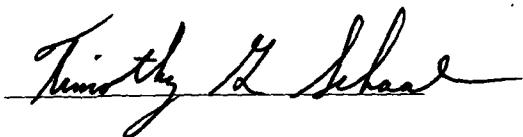
The system is in the following condition good. The point of diversion is located 1450 ft. west & 500 ft. south of the NE corner of Sec. 10-T35N-R28W (NW 1/4 NE 1/4). The works are capable of diverting and conveying to the place of use 0.30 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NE 1/4 Sec. 10 -T35N-R28W--14.0 acres
NE 1/4 NW 1/4 " " -- 7.3

comprising a total of 21.3 acres of land and the license should be issued for 0.30 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 7, 2002



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

REPORT ON INSPECTION OF PERMIT NO. 1822-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: October 25, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ Bill Cox, HC 14, Box 104, Valentine, NE 69201

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Tom & Bill Cox

DIVERSION POINT LEGAL LOCATION: 1450 ft. west & 500 ft. south of the NE corner of Section 10-T35N-R28W (NW 1/4 NE 1/4).

DAM INFORMATION:

- 1) Height to crest 12 feet
- 2) Height to primary spillway 0 feet
- 3) Height to secondary spillway 8.4 feet
- 4) Crest width 10 feet
- 5) Crest length 700 feet
- 6) Spillway length XXX feet
- 7) Spillway width 50 feet
- 8) Approx. storage (Normal) XXX acre-feet
- 9) Approx. storage (Maximum) XXX acre-feet
- 10) Date constructed: 1982

The project consists of a diversion dam, about 12 feet high with a gated outlet structure. Flood waters are temporarily stored to irrigate upstream lands and then release to avoid killing the grass.

PERMIT QUALIFICATIONS AND REGULATIONS:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2002

1822-2

Tom & Bill Cox
HC 14 Box 104
Valentine NE 69201

Dear Sirs:

On October 25, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1822-2, was completed by Tim Schaal, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

Licensing of Acreage Outside of Permitted Area

NAME: Tom & Bill Cox

ADDRESS: Bill Cox, HC 14, Box 104, Valentine, NE 69201

DATE: March 7, 2002

COUNTY: Todd

TELEPHONE: xx

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

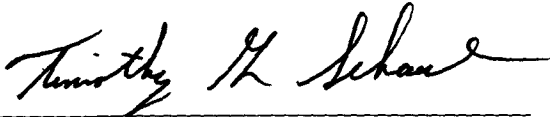
The acreage developed for irrigation is 21.3 acres as authorized by permit No. 1822-2; however, it is located in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 of Section 10-T35N-R28W instead of the NE 1/4 as described in the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
yes
- **Owned by Same Property Owner**
yes
- **Developed Prior to Expiration of Construction Period**
yes

RECOMMENDED ACTION

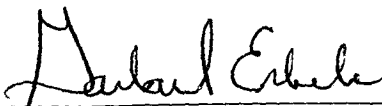
Based on the above criteria, it is recommended that the 21.3 acre area be included in the water license.



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

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not adversely impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage 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: Tom & Bill Cox

ADDRESS: Bill Cox, HC 14, Box 104, Valentine, NE 69201

DATE: March 7, 2002 **COUNTY:** Todd **TELEPHONE:** xx

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--the diversion dam was constructed in the NW 1/4 NE 1/4 of Section 10-T35N-R28W, instead of the NE 1/4 NE 1/4.

- **Review of Existing Diversions**

The change in diversion point to the NW 1/4 NE 1/4, instead of the NE 1/4 NE 1/4, will not have any adverse effect on other existing diversions.

RECOMMENDED ACTION

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

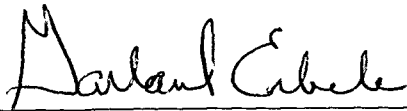


Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist
Water Rights Program

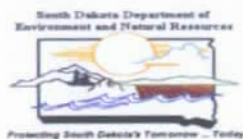
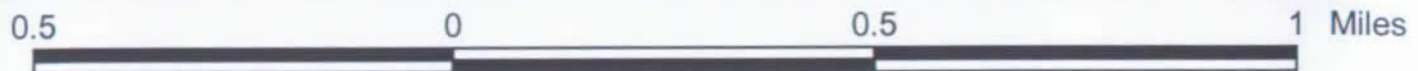
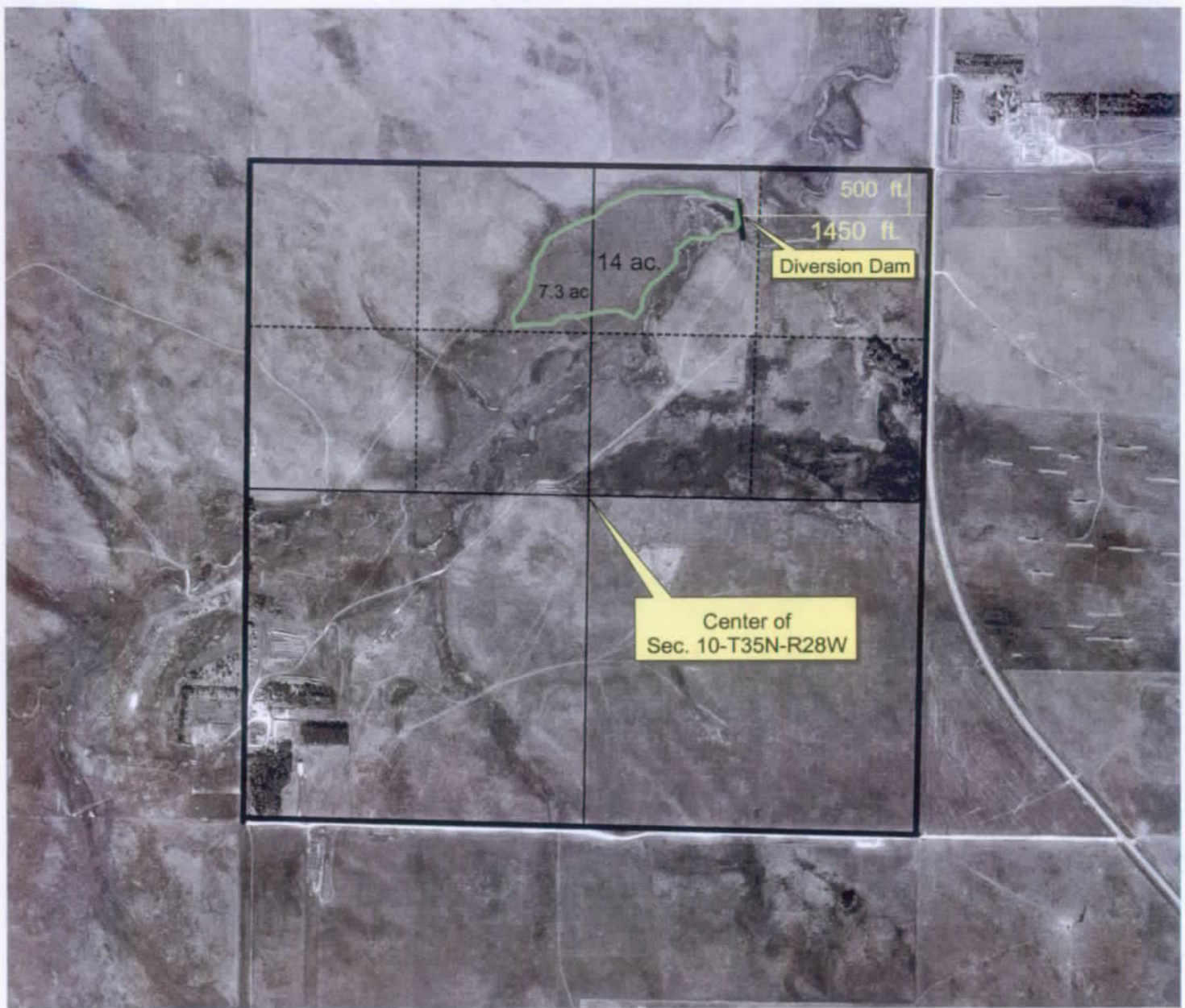
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

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

Water Permit Application No. 1822-2



Timothy G. Schaal

Timothy G. Schaal, P.E. 3/7/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1822-2

(1) Tom & Bill Cox, HC 14 Box 104, Valentine NE 69201 made Application No. 1822-2, June 28, 1982 for a water permit to divert 0.30 cubic feet of water per second from runoff, Todd County, South Dakota for irrigation purposes. Permit No. 1822-2, with a priority date of June 28, 1982 was approved July 28, 1982 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 28, 1987 and for the application to beneficial use of said water on or before July 28, 1991.

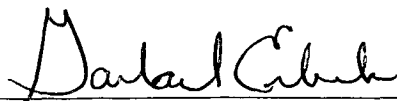
An investigation conducted for licensing purposes found the diversion point and acreage developed for irrigation under Water Permit No. 1822-2 were not in the locations authorized by the permit. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have 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 0.30 cubic feet of water per second for beneficial use. The location of the diversion point is 1,450 feet west and 500 feet south of the northeast corner of Section 10-T35N-R28W (NW ¼ NE ¼).

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

Section 10-T35N-R28W	NW ¼ NE ¼	14.0 acres
	NE ¼ NW ¼	7.3 acres
Total 21.3 acres		

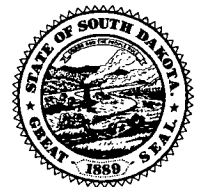
(4) Pursuant to South Dakota Water Law 46-5-30.1 Tom & Bill Cox, HC 14 Box 104, Valentine NE 69201 the holders and/or owners of Water Right No. 1822-2 are issued a license to appropriate water, the right to use 0.30 cubic feet of water per second from runoff with a priority date of June 28, 1982 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1822-2 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 20 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 2002

REMINDER NOTICE

1822-2

Tom & Bill Cox
HC 14 Box 104
Valentine, NE 69201

Dear Sirs:

On March 12, 2002, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 1822-2. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on June 3, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 3, 2002 regarding Reminder Notice Water Permit Nos. 2238-2, 1884-2, 1822-2 addressed as stated below:

1822-2	1884-2
Tom & Bill Cox	Clyde E. Brewer
HC 14 Box 104	HC 93 Box 10
Valentine, NE 69201	Kilgore, NE 69216

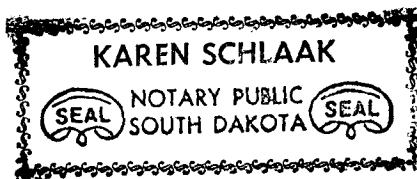
2238-2
Larry & Karen Moore
dba Dairy Twist Drive In
12650 S Hwy 16
Hill City, SD 57745


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of June, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417185

Pierre, June 17, 2002

RECEIVED OF Tom & Bill Cox, HC 14 Box 104, Valentine NE 69201
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. 1822-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Erbe

Chief Engineer

gm



SEP 20 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1822-2

Tom & Bill Cox
HC 14 Box 104
Valentine NE 69201

Dear Mr. Cox:

Enclosed is Water License No. 1822-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417185 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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,

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

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

enclosures