

Considered: ✓

WATER PERMIT NO. 2047-2

MAP No. same 773-3464

Name of Applicant SD Department of Transportation

Post Office Address 104 S. Garfield, Pierre SD 57501

Amount of Water Claimed 0.014 cfs (9.5 ac-ft storage) Total Acres 1.0

Source of Water Supply dry draw dam & dugout

Water to be used for irrigation County Lyman

About 4 miles E of Vivian

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Nov 18, 1987 Fee NA Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED 1/19/88 APPROVED CONDITIONAL (Circle one)

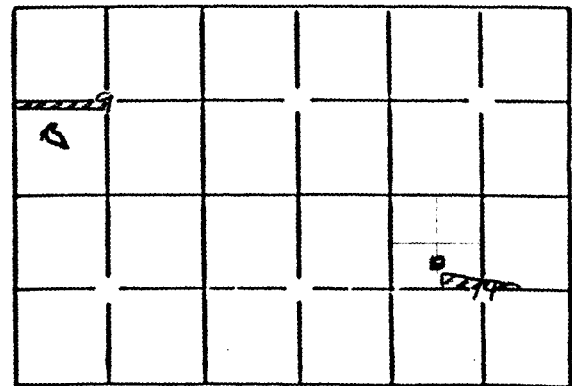
WI-1 Description same as Application YES ✓ NO _____ REMARKS _____

Diversion Point dry draw dam: NW 1/4 SW 1/4 section 9;

dugout: S 1/2 NW 1/4 section 14; both in T105N -
R78W

Land to be Irrigated N 1/2 SW 1/4 section 9; SE 1/4 NW 1/4

SW 1/4 NE 1/4 section 14; all in T105N - R78W



Well Log: Driller NA Licensed YES _____ NO _____

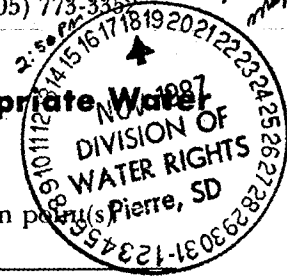
Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY DOT & Ron Duvall Reviewed and the Number

assigned on December 28, 1987 By Ron Duvall

(See instructions)

No. 2047-2 Hydrologic Unit 10140104
Basin Missouri River
Newspaper Lyman Co. Herald, Box 280, Atesha (weed)



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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant South Dakota Department of Transportation Phone No. 773-3464
 - Post Office Address 104 S. Garfield, Pierre South Dakota State 57501
(Street, RR or Box) (City) Zip Code
 - Amount of water claimed (c.f.s) 0.014 (9.5 ac-ft / of storage) Total acres irrigated 1.0
 - Source of Water supply dry draw dam and dugout (holding reservoir)
 - Location of point of diversion dam: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9-T105N-R78W; dugout: S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14-T105N-R78W.
 - County Lyman
 - Counties where water will be used Lyman
 - Annual period during which water is to be used May 1 - September 30
 - 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.
N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9-T105N-R78W	.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14-T105N-R78W	.5

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: grass
10. Give a description of proposed project. (Attach sheet if more space is needed)
- There is an existing dam on State Property at the Eastbound Vivian Rest Area. Water will be pumped from this dam to irrigate the grass at the E.B. Rest Area. Water from this dam will be piped to a dug-out (holding reservoir) to be constructed on State Property at the Westbound Vivian Rest Area. Water will be pumped from this dug-out to irrigate the grass at the W.B. Rest Area.

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 Hughes)^{ss}

I, Larry L. Ice, 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 [Signature]

Subscribed and sworn to before me this 17th day of November 19 87

[Signature]
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 2047-2

to irrigate 1.0 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ (0.5 ac.) section 9; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ (0.5 ac.)
(legal description of land)
section 14; both in T105N-R78W from a dam (8 acre-feet storage capacity) and
a dugout (1.5 ac-ft storage capacity). The dam is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ section 9;
(diversion point, source, depth of well, etc.) and the dugout in the S $\frac{1}{2}$ NW $\frac{1}{4}$ sec 14; T105N-R78W for

SD Dept. of Transportation 104 S. Garfield
(Applicant) (Street, RR or Box)

Pierre SD 57501 With the following qualifications.
(City) (State) (Zip Code)

1. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application November 18, 1987.

Date Soil/Water Compatibility Permit received January 19, 1988.

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

Date of receipt of corrected application _____, 19____. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 2047-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is November 18, 1987.
2. One-fifth of the work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The time limit for proof of beneficial use of water is March 3, 1997.
5. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 0.014 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 3, 1997. The water is to be used during the following described annual period: May 1 - Sept. 30

WATER MANAGEMENT BOARD

By: John H. Hatcher
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 13 1988

CONSERVATION COMMISSION MEETING

DATE: January 14, 1988

Page 1 - APPROVED with Requirements

NAME: Larry Ice
Dept. of Transportation

Water Quality: 87-1337

ADDRESS: 108 S Garfield

SALINITY: 300

ADDRESS: Pierre, SD 57501

SAR: 0.63

SODIUM: 19.90

COUNTY: Lyman

ADJ SAR: 1.16



LEGAL DESCRIPTION: N1/2 SW1/4 9-T105N-R78W = .5 acres & SE1/4 NW1/4 & SW1/4 NE1/4 14-T105N-R78W = .5 acres

APPLICATION #: 4232

TYPE OF IRRIGATION: Sprinkler

WATER SOURCE: Ground

REQUIREMENTS:

Drainage enhancement maybe necessary due to clay contents of the soil to be provided as necessary i.e. tile drainage.

MANAGEMENT RECOMMENDATIONS:

Due to the high clay content of the soils there are many engineering and environmental planting limitations you should be aware of please refer to the County soil survey.

We recommend that species of grass, tree, and other plants used in the rest area be salt tolerant and adapted to the semi-arid climate. You should be aware that tree growth will be less than optimum under the best conditions.

The water intake of these soils is very slow and compaction will reduce it even further. We recommend limiting traffic on grassed areas for this reason.

We also recommend that an intensive water management program be under taken to address the possible upward movement of salts occuring naturally in the soil. Finally, that a monitoring program be established for possible changes in the water quality and salt movement in the soil.

TYPE OF PERMIT GRANTED AND REASON:

The Approved with Requirements recommendation is based on the water quality and clay contents of the soil which may inhibit the leaching of salts.

NOTE: Greg Carlson, SDSU is working with DOT on these.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4232

WR#

OWNERS NAME: Dept. of Transportation

OWNERS ADDRESS: 104 S Garfield

Pierre, SD 57501

COUNTY LAND LOCATED IN: Lyman

PHONE: 773-3464

LEGAL DESCRIPTION:

1. LOCATION dam: NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9-T105N-R78W - Dugout: SE $\frac{1}{4}$ NW $\frac{1}{4}$ 14-T105N-R78W

☐ Well

☐ Surface

Depth: _____

Legal Description	Acres	Legal Description	Acres
N $\frac{1}{2}$ SW $\frac{1}{4}$ 9-T105N-R78W	.5		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14-T105N-R78W	.5		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: ☒ (Specify) _____

3. CROPS TO BE IRRIGATED: Grass - Rest Area

WATER QUALITY:

4. WATER SAMPLE NUMBER: 87-1337

7. ADJUSTED (SAR): 8.53

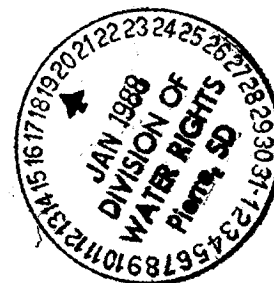
5. SALINITY (EC X 10⁶): 750

8. PERCENT SODIUM: 58.33

6. SODIUM (SAR): 3.97

Requirements:

Drainageway enhancement maybe necessary due to clay contents of the soil to be provided as necessary i.e. tile drainage.



Jack M. Spelt
Director, Division of Conservation

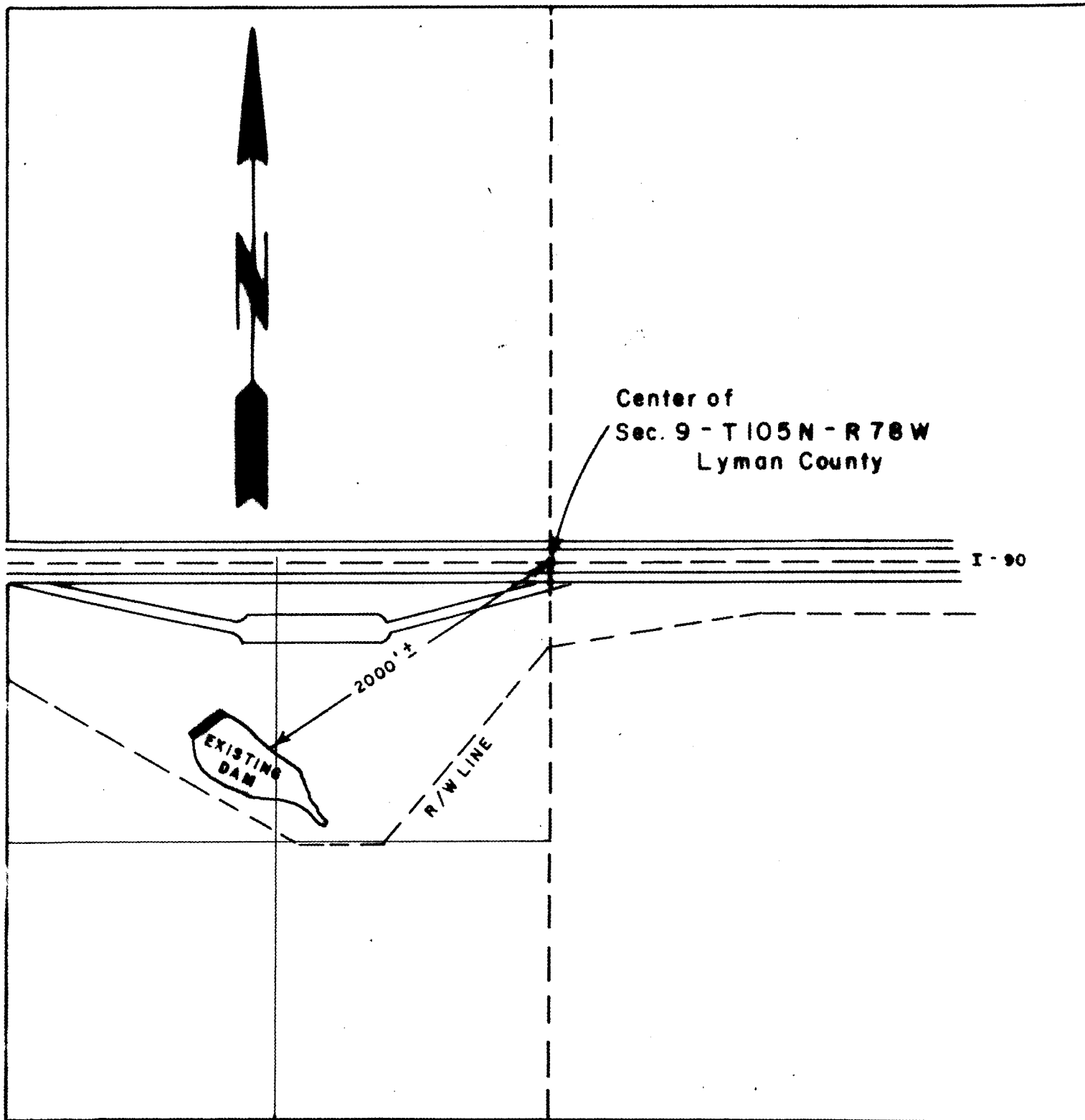
XX APPROVED
____ DISAPPROVED
____ WAIVER

XX REQUIREMENTS

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

1-14-88
Date

VIVIAN REST AREA EASTBOUND



Ron Duwall
Natural Resources Engineer
12/28/87

Appl. No. 2047-2

REPORT ON APPLICATION NO. 2047-2
S.D. Department of Transportation
January 14, 1987

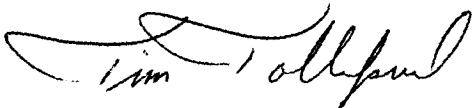
Water Permit Application No. 2047-2 requests a total of 0.014 cubic feet of water per second (cfs) from a dugout to be constructed and from an existing storage dam to irrigate 0.5 acres at the eastbound and 0.5 acres at the westbound Vivian Rest Area on Interstate 90. The dugout is to be constructed in the S1/2 of the NW1/4 of Section 14 and the storage dam is located in the NW1/4 of the SW1/4 of Section 9, both in T105N - R78W, Lyman County. The irrigated acreage is located in the N1/2 of the SW1/4 of Section 9 and the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of Section 14, all in T105N - R78W.

DISCUSSION

Water from an existing storage dam will be used to irrigate the grass at the eastbound rest area. Water from this existing dam will also be pumped to a dugout (storage capacity of 1.5 acre feet) to be constructed at the westbound rest area. Water stored in this dugout will then be used to irrigate the grass at the westbound rest area. The dam is 6 feet in height and has a storage capacity of 8 acre-feet which exempts the dam from the requirements of the Safety of Dams Rules.

CONCLUSIONS

1. Existing water rights should not be adversely affected by approval of Water Permit Application No. 2047-2.
2. The existing storage dam is not of sufficient size to require consideration of the Water Management Board Rules Chapter 74:02:08 Safety of Dams.
3. It is recommended Water Permit Application No. 2047-2 be approved with the following qualifications:
 - a. Low flows as needed for downstream domestic use including livestock water and prior water rights must be bypassed.
 - b. The irrigation questionnaire be submitted each year.



Tim Tollefsrud
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2047-2, SD Department of Transportation

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2047-2, SD Department of Transportation, 104 South Garfield, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 2047-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

1. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 21, 1988



Department of Water & Natural Resources

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

January 22, 1988

Lyman County Herald
Box 280
Presho, South Dakota 57568

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2047-2 to be published twice. Please publish the first notice on or before January 27, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is SD Department of Transportation, 104 S. Garfield, Pierre, SD 57501.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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

Name _____

Newspaper _____



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 22, 1988

NOTE:

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

SD Dept. of Transportation
104 S. Garfield
Pierre, SD 57501

Dear Sir:

Your Application No. 2047-2 for a permit to appropriate water for
irrigation (rest area) use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Lyman County Herald printed at Presho

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before January 57, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2047-2 to Appropriate Water
and/or to Amend Water Permit or Water Right No.

Notice is hereby given that the SD Department of Transportation whose mailing address is 104 S. Garfield, Pierre, South Dakota has made an application for a permit to appropriate a total of 0.014 cubic feet of water per second (cfs) from an 8 acre-foot storage dam and a 1.5 acre-foot dugout to irrigate 0.5 acres at the eastbound and 0.5 acres at the westbound Vivian Rest Areas. The diversion rate is not to exceed 0.007 cfs for irrigation of each 0.5 acre area. The storage dam is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9; and the dugout is to be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14; both in T105N-R78W. Water is to be pumped from the dam to the dugout. The irrigated acreage is to be located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14; all in T105N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 2047-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2 1988 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

No. 2047-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Lyman) ss.

I, Robert Cameron hereby

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

Water was taken from the Lyman to Herald

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

City of Pierre, SD

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

January 27, 1988
February 3, 1988

Robert Cameron
(Signature)

Publisher - Owner
(Title)

February 4
(Date Signed)

after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988, Jan 27 & Feb. 3

Cost of Printing: \$42.18

NOTICE OF HEARING on
Application No. 2047-2
to Appropriate Water

Notice is hereby given that the SD Department of Transportation whose mailing address is 104 S. Garfield, Pierre, South Dakota has made an application for a permit to appropriate a total of 0.014 cubic feet of water per second (cfs) from an 8 acre-foot storage dam and a 1.5 acre-foot dugout to irrigate 0.5 acres at the eastbound and 0.5 acres at the westbound Vivian Rest Areas. The diversion rate is not to exceed 0.007 cfs for irrigation of each 0.5 acre area. The storage dam is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9; and the dugout is to be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14; both in T105N R78W. Water is to be pumped from the dam to the dugout. The irrigated acreage is to be located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9; SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14; all in T105N-R78W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2047-2 because 1) unappropriated water is available; 2) will be no unlawful impairment of existing rights; 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988 at 10:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be af-

ected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person,

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lyman) ss.

I, Robert Cameron hereby

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

Water was taken from the Lyman to Herald

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

City of Preble

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

Feb 3-10

Robert Cameron
(Signature)

Editor-Publisher
(Title)

Feb 10, 1988
(Date Signed)

Cost of Printing: 42.1

NOTICE OF HEARING on
Application No. 2047-2
to Appropriate Water

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2047-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988 at 10:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988, Jan 27 & Feb. 3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 13 1988

South Dakota Department of Transportation
104 S. Garfield
Pierre, South Dakota 57501

Dear Sir:

Enclosed herewith is your Water Permit No. 2047-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 2047-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

Water Permit No. 2047-2
Missouri 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, September 29, 2105 made a thorough examination of the water use system constructed by the SD Dept. of Transportation of 104 South Garfield, Pierre, SD 57501 holder of Permit No. 2047-2, bearing the priority of November 18, 1987 authorizing the diversion of 0.014 cu. ft. per second of water and/or the storage of 9.5 acre-feet of water from Run-Off for Irrigation purposes, in Lyman County.

Inspection contact & relationship **Doug Droz**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Unknown
- 2) Model Unknown
- 3) Capacity Unknown GPM

Dam Information:

- 1) Height to crest 6 feet
- 2) Height to primary spillway 4 feet
- 3) Crest width 25 feet
- 4) Crest length 190 feet
- 5) Spillway width 40 feet
- 6) Approx. storage 8 ac-ft
- 7) Date constructed: Unknown-Dam was an existing dam at the time of the permit application. No "Location Notice" is on file for this dam.

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

- 1) Type Buried pipe
- 2) Size 2 inches

C. Works used to apply water to beneficial use:

- 1) Make Rain Bird Sprinkler System

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Eastbound Rest Area Dam:

Approximately 2,095 feet north and 1,275 feet east of the SW corner of Section 9-T105N-R78W

(N 43.91092, W -100.20112) (NW ¼ SW ¼)

Westbound Rest Area Dugout:

Approximately 2,295 feet south and 1,205 feet west of the NE corner of Section 14-T105N-R78W

(N 43.89900, W -100.15068) (SE ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.014 cu. ft. per second of water and/or storing 9.5 acre-feet of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 9-T105N-R78W

N ½ SW ¼ - 0.5 acres

Section 14-T105N-R78W

SE ¼ NE ¼ - 0.5 acres

comprising a total of 1.0 acre of land and the license should be issued for 0.014 cfs and 9.5 acre-feet of storage.

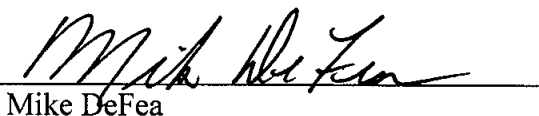
All structures, wells and lands on map Y

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

Water Permit No. 2047-2 authorizes the diversion of 0.014 cfs of water for irrigation of 1 acre of land for the I-90 East, and Westbound SD DOT Rest Areas from a dry-draw dam and dug-out. The Rest Areas are located between Vivian and Presho, SD.

The applicant proposed to irrigate 0.5 acre of the Eastbound Rest Area from an existing dry-draw dam located at that location. Water from this dam would also be pumped through pipe to the Westbound Rest Area into a storage pond at that site. Water from the pond would then be pumped to irrigate the 0.5 acre of land at that location.

At the time of this licensing inspection of the permit, the piping system used to deliver water from the dam to the storage pond had been removed. The pond is currently filled by precipitation and run-off. There is no pump information available for either location.

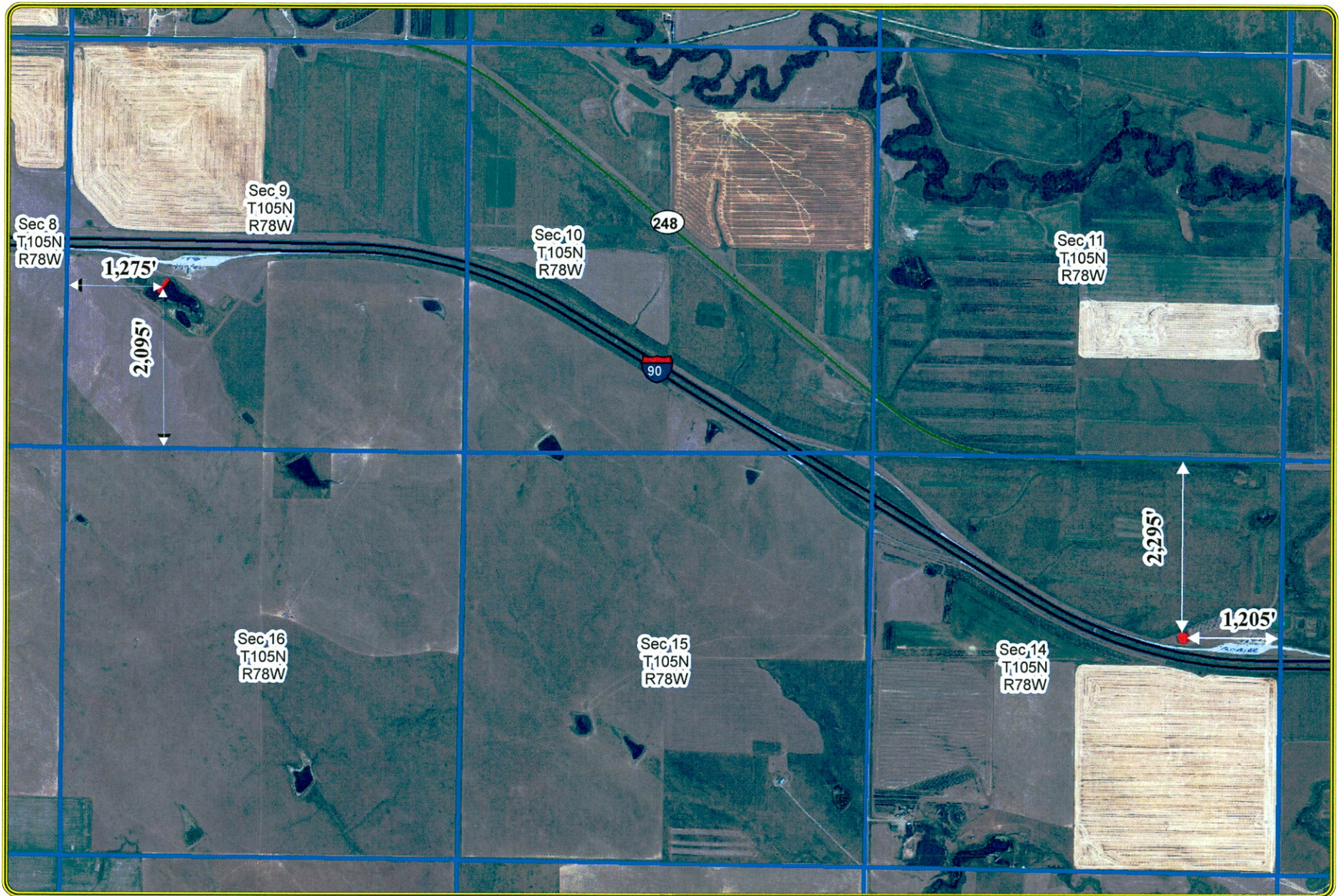


Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: June 1, 2016

SD Dept. of Transportation
Water Permit No. 2047-2



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 1, 2016

0 0.25 0.5 1 Miles



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

NAME: SD Department of Transportation (Doug Droz)

ADDRESS: 104 S Garfield, Pierre, SD 57501

DATE: June 1, 2016 **COUNTY:** Lyman **TELEPHONE:** 773-3464

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**

Water Permit No. 2047-2 authorizes the diversion of 0.014 cfs of water from an existing dry-draw dam located in the NW ¼ SW ¼ Section 9 and a storage pond located in the S ½ NW ¼ Section 14; both in T105N-R78W.

The applicant proposed to irrigate 0.5 acre of the I-90 Eastbound Rest Area from the dry-draw dam located at that location. Water from this dam would also be pumped through pipe to the I-90 Westbound Rest Area into a storage pond at that site. Water from the pond would then be pumped to irrigate the 0.5 acre of land at that location.

At the time of this licensing inspection of the permit, the piping system used to deliver water from the dam to the storage pond had been removed. The pond is currently filled by precipitation and run-off.

The dry-draw dam is in the correct permitted location; however, the location of the storage pond is in the SE ¼ NE ¼ Section 14-T105N-R78W, and no additional water is appropriated.

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

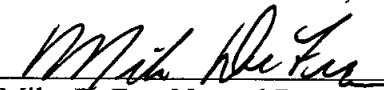
A "Licensing of Acreage Outside of Permitted Area" form is on file.

- **Review of Existing Diversions**

There are no existing water rights/permits which obtain water from the storage pond. Interference will not be a concern.

RECOMMENDED ACTION

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


Mike DeFea, Natural Resources Engineer II
DENR, 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.


Jeanne Goodman, Chief Engineer
DENR, Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: SD Department of Transportation (Doug Droz)

ADDRESS: 104 S Garfield, Pierre, SD 57501

DATE: June 1, 2016 **COUNTY:** Lyman **TELEPHONE:** 773-3464

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 0.5 acre as compared to 0.5 acre authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The irrigated land is contiguous to the land originally authorized by the permit. Water Permit No. 2047-2 authorizes the irrigation of 0.5 acre of land located in the N ½ SW ¼ Section 9, and 0.5 acre of land located in the SE ¼ NW ¼, SW ¼ NE ¼ Section 14; all in T105N-R78W. The 0.5 acre being irrigated in Section 9 is as authorized; however, the 0.5 acre being irrigated in Section 14 is located in the SE ¼ NE ¼ Section 14-T105N-R78W.

- **Owned by Same Property Owner**

The acreage is owned by the same property owner.

- **Developed Prior to Expiration of Construction Period**

The system was developed prior to the expiration date.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 0.5 acre area be included in the water license.



Mike DeFea, Natural Resources Engineer II
DENR, Water Rights Program

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

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the non-permitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
DENR, Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2047-2**

(1) The South Dakota Department of Transportation, 104 S Garfield, Pierre SD 57501 made Application No. 2047-2, November 18, 1987 for a water permit to divert 0.014 cubic feet of water per second from a dry draw dam and a dugout, Lyman County, South Dakota for irrigation purposes. Permit No. 2047-2, with a priority date of November 18, 1987 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997.

Permit No. 2047-2 authorized irrigation of 0.5 acres from a dry draw dam both located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9 (eastbound rest area) and 0.5 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ from a dugout located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, (westbound rest area) all in T105N, R78W. An investigation of the water use system for both east and west bound rest areas found the acreage and dugout for the westbound rest area in Section 14 was outside of the permitted area. Both the acreage and the dugout are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14.

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 diversion point in Section 14 did not increase the potential for adverse effects to existing diversions. Additionally, pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the change in location of the 0.5 acres in Section 14 did not impair existing water rights and the overall project as developed is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.014 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Eastbound Rest Area Dam:** (8.5 acre feet) approximately 2,095 feet north and 1,275 feet east of the SW corner of Section 9, T105N, R78W (NW $\frac{1}{4}$ SW $\frac{1}{4}$);
- **Westbound Rest Area Dugout:** (1.5 acre feet) approximately 2,295 feet south and 1,205 feet west of the NE corner of Section 14, T105N, R78W (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

Original plans were to pump from the dam in Section 9 through a pipeline to the dugout located in Section 14. The pipeline has been removed and the dugout in Section 14 receives water from runoff and precipitation events.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of one acre as described below:

Section 9, T105N, R78W
(eastbound rest area)
N $\frac{1}{2}$ SW $\frac{1}{4}$ 0.5 acres

Section 14, T105N, R78W
(westbound rest area)
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Transportation, 104 S Garfield, Pierre SD 57501 the holder and/or owner of Water Right No. 2047-2 is issued a license to appropriate water, the right to use 0.014 cubic feet of water per second from a dry draw dam (8.0 acre feet) and a dugout (1.5 acre feet) with a priority date of November 18, 1987 from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2047-2 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 15 2016
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 15 2016

2047-2

Doug Droz
SD Department of Transportation
104 S Garfield
Pierre SD 57501

Dear Mr. Droz:

Enclosed is Water License No. 2047-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures