

Considered: _____

WATER PERMIT NO. 2067-2

MAP No. same

Name of Applicant Harry Prince Jr., Prince and Sons, Inc. 567-3304

Post Office Address Ft. Pierre SD 57532

Amount of Water Claimed 100 add'l ac-ft, no add'l cfs Total Acres 45.6

Source of Water Supply dam on East Fork Lance Creek

Water to be used for irrigation County Stanley

About 23 miles W of Pierre

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received Oct 27, 1988 Fee \$150.00 Remarks correct loc.

of 45.6 acres, increase storage of W. Fork dam, and change well location

Corrected Application Received Nov. 23, 1988 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED Nov. 18, 1988 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point dam: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ section 14

-T5N-R27E

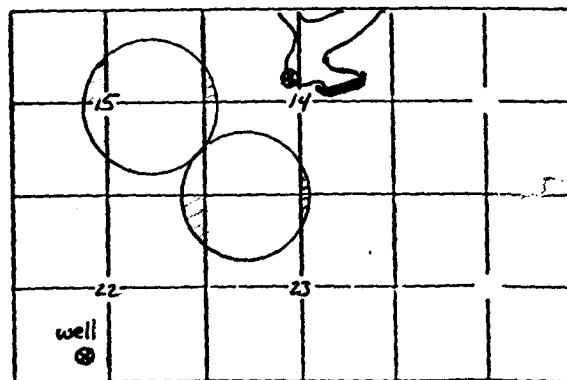
well: SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 22-T5N-R27E

Land to be Irrigated SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, section 15;

NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 22;

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 14; all in T5N-

R27E



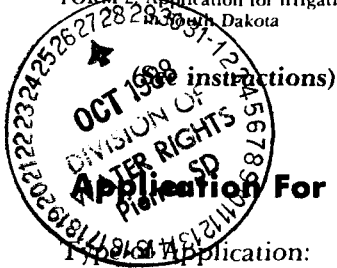
Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Rassoul Ahadi Reviewed and the Number

assigned on January 4, 1989 By Ron Duwall

No. 2067-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Daily Capital Journal, PO Box 878



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

1. Name of Applicant Harry Prince Jr., Prince & Sons, Inc. Phone No. _____
2. Post Office Address Fort Pierre, South Dakota State 57532
(Street, RR or Box) (100 ac-ft add'l storage) 45.6 Zip Code
3. Amount of water claimed (c.f.s) No Add'l cfs Total acres irrigated X902X (26X9 add'l)
4. Source of Water supply East Fork Dam on East Fork Lance Creek
5. Location of point of diversion SW1/4 NE1/4, Section 22, T5N-R27E
Dam: SW1/4 NE1/4, Section 22, T5N-R27E
County Stanley
6. Counties where water will be used Stanley
7. Annual period during which water is to be used April 1 - October 31
8. 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.
SE1/4 NW1/4 Section 15 T5N R27E	10.5
NE1/4 SW1/4 Section 15 T5N R27E	13.4
NW1/4 NE1/4 Section 23 T5N R27E	3.0
NE1/4 NE 1/4 Sec 22-5N-27E	14.3

Land Description	No. Acres Irr.
SW1/4 NW 1/4 Sec 14-5N-27E	2.8
SW1/4 SE 1/4 Sec 14-5N-27E	1.6
SEE ATTACHED SHEET	

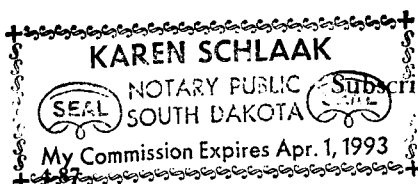
Attach sheet if more space is needed

9. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
10. Crops to be Irrigated: Cane, Sunflower, Corn
11. Give a description of proposed project. (Attach sheet if more space is needed)
This application is to add 45.6 acres not covered by Water Right Nos. 1298-2 and 1354-2. This application is also for soil/ water compatibility Permit for the above acreage on attached sheets with water from the East Fork Dam only. The storage capacity of the West Fork dam in the N1/2 SE1/4 Section 22-T5N-R27E is to be increased from 200 acre-feet to 300 acre-feet of water. This application is also to correct the location of the well authorized by Permit No. 1354-2. The correct well location is in the SE1/4 SW1/4 Sec 22-T5N-R27E not in the NE1/4 SW 1/4 Sec 22 as specified on Permit No. 1354-2.
- 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.

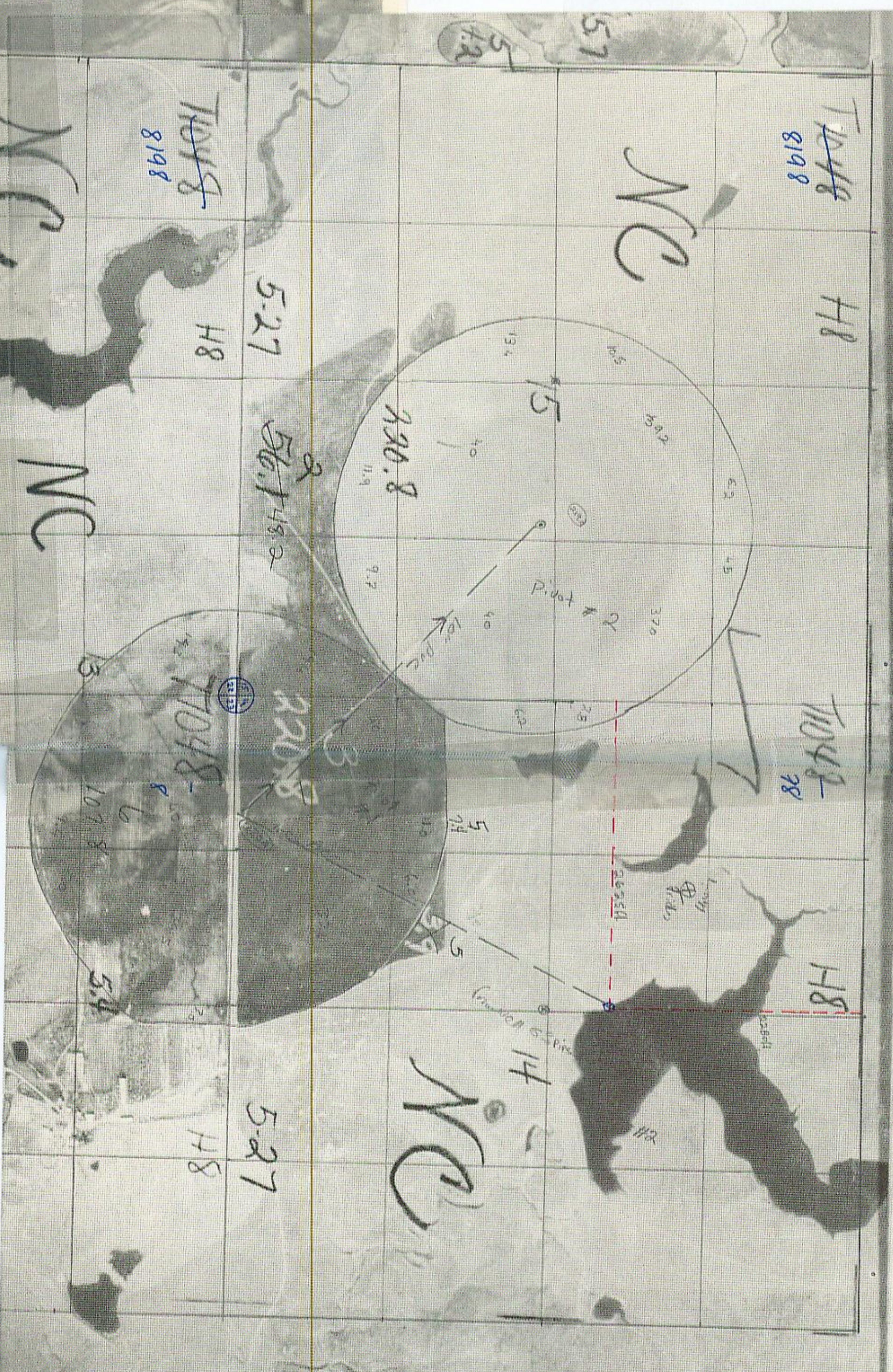
STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

I, Harry Prince, Jr., 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.

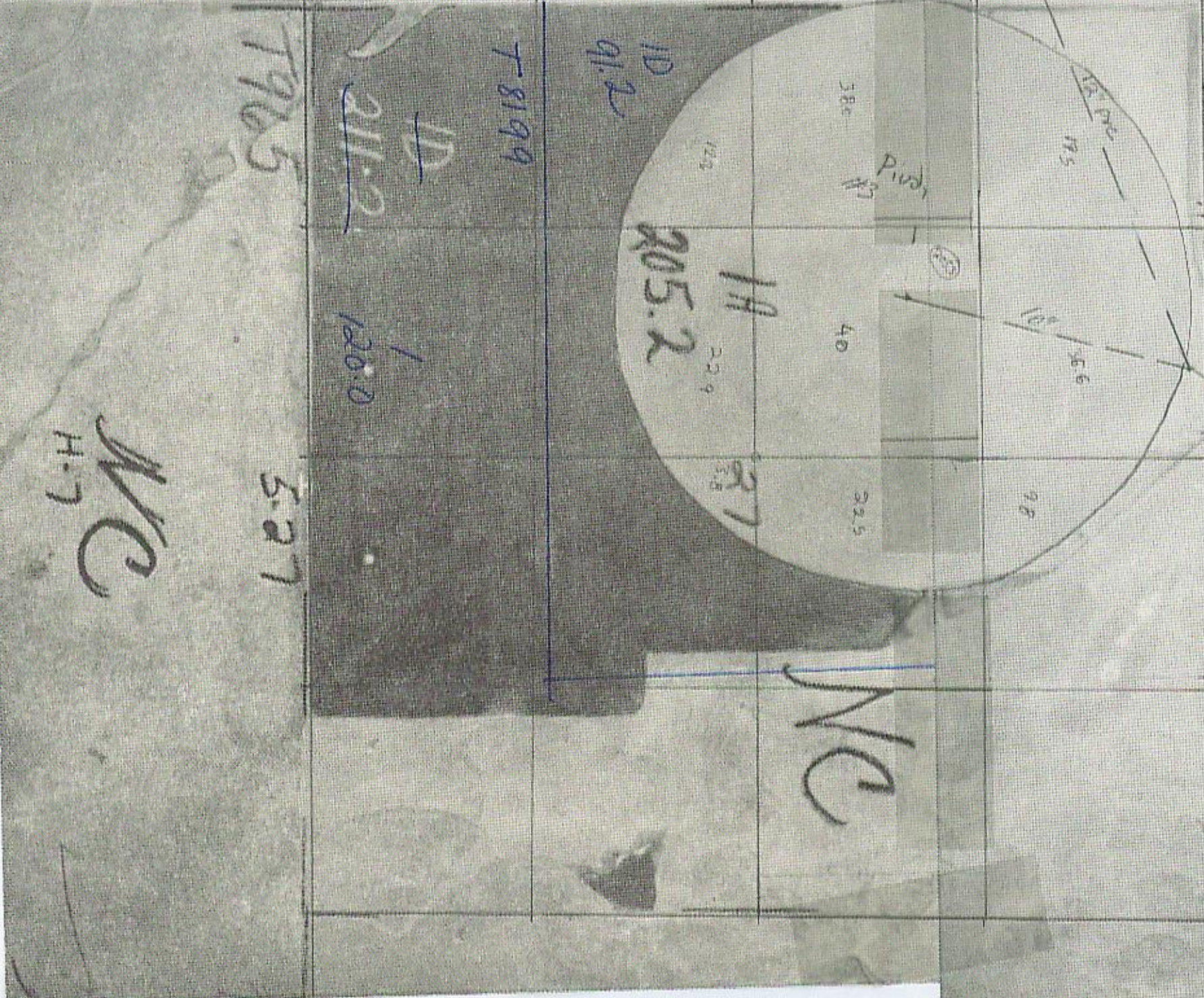
Signed By Harry W Prince Jr.
Karen Schlaak
Notary Public



NOT TO SCALE OT TO SCALE



NOT TO SCA



ATTACHMENT Harry Prince, Jr., Prince & Sons, Inc

	ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 T5N R27E	28.7
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 T5N R27E	28.4
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 T5N R27E	34.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 T5N R27E	32.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 T5N R27E	0.9
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 T5N R27E	0.9
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 T5N R27E	19.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 T5N R27E	36.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 T5N R27E	38.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 T5N R27E	40.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 T5N R27E	9.8
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 T5N R27E	22.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 T5N R27E	12.2
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 T5N R27E	22.9
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27 T5N R27E	3.8
TOTAL ACREAGE	460.00 ACRES

SOUTH DAKOTA
WATER PERMIT No. 2067-2 FOR IRRIGATION

Date of first receipt of application October 27, 1988.
Date Soil/Water Compatibility Permit received November 18, 1988.
Date of return to applicant for corrections, amendments or changes
November 7, 1988.
Date of receipt of corrected application November 23, 1988.

The Water Management Board approved Water Permit Application No. 2067-2 on July 24, 1991 for Harry Prince, Jr., Prince & Sons, Inc., Ft. Pierre SD 57532 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2067-2 specifies the correct location of 45.6 irrigated acres and corrects the location of one existing irrigation well. Water Permit Nos. 1298-2, 1298A-2, 1350-2 and 1354-2, combined, appropriate 12.0 cubic feet of water per second (cfs) from two dams and one well (Madison Formation) approximately 2800 feet deep to irrigate 3,690 acres. An inspection of the permits found the two dams and well constructed and supplying 12.0 cfs to irrigate 902 acres. The well and 45.6 of the 902 acres are not located within the area described on the existing water permits. The correct location of the well is in the SE 1/4 SW 1/4, Section 22; and the correct location of the 45.6 acres is in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 15; NW 1/4 NE 1/4 Section 23; NE 1/4 NE 1/4 Section 22; SW 1/4 NW 1/4, SW 1/4 SE 1/4 Section 14; all in T5N-R27E. This permit is also to increase the storage capacity of the dam on the West Branch of Lance Creek in the N 1/2 SE 1/4 Section 22-T5N-R27E from the authorized capacity of 200 acre-feet of water to the existing capacity of 300 acre-feet of water. No increase in diversion rate from the two dams or the well is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is October 27, 1988.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

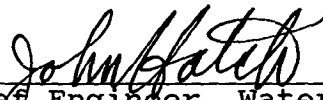
1. Approval of this Permit authorizes storage of an additional 100 acre-feet of water on the West Branch of Lance Creek annually. Total authorized storage under Permit Nos. 1298-2, 1350-2 and 2067-2 is 300 acre-feet of water in the West Branch of Lance Creek and 450 acre-feet of water in the East Branch of Lance Creek.

(continued)

Water Permit No. 2067-2
Page 2

2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

NOV 18 1991
(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411506

Pierre, November 23, 1988

RECEIVED OF Harry Prince, jr, Prince & Sons, Inc., Ft. Pierre, SD 57532

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 _____	100	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	100 00

By John Hatch
Chief Engineer JOHN HATCH (ms)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411488

Pierre, October 27, 1988

RECEIVED OF Harry Prince Jr., Prince & Sons, INC. Ft. Pierre, SD 57532

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 _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	50 00

By

Chief Engineer

John Hatch
JOHN HATCH 



Department of Water & Natural Resources

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

November 7, 1988

Harry Prince Jr.
Prince & Sons, Inc.
Ft. Pierre SD 57532

Dear Mr. Prince:

This letter is in response to your water permit application received on October 27, 1988. The following information is needed to complete the application:

- 1) The original soil/water permit specified the well location in the SW1/4 section 21; however, the well is actually located in the SW1/4 section 22. The irrigated acreage in sections 27 and 28-T5N-R27E needs to have soil/water compatibility approval due to the well location being more than 2000 feet from the location specified on the original soil/water permit. Enclosed is a partially-completed soil/water compatibility application for your use. Please contact Jim Stukel, Department of Agriculture, if you have any questions about the need for an additional soil/water permit (773-3259).
- 2) Water Permit No. 1298-2 authorizes storage of 200 acre-feet of water in the West Branch storage dam located in the SE1/4 section 22. The West Branch dam stores approximately 300 acre-feet of water. Therefore, the application received from you needs to include an additional 100 acre-feet of storage. I will make the needed correction to your application.
- 3) The \$50.00 application fee also needs to be increased based on the additional 100 acre-feet of storage. The correct application fee is now \$150.00 (see fee structure on instruction sheet). Please remit the additional \$100.00 application fee.

The water permit application can not be considered by the Water Management Board until the application is complete. Please remit the additional \$100.00 application fee and complete the enclosed soil/water compatibility permit application.

Contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352
enclosure

cc: Jim Stukel, Division of Conservation



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4305

WR#

OWNERS NAME: Harry Prince, Jr., Prince & Sons, Inc. OWNERS ADDRESS: Fort Pierre, SD 57532

COUNTY LAND LOCATED IN: Stanley PHONE: _____

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Stock dam on East Fork Lance Creek

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 15-T5N-R27E	10.5	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14-T5N-R27E	2.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 15-T5N-R27E	13.4	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14-T5N-R27E	1.6
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23-T5N-R27E	3.0		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22-T5N-R27E	14.3	TOTAL =	45.6

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

3. CROPS TO BE IRRIGATED: cane, sunflower, corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____ 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:



[Signature]
Director, Division of Conservation

11/10/88
Date

APPROVED

DISAPPROVED
☒ WAIVER

REQUIREMENTS

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

CONSERVATION COMMISSION MEETING

DATE: January 12, 1989

Page 1 - APPROVED WITH REQUIREMENTS

NAME:	Harry Prince, Jr.	WATER QUALITY:	78-749	83-0648
ADDRESS:	Prince & Sons, Inc.	SALINITY:	1436	2150
ADDRESS:	Fort Pierre, SD 57532	SAR:	1.01	1.19
		SODIUM:	14.85	15.24
COUNTY:	Stanley	ADJ SAR:	2.25	2.80

LEGAL DESCRIPTION: NW1/4 Sec. 28; N1/2 SW1/4 Sec. 28; all in T5N-R27E
= 128.2 acres

APPLICATION #: 4308

TYPE OF IRRIGATION: Center pivot

WATER SOURCE: Ground

REQUIREMENTS:

The well may only be used when mixed with runoff.

MANAGEMENT RECOMMENDATIONS:

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

We also recommend that you periodically sample the dam for a water analysis. The well water should not be a dominant source because of the salts present.

TYPE OF PERMIT GRANTED AND REASON:

The approved with requirements recommendation is based on the clay contents of the soils of the area and the variable water quality.

NOTE: In reviewing the permit received in 1976 by this office, the maps show the well to be located in section 22. The water information also supports this location.



CORRECTED

CONSERVATION COMMISSION MEETING

DATE: January 12, 1989

Page 1 - APPROVED WITH REQUIREMENTS

NAME: Harry Prince, Jr. WATER QUALITY: 78-749 83-0648
ADDRESS: Prince & Sons, Inc. SALINITY: 1436 2150
ADDRESS: Fort Pierre, SD 57532 SAR: 1.01 1.19
SODIUM: 14.85 15.24
COUNTY: Stanley ADJ SAR: 2.25 2.80

LEGAL DESCRIPTION: NW1/4 Sec. 28; N1/2 SW1/4 Sec. 28; NE1/4 Sec. 28;
N1/2 SE1/4 Sec. 28; NW1/4 Sec. 27; W1/2 NE1/4 Sec. 27; N1/2 SW1/4 Sec.
27; NW1/4 SE1/4 Sec. 27; all in T5N-R27E = 460 acres.

APPLICATION #: 4308

TYPE OF IRRIGATION: Center pivot

WATER SOURCE: Ground

REQUIREMENTS:

The well may only be used when mixed with runoff.

MANAGEMENT RECOMMENDATIONS:

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

We also recommend that you periodically sample the dam for a water analysis. The well water should not be a dominant source because of the salts present.

TYPE OF PERMIT GRANTED AND REASON:

The approved with requirements recommendation is based on the clay contents of the soils of the area and the variable water quality.

NOTE: In reviewing the permit received in 1976 by this office, the maps show the well to be located in section 22. The water information also supports this location.

Conversation or File Documentation

NAME OF PERSON OR FILE: Harry PrinceADDRESS: Ft. Pierre COUNTY StanleyDATE: 1-9-89 TELEPHONE 567-3304RE: Dam & Well For Application No. 2067-3

COMMENTS:

Call Mr. Prince to inquire about the dates for construction of the well and Dam #1. He stated that the dam was constructed around 1976 and has always had a storage capacity of 300 ac-ft. The well was constructed around 1977 and flows about 500 gpm.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

APR 1989

WR#

OWNERS NAME: Larry Prince, Jr. OWNERS ADDRESS: Prince & Sons, Inc.

Pt. Pierre, SD 57502

COUNTY LAND LOCATED IN: Stanley PHONE: _____

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW $\frac{1}{4}$ Sec. 22-T5N-R27E

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ Sec. 27-T5N-R27E	134.1	NW $\frac{1}{4}$ Sec. 28-T5N-R27E	123.2
N $\frac{1}{2}$ SW $\frac{1}{4}$ " "	35.1	NE $\frac{1}{4}$ " "	124.7
W $\frac{1}{2}$ NE $\frac{1}{4}$ " "	32.3	N $\frac{1}{2}$ SW $\frac{1}{4}$ " "	5
NW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	3.8	N $\frac{1}{2}$ SE $\frac{1}{4}$ " "	1.3

OTHER: TOTAL = 466 A.

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

3. CROPS TO BE IRRIGATED: cane, sunflower, corn, small grain

WATER QUALITY:

4. WATER SAMPLE NUMBER: 78-749 , 83-0648 7. ADJUSTED (SAR): 2.25 2.80

5. SALINITY (EC X 10⁶): 1436 2150 8. PERCENT SODIUM 14.85 15.24

6. SODIUM (SAR): 1.01 1.19

Requirements: The well may only be used when mixed with runoff.



☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Director, Division of Conservation

Date

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

REPORT ON APPLICATION NO. 2067-2
Prince and Sons, Inc.
January 9, 1989

Background

Application No. 2067-2, Prince and Sons, Inc., proposes to specify the correct location of 45.6 irrigated acres, correct the location of one existing irrigation well, and increase the authorized storage capacity of the dam on the west branch of Lance Creek in Stanley County. Water Permit Nos. 1298-2, 1298A-2, 1350-2, and 1354-2 collectively appropriate 12.0 cubic feet of water per second (cfs) from two dams and one well to irrigate 3,690 acres.

The two dams and well have been constructed and supply 12.0 cfs to irrigate 902 acres. The well and 45.6 of the 902 irrigated acres are not located within the area described on the existing water permits. The well was to have been constructed in the NE1/4 SW1/4 of Section 22, T5N, R27E; however, it is located in the SE1/4 SW1/4 of the same section. The correct location of the 45.6 acres is in the SE1/4 NW1/4 and NE1/4 SW1/4 of Section 15, NW1/4 NE1/4 of Section 23, NE1/4 NE1/4 of Section 22, and SW1/4 NW1/4 and SW1/4 SE1/4 of Section 14; all in T5N, R27E. The application also proposes to increase the storage capacity of the dam in the N1/2 SE1/4 of Section 22, T5N, R27E from the authorized storage capacity of 200 acre-feet to the existing capacity of 300 acre-feet. The second dam has been constructed as permitted on the east branch of Lance Creek in the S1/2 NE1/4 of Section 14, T5N, R27E. No increase in diversion rate from the two dams or the well is authorized by this application.

Discussion

The proposed change in location for the well and correct description of the 45.6 acres will simply clarify the irrigation development and will in no way affect any existing water rights. The proposed increase in storage capacity for the dam should also have little impact on existing stock dams. At one time, there were three pending applications for storage dams on the west branch of Lance Creek. However, none of these permit applications were ever granted. Mr. Prince has the only existing water permits on the west branch of Lance Creek. The dam was constructed around 1976 and has always had a storage capacity of 300 acre-feet. Approximately one year later, the well was constructed and has been used to supplement runoff into the dam. The dam has existed at the current storage capacity for over ten years with no known controversy over water rights in the drainage area.

This dam is considered to be a category 2, small size dam. It has a category 2 rating due to the fact that Highway 14 and 34 crosses the floodplain approximately one quarter mile below the dam. New dams of this size and category are required to pass a 100-year frequency storm without overtopping. This dam does not have the capability to pass a 100-year storm. However, Chapter 74:02:08:02 of the Safety of Dam Rules states that category 2 dams constructed before October 27, 1986, that have highways below the dams are exempt from spillway requirements unless a dam fails and is to be rebuilt and provided that an emergency plan is established by the owner to monitor the dam and procedures are established to close the highway in the event that a flood threatens the highway. According to this chapter, the dam is exempt from the spillway requirements. However, before the permit is considered, it is recommended that Mr. Prince submit an emergency plan that could be used in the event that Highway 14 and 34 is threatened by a breach of the dam.

Conclusions

1. This application is a result of the normal inspection procedure. During the inspection, it was determined that the well and 45.6 irrigated acres were not correctly described on existing water permits, and that the dam in question has a storage capacity of 300 acre-feet instead of the permitted 200 acre-feet. No increase in diversion rate is authorized by this application.
2. This application should have little or no impact on existing water rights.
3. This application will simply clarify the irrigation development. The current development has existed as is for over ten years.
4. Before this application is considered, Mr. Prince should be required to submit an emergency plan that could be used in the event that Highway 14 and 34 is threatened by a breach of the dam.

James L. Wendte

James L. Wendte
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2067-2, Harry Prince Jr., Prince and Sons, Inc.

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. 2067-2, Harry Prince Jr., Prince and Sons Inc., Ft. Pierre SD.

The Chief Engineer is recommending DEFERRAL of Application No. 2067-2 until an emergency plan is submitted that could be used in the event Highway 14 and 34 is threatened by a breach of the Dam.

See the attached report for additional information.

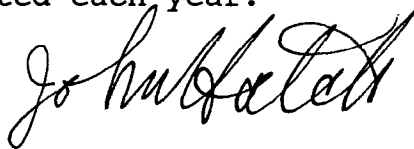

JOHN HATCH, Chief Engineer
January 13, 1989

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2067-2, Harry Prince Jr., Prince and Sons, Inc.

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2067-2, Harry Prince Jr., Prince and Sons Inc., Ft. Pierre, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2067-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of this Permit authorizes storage of an additional 100 acre-feet of water on the West Branch of Lance Creek annually. Total authorized storage under Permit Nos. 1298-2, 1350-2 and 2067-2 is 300 acre-feet of water in the West Branch of Lance Creek and 450 acre-feet of water in the East Branch of Lance Creek.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



JOHN HATCH, Chief Engineer
June 24, 1991

 **Department of
Water & Natural Resources**

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

January 23, 1989

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

Harry Prince Jr.
Prince and Sons Inc.
Ft. Pierre, SD 57532

Dear Mr. Prince:

Your Application No. 2067-2 for a permit to appropriate water for irrigation 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 Daily Capitol Journal printed at Pierre SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper 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 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
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 23, 1989

Daily Capitol Journal
P.O. Box 878
Pierre, SD 57501

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2067-2 to be published twice. Please publish the first notice on or before February 1, 1989 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 Harry Prince Jr., Prince and Sons, Inc., Ft. Pierre, SD 57532.

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

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

No. _____

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 _____



Instruction to Newspaper - Publish first Notice on or before February 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2067-2 to Appropriate Water

Notice is given that Harry Prince Jr., Prince and Sons, Inc., Ft. Pierre, SD 57532 has filed an application for a water permit to specify the correct location of 45.6 irrigated acres and the correct location of one existing irrigation well. Water Permit Nos. 1298-2, 1298A-2, 1350-2 and 1354-2, combined, appropriate 12.0 cubic feet of water per second (cfs) from two dams and one well (Madison Formation) approximately 2800 feet deep to irrigate 3,690 acres. An inspection of the permits found the two dams and well constructed and supplying 12.0 cfs to irrigate 902 acres. The well and 45.6 of the 902 acres are not located within the area described on the existing water permits. the correct location of the well is in the SE 1/4 SW 1/4 Section 22; and the correct location of the 45.6 acres is in the SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 15; NW 1/4 NE 1/4 Section 23; NE 1/4 NE 1/4 Section 22; SW 1/4 NE 1/4, SW 1/4 SE 1/4 Section 14; all in T5N-R27E. This application is also to increase the storage capacity of the dam on the West Branch of Lance Creek in the N 1/2 SE 1/4 Section 22-T5N-R27E from the authorized capacity of 200 acre-feet of water to the existing capacity of 300 acre-feet of water. No increase in diversion rate from the two dams or the well is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application No. 2067-2 until an emergency plan is submitted that could be used in the event highway 14 and 34 is threatened by a breach of the dam. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

This application is made pursuant to 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 3437 2tdly 1/31, 2/7

**NOTICE OF HEARING
on Application No. 2067-2
to Appropriate Water**

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Public notices

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hughes) ss.



I, Peggy Warner hereby

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

Water was taken from the Capital Journal

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

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

January 31, 1989

February 7, 1989

Peggy Warner
(Signature)

Signl Ad. Representative
(Title)

February 8, 1989
(Date Signed)

Cost of Printing: _____

121 lines @ .44 = \$53.24



Department of Water & Natural Resources

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

March 7, 1989

NOTICE

TO: Harry Prince Jr.
Prince & Sons, Inc.
Ft. Pierre SD 57532

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script that reads "John Hatch".

SUBJECT: Deferral of Water Permit Application No. 2067-2

On March 2, 1989, the Water Management Board deferred Application No. 2067-2 pending receipt and approval of an emergency plan to address the threat to Highway 14 & 34 by a possible dam breach. Notice will be given of the time and place that Application No. 2067-2 will be reconsidered by the Board after the emergency plan has been received and approved.

cc: Larry Donovan, Assistant Attorney General

NOTE: You advised several weeks ago that your Madison well was flowing uncontrolled because of needed repairs at the well head. These well repairs need to be completed. Your water permit for this well requires the well to be controlled when the dam is full and to prevent waste of water.

CERTIFICATION

I hereby certify that on March 7, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice of Deferral of Water Permit Application No. 2067-2 addressed as follows:

Harry Prince, Jr.
Prince & Sons, Inc.
Ft. Pierre SD 57532

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1989.



John Hatch
Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Harry Prince Jr.ADDRESS: Ft. Pierre COUNTY StanleyDATE: May 17, 1991 TELEPHONE 567.3304RE: Inspection of Irrigation Well

COMMENTS:

I inspected the Prince Irrigation Well today and the well appeared to be repaired. No water was coming up around the casing. There is a 2 inch valve on the line running to the dam. This valve was open approximately one-third, I estimated the flow to be around 50 or 60 gpm. I told Mr. Prince we may ask him to close the valve some more. He said he did not really want to do this because of the pressure.

Water Permit Application No. 2067-2 has been deferred since March 2, 1989 pending receipt and approval of an Emergency Plan and repair of the well. These items have been completed, and processing of Application No. 2067-2 should continue.

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.

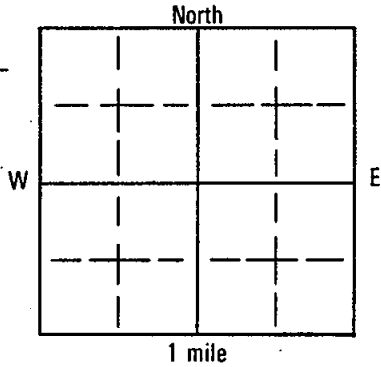
NAME: Toni Schaal

SOUTH DAKOTA WELL REHABILITATION REPORT

10-85

Location SE 1/4 SW 1/4 Sec 22 Twp 5N Rg 27E

County

StanleyPlease mark well
location with
an "X"Rehabilitation Completion Date 3-14-91

PROPOSED USE:

☐ Domestic ☐ Municipal ☒ Stock
☐ Irrigation ☐ Industrial

Well Owner:

Name Prince & Sons Inc.Address Ft. Pierre, S.D. 57532Describe original construction if possible?
(Attach original log if known)

Well was originally drilled to
2745' and cased with 20" 7"
O.D. casing. Well was perforated
w/ 4 shots/ft. at 2418-2438,
2587-2637 + 2640-2670

Description of condition of well before rehabilitation: water was leaking around well at the
surface. Well could not be shut in and it was not known where
leak was. It was assumed that leak was close to surface
but that most of unperforated portion of well should be re-cased

Description of rehabilitation work completed: casing scratcher was run to approx 2100' + then
well was cased with 2062' of 15.1#/ft. 4 1/2" O.D. casing. Casing was pressure
grouted in place. Grout did not circulate to surface so 2 perf + squeeze jobs
were performed. Cement also leaked past packer + cemented off old perfs. This area was
perforated + acidized with

Recasing information: Material 15.1# Steel Diameter 4 1/2 Inches Depth 2062 Feet 1500 gal. of 15% HCl.

Describe ~~screen~~ perforations 1/2" shot perfs 1/ft. Screen Location From 2570 To 2670
 From _____ To _____

Grout: ☒ YES ☐ NO Describe grouting procedure and grout casing was pressure grouted w/
16 #/gal. class G cement grout. Subsequent pressure grouting was
done with 15 #/gal. Type III Portland cement slurry.

Well Test Data:

Specific capacity _____ Static water level _____

If a flowing well GPM 500 ± Shut in 210 PSIThis well rehabilitation was completed under license # 331 And this report is true and accurate.Drilling firm Taylor Drilling Co.

Signature of Licensed Representative

Ralph Taylor Jr.

Signature of Well Owner _____

Date _____



South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1991

NOTICE

TO: Harry Prince Jr.
Prince & Sons, Inc.
Ft. Pierre, SD 57532

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Reconsideration of Deferred Water Permit Application No.
2067-2

Water Permit Application No. 2067-2 was deferred on March 2, 1989 by the Water Management Board pending receipt and approval of an emergency plan to address the threat to Highway 14 and 34 by a possible dam breach and the repair of your flowing Madison well. The approved emergency plan is currently on file with this office in Safety of Dams File Nos. 2204 and 2205. A well rehabilitation report and subsequent staff inspection indicate the well has been repaired. Enclosed is a copy of the revised recommendation for Water Permit Application No. 2067-2.

The Board will conduct a hearing to reconsider Water Permit Application No. 2067-2 at the Governor's Inn, Kneip Room, 700 West Sioux Ave., Pierre, SD on July 24, 1991 at 10:00 am. The agenda is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on January 31, 1989 and February 7, 1989 in the Pierre Capital Journal will still apply at this hearing.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

enclosure

CERTIFICATION

I hereby certify that on June 25, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Reconsideration of Deferred Water Permit Application No. 2067-2 addressed as stated below:

Harry Prince, Jr., Prince & Sons, Inc., Ft. Pierre, SD 57532.

Copy Inter-officed to:

John Guhin, Deputy Attorney General, Capitol Building.

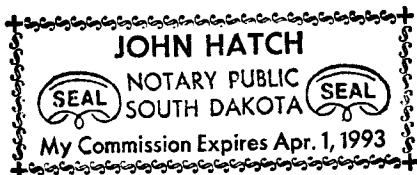
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

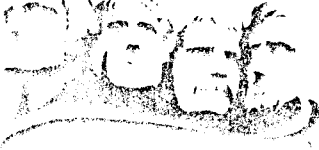
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of June, 1991.



John G. Galt
Notary Public

South Dakota



GREAT FACES. GREAT PLACES.

NOV 18 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harry Prince, Jr.
Prince & Sons, Inc.
Ft. Pierre, SD 57532

Dear Mr. Prince:

Enclosed is Water Permit No. 2067-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1992

SECOND NOTICE

Permit No. 2067-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Harry Prince, Jr.
Prince & Sons, Inc.
Ft. Pierre, SD 57532

Dear Mr. Prince:

On November 18, 1991, you were notified the final inspection fee of \$50.00 is due before Water License No. 2067-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

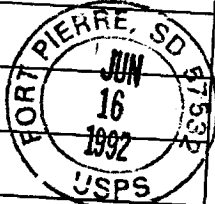
1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Harry Prince, Jr. Prince & Sons, Inc. Ft. Pierre, SD 57532	4. Article Number P 757 566 250 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature — Addressee X <i>Harry Prince Jr.</i>	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
6. Signature — Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery	

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-915

DOMESTIC RETURN RECEIPT



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 17, 1992

RECEIVED OF Prince & Sons, HCR 33 Box 27A, Ft Pierre, SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2067-2</u>	50	00
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	50 00

By Jake Huley
Chief Engineer

Permit No. 2067-2

2067-2 - 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

On **August 25, 1988** **Rassool Ahadi** made a thorough examination of the water use system constructed by **Harry Price Jr, Price & Sons** of **Ft Pierre, SD** holder of Permit Nos. **1298-2, 1298A-2, 1350-2, 1354-2 and 2067-2**, bearing priority dates of **October 8, 1975, January 29, 1976, March 2, 1976 and October 27, 1988** authorizing the diversion of **12.00** cu. ft. per second and/or the storage of **750** acre-feet of the waters of **East and West Fork Lance Creek and Madison well** for **irrigation** purposes, in **Stanley** County.

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

A. Works used to divert the water:

6 motors - Deutz, 85-204 hp; 1 Rockford motor 7 pumps - total of 11,600 gpm

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

Type **PVC** Size **8** inches - Length **2640** feet;

Type **PVC** Size **10** inches - Length **7920** feet;

Type **PVC** Size **12** inches - Length **1600** feet,

Type **PVC** Size **15** inches - Length **1900** feet,

C. Works used to apply water to beneficial use:

5 center pivots (see field investigation report) pivots 1, 2 & 3 have a capacity of 1200 gpm each and pivots 4 & 5 have a capacity of 900 gpm each

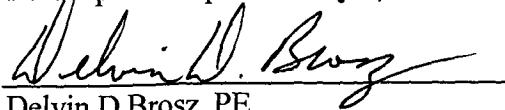
The system is in the following condition **good**. The points of diversion are located **well - 2,229 feet east and 557 feet north of the SW corner of Section 22 (SE $\frac{1}{4}$ SW $\frac{1}{4}$); dam # 1 - West Branch of Lance Creek, 1,642 feet W & 1,965 feet N of the SE corner Section 22 (NE $\frac{1}{4}$ SW $\frac{1}{4}$); dam # 2 - East Branch of Lance Creek, 2,625 feet E & 2,280 feet S of the NW corner Section 14, (SE $\frac{1}{4}$ NW $\frac{1}{4}$).** The works are capable of diverting and conveying to the place of use **12.00** cu. ft. per second of water and/or storing **750** acre-feet of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

--see attached hand written pages--

comprising a total of **902** acres of land and the license should be issued for **12.00** cfs and/or **300 acre feet in the West Branch storage dam and 450 acre feet of water in the East Branch storage dam.**

Applicable permit qualifications have been complied with: Yes ☒ No ☐

Date report completed **July 2, 1996** - reviewed by Delvin D Brosz: **July 2, 1996**



Delvin D Brosz, PE
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2067-2

DATE OF INVESTIGATION:	August 25, 1988
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Harry Prince, Ft Pierre
NAME & ADDRESS OF PERMIT HOLDER	same
DIVERSION POINT LEGAL LOCATION	

Other permit(s) associated with the project: 1298-2, 1298A-2, 1350-2 & 1354-2

WELL INFORMATION:

- 1) Well Drilling Firm: rehabilitation report filed by Taylor Drilling 5/20/91
- 2) No. of Wells 1
- 3) Depth(s) 2745 feet
- 4) Well log is available yes, see rehabilitation report in 2067-2

Casing:

- 1) Diameter 4.5 inches Length 2062 feet Type steel

Screen:

- 1) Type shot perforated Length (from 2570 - 2670) feet

*** water from well flows into dam in Section 22

DISTRIBUTION LINES OR CANALS:

Type PVC Size 8 inches - Length 2640 feet;
 Type PVC Size 10 inches - Length 7920 feet;
 Type PVC Size 12 inches - Length 1600 feet,
 Type PVC Size 15 inches - Length 1900 feet,

SYSTEM TYPE: all center pivots

Center pivot #1: Section 14 1) Make <u>Gifford Hill</u> 2) Overall length <u>1600</u> feet 3) Number of towers <u>13</u> 4) Distance between towers <u>120</u> feet 5) End gun <u>yes</u> 6) High or low pressure _____ 7) Capacity <u>1200</u> GPM 8) Pump <u>Peerless</u> Motor <u>Deutz (150 hp)</u>	Center pivot #2: Section 15 1) Make <u>Zimmatic</u> 2) Overall length <u>1650</u> feet 3) Number of towers <u>11</u> 4) Distance between towers <u>150</u> feet 5) End gun <u>yes</u> 6) High or low pressure <u>low</u> 7) Capacity <u>1200</u> GPM 8) Pump <u>Berkeley</u> Motor <u>Duetz (150 hp)</u>
---	--

Center pivot #3: Section 27 1) Make <u>Gifford Hill</u> 2) Overall length ---- feet 3) Number of towers <u>13</u> 4) Distance between towers <u>120</u> feet 5) End gun <u>yes</u> 6) High or low pressure <u>low</u> 7) Capacity <u>1200</u> GPM 8) Pump (no tag) Motor <u>Rockford (150 hp); model # PTA 3315</u>	Center pivot #4: Section 28 1) Make <u>Gifford Hill</u> 2) Overall length <u>1200</u> feet 3) Number of towers <u>10</u> 4) Distance between towers <u>120</u> feet 5) End gun <u>yes</u> 6) High or low pressure <u>low</u> 7) Capacity <u>900</u> GPM 8) Pump (no tag) Motor <u>Deutz (100 hp) model # FAL912</u>
Center pivot #5: Section 28 1) Make <u>Zimmatic</u> 2) Overall length <u>1200</u> feet 3) Number of towers <u>7</u> 4) Distance between towers --- feet 5) End gun <u>yes</u> 6) High or low pressure <u>low</u> 7) Capacity <u>900</u> GPM 8) Pump <u>Pacific - model #BNS12694FB</u>; Motor - <u>Deutz (85 hp) - model # FAL912</u>	

DAM INFORMATION:

Dam #1 - pump station located in the NW¼ SE¼ Section 22, T5N, R27E (supplies water to pivots 3, 4 & 5)
Pump - (Cornell) - capacity 4400 gpm; Motor - Deutz (204 hp) model # FAL143E
Category 2, Significant Hazard (ID No. 2204)

General Information: 1) Height to crest **32** feet 2) Height to spillway **22** feet
3) Crest width **40** feet 4) Crest length **450** feet
5) Approximate storage **300 acre feet**

Dam #2 - pump station located in the SE¼ NW¼ Section 14, T5N, R27E (supplies water to pivots 1 & 2)
Pump - (Peerless - model 5200) capacity 1800 gpm; Motor - Deutz (160 hp) #BFGL913
Category 2, Significant Hazard (ID No. 2205)

General Information: 1) Height to crest **46** feet 2) Height to spillway **36** feet
3) Crest width **40** feet 4) Crest length **800** feet
5) Approximate storage **450 acre feet**

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2067-2

(1) Harry Prince, Jr., Prince & Sons, Inc., of 26124 US Hwy 14-34, Ft Pierre, SD 57532-5701 made Application No. 2067-2, October 27, 1988 for a water permit to specify the correct location of 45.6 acres and to correct the location of one existing irrigation well. No. 2067-2 also authorizes an increase in the storage capacity of the dam on the West Branch of Lance Creek from 200 acre feet to the existing capacity of 300 acre feet of water. Permit No. 2067-2, with a priority date of October 27, 1988 was approved July 24, 1991 (as described above) for use of water for irrigation purposes in Stanley County, South Dakota.

Water Permit Nos. 1298-2, 1298A-2, 1350-2 and 1354-2, combined, authorize 12.0 cubic feet of water per second (cfs) from two dams and one well to irrigate 3,690 acres. An inspection of the water use system found the dams and well were supplying 12.0 cfs to irrigate 902 acres. The well and 45.6 acres were not located within the area described under the existing permits. No. 2067-2 was obtained to correct the locations. No. 2067-2 did not allow for an increase in the developed diversion rate.

The applicable portions of Water Permit Nos. 1298-2, 1298A-2, 1350-2 and 1354-2 are incorporated into this Water License No. 2067-2.

Priority dates retained from each of the permits are as follows:

- **Water Permit No. 1298-2, October 8, 1975:**
 - 10.0 cubic feet of water per second
 - storage of 200 acre feet of water in a dam on West Branch of Lance Creek
 - storage of 300 acre feet of water in a dam on East Branch of Lance Creek
- **Water Permit No. 1298A-2, October 8, 1975:**
 - changed the location of dam #2 (East Branch of Lance Creek)
- **Water Permit No. 1350-2, January 29, 1976:**
 - storage of an additional 150 acre feet of water in dam on East Branch of Lance Creek
- **Water Permit No. 1354-2, March 2, 1976:**
 - 2.0 cubic feet of water per second
 - irrigation well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T5N, R27E (well flows into dam in Section 22)
- **Water Permit No. 2067-2, October 27, 1988:**
 - 100 acre feet of storage in the dam on West Branch of Lance Creek

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 12.0 cubic feet of water per second with storage of 300 acre feet of water annually in dam on west branch of Lance Creek and 450 acre feet of water annually in a dam on the east branch of Lance Creek for beneficial use.

(continued)

Water License No. 2067-2

The location of the points of diversion (irrigation well and storage dams) are as follows - all in T5N, R27E:

well - 2,229 feet east and 557 feet north of the SW corner of Section 22 (SE 1/4 SW 1/4);

dam # 1 - West Branch of Lance Creek, 1,642 feet W & 1,965 feet N of the SE corner Section 22 (NE 1/4 SW 1/4);

dam # 2 - East Branch of Lance Creek, 2,625 feet E & 2,280 feet S of the NW corner Section 14, (SE 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **902 acres (described below) all in T5N, R27E**

Section 14	Section 22	Section 28
SW 1/4 NW 1/4 2.8 acres	NE 1/4 NE 1/4 14.3 acres	NW 1/4 NW 1/4 26.2 acres
NW 1/4 SW 1/4 17.2 acres		SW 1/4 NW 1/4 34.5 acres
NE 1/4 SW 1/4 6.0 acres		NE 1/4 NW 1/4 26.5 acres
SW 1/4 SW 1/4 40.0 acres		SE 1/4 NW 1/4 36.0 acres
SE 1/4 SW 1/4 37.4 acres		
	Section 23	
SW 1/4 SE 1/4 1.6 acres	NW 1/4 NW 1/4 40.0 acres	NW 1/4 SW 1/4 2.3 acres
	NE 1/4 NW 1/4 38.5 acres	NE 1/4 SW 1/4 2.7 acres
	SW 1/4 NW 1/4 9.4 acres	
	SE 1/4 NW 1/4 5.0 acres	NE 1/4 NE 1/4 28.4 acres
		NW 1/4 NE 1/4 28.7 acres
Section 15		SW 1/4 NE 1/4 34.8 acres
SE 1/4 NW 1/4 10.5 acres	NW 1/4 NE 1/4 3.0 acres	SE 1/4 NE 1/4 32.8 acres
	Section 27	
NE 1/4 SW 1/4 13.4 acres	NW 1/4 NW 1/4 19.5 acres	NW 1/4 SE 1/4 0.9 acres
	NE 1/4 NW 1/4 36.6 acres	NE 1/4 SE 1/4 0.9 acres
NE 1/4 NE 1/4 4.5 acres	SW 1/4 NW 1/4 38.0 acres	
NW 1/4 NE 1/4 6.2 acres	SE 1/4 NW 1/4 40.0 acres	
SW 1/4 NE 1/4 39.2 acres		
SE 1/4 NE 1/4 37.0 acres		
	NW 1/4 SW 1/4 12.2 acres	
NW 1/4 SE 1/4 40.0 acres	NE 1/4 SW 1/4 22.9 acres	
SW 1/4 SE 1/4 11.9 acres		
SE 1/4 SE 1/4 24.1 acres	NW 1/4 NE 1/4 9.8 acres	
NE 1/4 SE 1/4 40.0 acres	SW 1/4 NE 1/4 22.5 acres	
	NW 1/4 SE 1/4 3.8 acres	

(continued)

page 3

Water License No. 2067-2

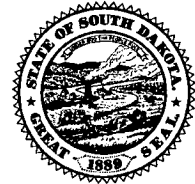
(4) Pursuant to South Dakota Water Law 46-5-30.1 Harry Prince, Jr., Prince & Sons Inc., of 26124 US Hwy 14-34, Ft Pierre, SD 57532-5701 the holder and/or owner of Incorporated Water Permit No. 2067-2 is issued a license to appropriate water, the right to use 12.0 cubic feet of water per second from ground water (one well) and two storage dams, with storage of 300 acre feet of water annually in a dam on the west branch of Lance Creek and 450 acre feet of water annually in a dam on the east branch of Lance Creek with priority dates of October 8, 1975, January 29, 1976, March 2, 1976 and October 27, 1988 from locations 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 Incorporated Water Permit No. 2067-2 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 3 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 3 1996

2067-2

Harry Prince, Jr.
Prince & Sons, Inc.
26124 US Hwy. 14-34
Ft. Pierre, SD 57532-5701

Dear Mr. Prince:

Enclosed is Water License No. 2067-2. Water License No. 2067-2 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit Nos. 1298-2, 1298A-2, 1350-2 and 1354-2 are incorporated into this Water License No. 2067-2.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 19, 2000

NOTICE

TO: Prince & Sons Inc.
Charles Prince
26458 US Hwy 14-34
Ft. Pierre, SD 57532-5701

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Unsafe dam

This Notice is in regard to your dam, Prince Dam No. 2, SD ID No. 2205, which is located in the NE 1/4 of Section 14-T5N-R27E on the East Fork of Lance Creek. Tim Schaal from our office made an inspection of your dam last week and determined that the dam is unsafe. The corrugated metal pipe (CMP) primary spillway structure has rusted out and failed, resulting in an erosion void around the CMP barrel and large sinkhole on the embankment crest.

South Dakota Codified Law (SDCL) 46-7-5 states that the Chief Engineer shall notify the owner of unsafe works to make changes necessary for securing the safety of the works. Due to the size and location above SD Highway 14/34, your dam is classified as an Intermediate size, Significant Hazard Category 2 dam. Failure of the dam could result in overtopping and damage to the highway grade. The failed primary spillway structure and resulting sinkhole can not be left in its current condition. Your dam needs to be either repaired or breached to eliminate the existing hazard to the highway. Please advise us within 30 days of your plans to either repair or breach the dam.

We appreciate your cooperation on addressing this matter. If you have any questions, please feel free to contact us.

Sincerely,

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

c: Diane Best, Assistant Attorney General
Larry Weise, SD DOT
Rick Cronin, Stanley County Emergency Management

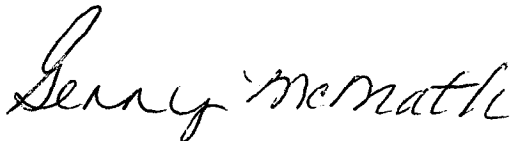
CERTIFICATION

I hereby certify that on October 19, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 19, 2000, regarding an unsafe dam for Prince and Sons to:

- Charles Prince, Prince & Sons, Inc, 26458 US Hwy 14-34, Ft Pierre, SD 57501

copies of the same notice were mailed to:

- Diane Best, Assistant Attorney General
- Larry Weise, SD DOT
- Rick Cronin, Stanley County Emergency Management



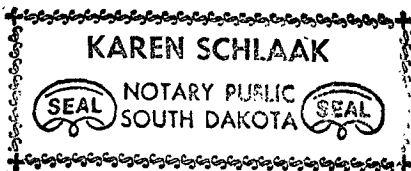
Genny McMath
Environmental Scientist
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of October, 2000.



Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



2067-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: PRINCE AND SONS INC, HARRY PRINCE, 26124 US HWY 14-34, FT PIERRE, SD 57532

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2067-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 2067-2 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 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 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) 2067-2 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 2, 2001, 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.

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

PRINCE AND SONS INC
HARRY PRINCE
26124 US HWY 14-34
FT PIERRE SD 57532 5701

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

VEONA PRINCE 01-20-01

C. Signature

x Veona Prince ☐ Agent ☒ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2072

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2001

2067-2

Dwayne Prince
Prince & Sons, Inc
26469 US Hwy 14-34
Ft Pierre, SD 57532

Dear Mr. Prince:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 2067-2.

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

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

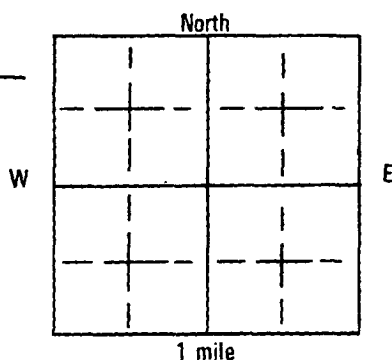
10-85

Location SE 1/4 SW 1/4 Sec 22 Twp 5N Rg 27E

County

Stanley

Please mark well location with an "X"



Well Owner:

Name PRINCE + SON'S INC.Address FT. Pierre S.D. 5753226469 US HWY 14-34Plugging completion Date JAN. 13, 08

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

2745 FT.

Casing material

Steel

Casing size(s)

4 1/2, 7

Casing condition

Rusted + Pitted

Hole depth

Hole size

RECEIVED

SEP 18 2009

WATER RIGHTS PROGRAM

No water leaking around casing or near by area.

well WAS shut in Holding 190 PSI. 2200 GALS. OF 11.3 LB. GAL. Drilling mud
Describe plugging procedure: was Pumped From Surface into well, Pressure Holding
20 PSI. For 12 HRS. we washed Drilling mud From well. Basic Energy
Services Mixed + Pumped 120 SK. of cement grout, Well Head Pressure
Dropped to 0 PSI. Pump pressure Raised to 100 PSI with 115 SK AWAY.
Pumping was stopped For 5 min. started Pumping cement + Pressured
up to 100 PSI + Holding w/ 116 SK AWAY. Well Head Valve WAS shut.

Describe grout or plugging material: Type B cement 4/14% Gel. 3% GACL 2
1/2 lb. Floccul / SK, 1% Sodium Metasilicate / SK.
This Blend will Yield 3.39 cu. FT. / SK. @ 11.5 lb. / GAL.

Type of non-slip plug:

This well or test hole was plugged under license # 331 And this report is true and accurate.Drilling firm Taylor Drilling Co.

Signature of Licensed Representative

K. Tyl

Signature of Well Owner

Date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2011

2067-2

Dwayne Prince
Prince & Sons Inc
26469 US Hwy 14-34
Ft Pierre SD 57532

Dear Mr. Prince:

Thank you for visiting with me about your Water Right No. 2067-2. The water right authorizes irrigation from a well and two storage dams to irrigate 902 acres. It is my understanding from our conversation that you no longer irrigate any of the land and have sold off all of the irrigation equipment. In order to update your water right, two things need to be done.

The irrigation portion of the water right can be cancelled. This requires Board action. We will schedule the irrigation component of the water right for cancellation consideration at the next regularly scheduled meeting which is in March, 2012. Once the Board cancels the irrigation part of the water right, the water license will be reissued for domestic use from the dam on East Fork Lance Creek. The dam on West Fork Lance Creek will not be included in the reissued license because it was washed out.

With reference to the irrigation well, if it is used for domestic use only, no permitting is required. If the well is not used at all, it must be plugged or capped to prevent contamination of the aquifer.

Hopefully I have addressed everything we discussed by phone. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

File No. 2067-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dwayne Prince, Prince & Sons Inc., 26469 US Hwy 14-34, Ft Pierre SD

DATE: November 9, 2011 **TELEPHONE:** 605 567-3305

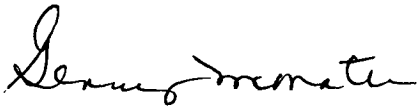
RE: status of irrigation under Water Right No. 2067-2

Spoke with Mr. Prince about use of water for irrigation under Water Right No. 2067-2. He indicated they do not irrigate at all and have sold off all of their irrigation equipment.

I explained to him that we would schedule the irrigation portion of the water right for cancellation and then reissue his water license for domestic use from the dams.

He said they only have the one dam and it's on East Fork Lance Creek. The dam on the west fork was washed out.

When the irrigation portion is cancelled by the Board, reissue the water license for one dam on the East Fork of Lance Creek for domestic use.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2012

NOTICE OF CANCELLATION

TO: Dwayne Prince, Prince & Sons Inc., 26469 US Hwy 14-34, Ft Pierre SD 57532

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

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Cancellation of the irrigation component of Water Right No. 2067-2

Water Right No. 2067-2 authorizes irrigation of 902 acres from a Madison Formation well and two storage dams located on the east and west branches of Lance Creek. On November 9, 2011, Genny McMath with our program spoke with you in follow-up to your irrigation questionnaire which indicated use of water for irrigation had been abandoned. You confirmed during the conversation that you no longer irrigate any land and have sold all of the equipment. Since one of the storage dams still exists and is used for livestock watering, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 2067-2.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 2067-2 at 10:00 a.m., March 7, 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 Right No. 2067-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. 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 February 24, 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 may be 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 February 24, 2012.

Prior to February 24, 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.

Please note:

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 February 24, 2012.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR THE IRRIGATION COMPONENT OF
WATER RIGHT NO. 2067-2, PRINCE & SONS INC.**

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 Right No. 2067-2.

The Chief Engineer is recommending cancellation of the irrigation component of Water Right No. 2067-2 due to abandonment and/or forfeiture. During a November 9, 2011 phone conversation, Mr. Prince confirmed they no longer irrigate and have sold all of the irrigation equipment.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
January 20, 2012

Note:

Upon cancellation of the irrigation portion of the water right, the water license will be reissued for domestic livestock watering from the dam on the East Branch of Lance Creek. The dam on the West Branch of Lance Creek will not be included since it has washed out.

CERTIFICATION

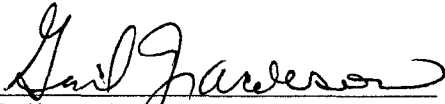
I hereby certify that on January 20, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated January 20, 2012 regarding cancellation of water rights/permits addressed as stated below:

Leslie Murphy SD Game Fish & Parks 523 E Capitol, Pierre SD 57501 # 5915A-3
Dan Ulmer, PO Box 344, Menno SD 57045 #5915A-3

Dean Perry, 361 South Shore Dr. Mina SD 57451 #6729-3

Dwayne Prince, Prince & Sons, 26469 US Hwy 14-24, Fort Pierre SD 57532 #2067-2

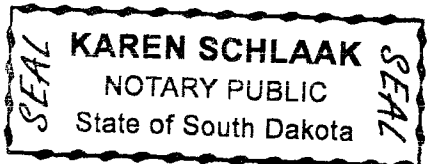
Dean & Susanne Odden, 20280 Green Valley Rd, Ree Heights SD 57371 #1555-3 and 1556-3


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of January, 2012.


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

March 12, 2012

2067-2

NOTICE

Dwayne Prince
Prince & Sons Inc
26469 US Hwy 14-34
Ft Pierre SD 57532

Dear Mr. Prince:

This will notify you that the Water Management Board cancelled the irrigation component of Water Right No. 2067-2 on March 7, 2012. This action was taken under the conditions outlined in our notice to you dated August 30, 2011.

With the action taken by the Board completed, the water license will be reissued to allow your continued use of the storage dam for domestic purposes. The updated license will be sent to you under separate cover as soon as it is issued.

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

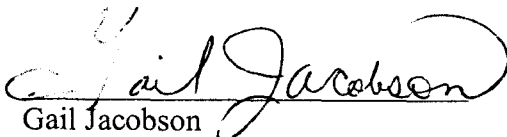
Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on March 12, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 12, 2012 regarding a License update addressed as stated below:

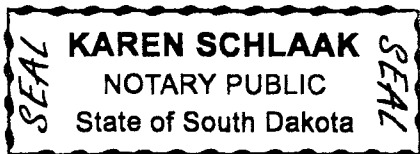
Dwayne Prince, Prince and Sons Inc, 26469 US Hwy 14-34, Fort Pierre SD 57532
2067-2


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of March, 2012.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Licensing of Irrigation Water Right for Stock Watering

NAME: Dwayne Prince, Prince & Sons Inc.

ADDRESS: 26469 US Hwy 14-34, Ft Pierre SD 57532

DATE: March 12, 2012 **COUNTY:** Stanley

BOARD ACTION:

Pursuant to SDCL 46-1-12, on March 7, 2012, the Water Management Board took action to cancel the irrigation component of Water Right No. 2067-2. The action to cancel was based on the 2011 irrigation questionnaire and a follow-up phone conversation in which Mr. Prince indicated he had sold all of his irrigation equipment and no longer irrigated.

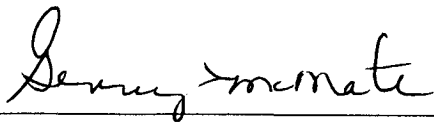
The water right had authorized use of water from two dams (East and West Branches of Lance Creek) and ground water (Madison well). The well was plugged in 2008. The storage dam on the West Branch of Lance Creek washed out. The storage dam on the East Branch of Lance Creek in Section 14, T5N, R27E is still in place and used for domestic purposes.

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.

RECOMMENDED ACTION

Based on the Board action to cancel the irrigation portion of the water right, it is recommended that the water license be re-issued for stock watering purposes for the dam located on the East Branch of Lance Creek.



Genny McMath
Water Rights Program

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

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



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 19 2012

2067-2

Dwayne Prince
Prince & Sons Inc
26469 US Hwy 14-34
Ft Pierre SD 57532

Dear Mr. Prince:

Enclosed is your Reissued Water License No. 2067-2.

On March 7, 2012, the Water Management Board took action to cancel the irrigation component of your Water Right. The enclosed license authorizes impoundment of water in the storage dam on the East Branch of Lance Creek 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

REISSUED WATER LICENSE NO. 2067-2

(1) Prince and Sons Inc., 26469 US Hwy 14-34, Ft Pierre SD 57532 was issued Water License No. 2067-2, July 3, 1996 for a water right to divert 12.0 cubic feet of water per second from ground water (one well) and two storage dams (East and West Branches of Lance Creek), Stanley County, South Dakota for irrigation purposes. Water License No. 2067-2, with priority dates of October 8, 1975, January 29, 1976, March 2, 1976 and October 27, 1988 was issued to the permit holder for diversion of water with construction of the described water supply system and application to beneficial use of water completed.

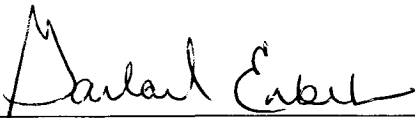
On March 7, 2012, the Water Management Board cancelled the irrigation portion of the water right. The storage dam on the East Branch of Lance Creek is still in place and used for domestic livestock watering.

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

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Water Law 46-5-30.1 Prince & Sons Inc., 26469 US Hwy 14-34, Ft Pierre SD 57532 the holder and/or owner of Water Right No. 2067-2 is issued a license to appropriate water, the right to impound 450 acre feet of water annually in a storage dam on the East Branch of Lance Creek with priority dates of October 8, 1975 (350 acre feet) and January 29, 1976 (150 acre feet) for domestic livestock watering purposes.

The storage dam (spillway) is located in the SW ¼ NE ¼ Section 14, T5N, R27E. Water is impounded in the E ½ NW ¼ and NE ¼ Section 14, T5N, R27E.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2067-2.



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

MAR 19 2012

date

