

Considered: _____

WATER PERMIT NO. 2142-2

Phone: 557-3537

Name of Applicant: Garnet Sargent

Post Office Address: RR, Clearfield SD 57581

Amount of Water Claimed: 480 ac-ft add'l (720) Total Acres: no add'l (266)

Source of Water Supply: Keyapaha River & Dry Draw Dam

Water to be used for: irrigation County: Tripp

About 17 S 12 W miles _____ of Winner

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-14-90 Fee: 275.00 Remarks add'l storage to irrigation dam

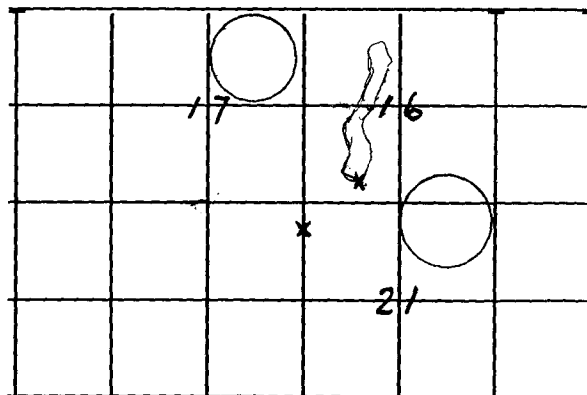
Corrected Application Received _____ Period of Annual Use April 1-Oct 31

WATER QUALITY APPROVAL RECEIVED 11-26-90 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 14/ SW 1/4 16-96N-78W

Land to be Irrigated: SE 1/4 SE 1/4, SW 1/4 SE 1/4 16-96N-78W; NE 1/4 21-96N-78W; NE 1/4 17-96N-78W



Well Log: Driller: na Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

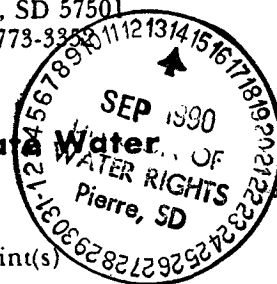
Type of Map: aerial PREPARED BY: Tim Schaal Reviewed and the Number

Assigned on 11-26-90 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3322

(See instructions)

No. <u>2141-2</u>	Hydrologic Unit <u>10150006</u>
Basin <u>Niobrara Trib.</u>	
Newspaper <u>Winner Advocate, Box 71 (Wed)</u>	



Application For Soil/Water Compatibility Permit and Permit To Appropriation 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 _____

1. Name of Applicant Garnet Sargent Phone No. 557-3537

Post Office Address Clearfield, SD 57581 State _____ Zip Code _____
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 480 Ac.-Ft. Total acres irrigated 266

3. Source of Water supply Keyapaha River & Dry Draw Dam

4. Location of point of diversion 1600 ft. East and 800 ft. North of the
SW corner of Section 16-T96N-R78W (SE $\frac{1}{4}$ SW $\frac{1}{4}$) - for storage dam
Keyapaha diversion point - NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 21, T96N, R78W County Tripp

5. Counties where water will be used Tripp

6. Annual period during which water is to be used April thru October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
See Attached Sheet	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: Corn, Alfalfa & Small Grain

10. Give a description of proposed project. (Attach sheet if more space is needed)

Water Permit No. 1108-2 authorizes 240 Ac.-Ft. of storage. This application is for an additional 480 Ac.-Ft. of storage in the Sargent Irrigation Dam for a total storage capacity of 720 Ac.-Ft.

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 Tripp)^{ss}

I, Garnet Sargent, 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 Garnet Sargent

Subscribed and sworn to before me this 13th day of September 1990

My Commission Expires: 2/28/97

Ruben L. Mauler
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____ 5 ft. _____

c) Crest Width _____ 15 ft. _____

Crest Length _____ 600 ft. _____

d) Height _____ 54 ft. _____

e) Primary Outlet Capacity _____ N/A _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____ 10,000 cfs _____
 Spillway width _____ 300 ft. _____

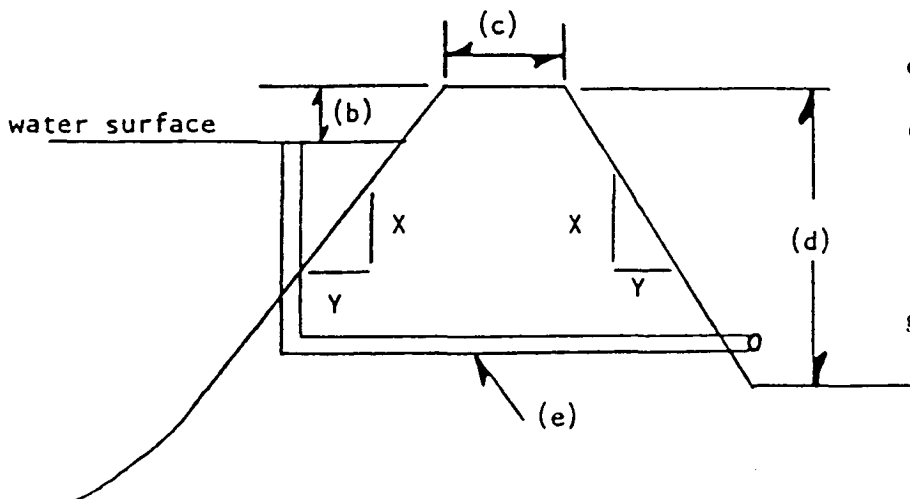
g) X & Y Slope
 Upstream _____ 1:3 _____

Downstream _____ 1:3 _____

Surface Area of Impoundment _____ 37 _____

Storage _____ 720 _____ acre feet

Drainage area above dam _____ 5400 _____



Signature of Applicant _____

ATTACHMENT



<u>Land Description</u>	<u>No. Acres Irrigated</u>
Sec.16-T96N-R78W SE 1/4 SE 1/4	22
SW 1/4 SE 1/4	22
Sec.21-T96N-R78W NE 1/4 NE 1/4	39
NW 1/4 NE 1/4	39
SE 1/4 NE 1/4	7
SW 1/4 NE 1/4	7
Sec.17-T96N-R78W NE 1/4 NE 1/4	32.5
NW 1/4 NE 1/4	32.5
SE 1/4 NE 1/4	32.5
SW 1/4 NE 1/4	<u>32.5</u>
Total	266 Acres

SOUTH DAKOTA
WATER PERMIT No. 2141-2 FOR IRRIGATION

Date of first receipt of application September 14, 1990.

Date Soil/Water Compatibility Permit received November 26, 1990.

The Water Management Board approved Water Permit Application No. 2141-2 on February 27, 1991 for Garnet Sargent, Clearfield, SD 57581 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. 2141-2 increases the storage capacity of a storage dam located in the W1/2 Section 16, T96N, R78W and corrects the location of the diversion point from the Keya Paha River authorized by Water Permit No. 1108-2. Water Permit No. 1108-2 appropriated 6.0 cubic feet of water per second from the Keya Paha River to irrigate 595.8 acres located in the SE1/4, NW1/4 Section 16; NE1/4, N1/2 SE1/4 Section 17; NE1/4 Section 21; NE1/4 E1/2 NW1/4 Section 28; all in T96N, R78W. The location of the point of diversion from the Keya Paha River was to be between points in the SE1/4 SE1/4 and the SW1/4 NE1/4 Section 21, T96N, R78W and water could be diverted directly from the river for irrigation or to the storage dam until June 15 of each calendar year. An inspection of Permit No. 1108-2 found 266 acres developed for irrigation located in the S1/2 SE1/4 Section 16; NE1/4 Section 17; NE1/4 Section 21; all in T96N, R78W. The storage capacity of the dam was found to be 720 acre feet and the Keya Paha river diversion point was located in the NW1/4 NW1/4 Section 21, T96N, R78W. This Permit will authorize an additional 480 acre feet of storage in the dam for irrigation of the above 266 acres and correction of the Keya Paha River diversion point to the NW1/4 NW1/4 Section 21, T96N, R78W. This permit does not authorize any increase in diversion rate or acres irrigated.
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 April 7, 1972 for the correction of point of diversion and November 26, 1990 for the additional storage in dam.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

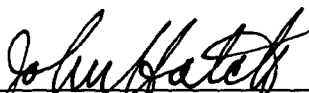
1. Approval of Permit No. 2141-2 authorizes storage of an additional 480 acre-feet annually. Total combined storage authorized by Permit Nos. 1108-2 and 2141-2 is up to 720 acre-feet annually.

(continued)

2. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. Permit Nos. 1108-2 and 2141-2 authorize pumping into storage at a rate of 6.0 cfs or at a rate of 3.8 cfs to the 266 acres developed for irrigation.
4. 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

JUL 23 1991

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412370

Pierre, _____, September 17, 19⁹⁰

RECEIVED OF Garnet Sargent Sargent Farms, RR., Clearfield SD 57581

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 _____	275	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	275	00

By

John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4536

WR#

OWNERS NAME: GARNET SARGENT

OWNERS ADDRESS: CLEARFIELD
SD 57581

COUNTY LAND LOCATED IN: TRIPP

PHONE: 557-3537

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Keyapaha River & Dry Draw Dam

Depth SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16-R96N-R78W

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 16-T96N-R78W	22.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T96N-R78W	7.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 16-T96N-R78W	22.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T96N-R73W	32.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T96N-R73W	39.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T96N-R78W	32.5
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T96N-R73W	39.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T96N-R73W	32.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T96N-R78W	7.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T96N-R78W	32.5

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ (Specify) _____ OTHER: (266 Total)

3. CROPS TO BE IRRIGATED: CORN, ALFALEA, & SMALL GRAIN

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

October 23, 1990
Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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

NOT TO SCALE

Map 941-2
w/L 1108-2

(189-R)

92.6

Diversion pt.
from Dam

16

92.4

Diversion pt.
from Dam

800'

1600'

96-78

Diversion pt.
from
Kayapaka River

SW 1/4 SE 1/4
22 Ac.

SE 1/4 SE 1/4
22 Ac.

135.1

NW 1/4 NE 1/4 Sec. 21
39 Ac.

NE 1/4 NE 1/4 Sec. 21
39 Ac.

SW 1/4 NE 1/4
7 Ac.

SE 1/4 NE 1/4
7 Ac.

Timothy H. School
November 1, 1983

54 ft. high

720 Ac.-Ft. Normal, 870 Ac.-Ft. Max

Built in 1972 - Exempt from Safety of Dams Rules

Category 3 - Low Hazard - 100 year frequency

$$Q_{100} = 132 A^{0.65} S^{0.46} S_i^{-0.67}$$

$$= 132(8.44)^{.65} (3.0)^{.46} (4.08)^{-0.67}$$

$$= 132(4.00)(4.78)(0.39)$$

$$= \underline{1000 \text{ cfs}}$$

$$DA = 5400 \text{ Ac} = 8.44 \text{ mi}^2$$

$$\text{Slope} = 30^\circ/\text{mile}$$

$$S_i = 4.08$$

Sargent Dam Spillway Capacity

300 ft. wide w/ 5' head

$$Q = CLH^{3/2}$$

$$= (3.0)(300)(5)^{1.5}$$

$$= 10,000 \text{ cfs}$$

SOUTH DAKOTA Department of
Water & Natural Resources

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

September 5, 1990

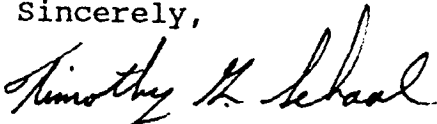
Garnet Sargent
Clearfield, SD 57581

Dear Mrs. Sargent:

Enclosed, as we discussed the other day, are two completed copies of Form 2 and Form 2A. These application forms are to increase the amount of storage authorized in your irrigation dam. The forms need to be signed and notarized and returned to us along with the filing fee of \$275.00. I have already prepared a map, so it will not be necessary for you to submit one.

If you have any questions, please let me know.

Sincerely,



Timothy G. Schaal, P.E.
Natural Resources Engineer
605 773-3352

enclosures

REPORT ON
WATER PERMIT APPLICATION NO. 2141-2
GARNET SARGENT
January 4, 1991

Water Permit Application No. 2141-2 was filed to increase the storage capacity of the Sargent Irrigation Dam located in the W 1/2 of Section 16-T96N-R78W and to correct the location of the diversion point from the Keya Paha River authorized by Water Permit No. 1108-2. This application does not authorize any increase in diversion rate or acres irrigated.

Discussion:

Water Permit No. 1108-2 was approved on May 17, 1972 to appropriate 6.0 cfs of water from the Keya Paha River to irrigate 595.8 acres located in Section 16, Section 17, Section 21, and Section 28; all in T96N-R78W. This permit authorized the diversion of water from the Keya Paha River for either direct diversion for irrigation of the land or for 240 acre-feet of off stream storage in the irrigation dam. The location of the point of diversion from the Keya Paha River was to be between points in the SE 1/4 SE 1/4 and the SW 1/4 NE 1/4 of Section 21-T96N-R78W and water could be diverted directly from the river for irrigation or to the storage dam until June 15 of each calendar year.

An inspection of Water Permit No. 1108-2 found 266 acres developed for irrigation, the storage capacity of the dam was found to be 720 acre-feet and the location of the Keya Paha diversion point was located in the NW 1/4 NW 1/4 of Section 21-T96N-R78W.

Water Permit Application No. 2141-2, if approved, will authorize an additional 480 acre-feet of storage in the dam and correct the location of the diversion point from the Keya Paha River.

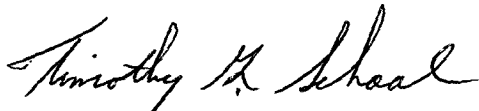
The Sargent Irrigation Dam is classified as an intermediate size Category 3 low hazard dam. Since the dam was built in 1972, it is exempt from the Safety of Dams Rules, Chapter 74:02:08 minimum spillway design flood requirements. However, a dam of this size and category would be required to have the spillway capacity to handle a 100-year frequency event, which for this dam would be approximately 1000 cfs. The Sargent Irrigation Dam has a 300 foot wide earthen spillway with a capacity of approximately 10,000 cfs.

Conclusions:

1. Water Permit Application No. 2141-2 should be approved since the dam has been constructed and water has been used since 1972 and the Water Rights Division has not received any complaints.
2. Water Permit No. 2141-2 will authorize an additional 480 acre-feet of storage capacity in the Sargent Irrigation Dam for a total storage capacity of 720 acre-feet and a change in the location of the diversion point from the Keya Paha River.

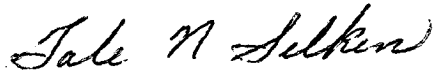
3. Water Permit Application No. 2141-2 does not authorize any increase in diversion rate or acres irrigated.
4. Water Permit Nos. 2141-2 and 1108-2 authorize pumping into the storage dam at a rate of 6.0 cfs or at a rate of 3.8 cfs to the 266 acres developed for irrigation.
5. Water Permit No. 2141-2 should include the following qualification:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Reviewed by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2141-2, Garnet Sargent

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. 2141-2, Garnet Sargent, Clearfield, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2141-2 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 qualifications:

1. Approval of Permit No. 2141-2 authorizes storage of an additional 480 acre-feet annually. Total combined storage authorized by Permit Nos. 1108-2 and 2141-2 is up to 720 acre-feet annually.
2. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. Permit Nos. 1108-2 and 2141-2 authorize pumping into storage at a rate of 6.0 cfs or at a rate of 3.8 cfs to the 266 acres developed for irrigation.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 17, 1990



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

January 22, 1991

Garnet Sargent
RR
Clearfield, SD 57581

Dear Mr. Sargent:

Water Permit Application No.2141-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Winner Advocate printed at Winner, 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 22, 1991

Winner Advocate
Box 71
Winner, SD 57580

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2141-2 to be published twice. Please publish the first notice on January 30, 1991, 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 Garnet Sargent, RR, Clearfield, SD 57581.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 January 30, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2141-2 to Appropriate Water

Notice is given that Garnet Sargent, Clearfield, SD 57581 has filed an application for a water permit to increase the storage capacity of a storage dam located in the W1/2 Section 16-T96N-R78W and to correct the location of the diversion point from the Keya Paha River authorized by Water Permit No. 1108-2. Water Permit No. 1108-2 appropriated 6.0 cubic feet of water per second from the Keya Paha River to irrigate 595.8 acres located in the SE1/4, NW1/4 Section 16; NE1/4, N1/2 SE1/4 Section 17; NE1/4 Section 21; NE1/4, E1/2 NW1/4 Section 28; all in T96N-R78W. The location of the point of diversion from the Keya Paha River was to be between points in the SE1/4 SE1/4 and the SW1/4 NE1/4 Section 21 T96N-R78W and water could be diverted directly from the river for irrigation or to the storage dam until June 15 of each calendar year. An inspection of Permit No. 1108-2 found 266 acres developed for irrigation located in the S1/2 SE1/4 Section 16, NE1/4 Section 17, NE1/4 Section 21; all in T96N-R78W. Also, the storage capacity of the dam was found to be 720 acre-feet and the Keya Paha River diversion point was located in the NW1/4 NW1/4 Section 21 T96N-R78W. This application, if approved, will authorize an additional 480 acre-feet of storage in the dam for irrigation of the above 266 acres and correction of the Keya Paha River diversion point to the NW1/4 NW1/4 Section 21 T96N-R78W. This application does not authorize any increase in diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2141-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 19, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4121-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 am in Meeting Room, Governors Inn, 700 W Sioux Ave, Pierre SD. If this application is opposed or the recommendation is contested, the February 27, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Tripp) ss.

I, Thickie Kerner

certify that the attached printed Notice was taken
from the SD Dept of Water & Natural Resources

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

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

January 30, 91

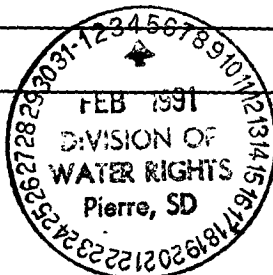
February 6, 91

Thickie Kerner
(Signature)

Office Manager
(Title)

Jan 31, 1991
(Date Signed)

Cost of Printing: #37.57 1st time
#30.05 2nd time



Notice of hearing on Application No. 2141-2 to Appropriate Water

Notice is given that Garnet Sargent, Clearfield, SD 57581 has filed an application for a water permit to increase the storage capacity of a storage dam located in the W1/2 Section 16-T96N-R78W and to correct the location of the diversion point from the Keya Paha River authorized by Water Permit No. 1108-2. Water Permit No. 1108-2 appropriated 6.0 cubic feet of water per second from the Keya Paha River to irrigate 595.8 acres located in the SE1/4, NW1/4 Section 16; NE1/4, N1/2SE1/4 Section 17; NE1/4 Section 21; NE1/4, E1/2 NW1/4 Section 28; all in T96NR78W. The location of the point of diversion from the Keya Paha River was to be between points in the SE1/4 SE1/4 and the SW1/4 NE1/4 Section 21 T96N-R78W and water could be diverted directly from the river for irrigation or to the storage dam until June 15 of each calendar year. An inspection of Permit No. 1108-2 found 266 acres developed for irrigation located in the S1/2 SE1/4 Section 16, NE1/4 Section 17, NE1/4 Section 21; all in T96N-R78W. Also, the storage capacity of the dam was found to be 720 acre-feet and the Keya Paha River diversion point was located in the NW1/4 NW1/4 Section 21 T96N-R78W. This application, if approved, will authorize an additional 480 acre-feet of storage in the dam for irrigation of the above 266 acres and correction of the Keya Paha River diversion point to the NW1/4 NW1/4 Section 21 T96N-R78W. This application does not authorize any increase in diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2141-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605) 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 19, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4121-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 a.m. in Meeting Room, Governors Inn, 700 W. Sioux Ave., Pierre, SD. If this application is opposed or the recommendation is contested, the February 27, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 27, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

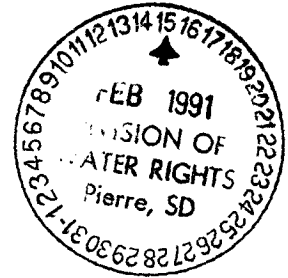
This application is made pursuant to SDCL 46-1-1 through 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

GREAT FACES. GREAT PLACES.



February 15, 1991

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

The South Dakota Department of Game, Fish and Parks has reviewed water permit application 2141-2 by Garnet Sargent for an additional 480 acre-feet of water from the Keya Paha River for irrigation purposes.

The Department of Game, Fish and Parks requests that it be considered a party of record in proceedings regarding the above referenced permit application. We are opposed to the Chief Engineer's recommendations regarding the permit application, as presently written, by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water permit could adversely affect the quantity of water available for natural resource management and public use.

Thank you for the opportunity to comment.

Sincerely,

Richard Beringson
Secretary

cc: Garnet Sargent

(date)

page

Parties of Record before Water Management Board.

WP Applic. No. 2141-2 Garnet Sargent

Applicant

Garnet Sargent

Clearfield, SD 57581

Opposition

Richard Beringson

Dept. of Game, Fish & Parks

523 East Capitol

Pierre, SD 57501

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

Garnet Sargent
Clearfield, SD 57581

Dear Ms. Sargent:

This letter is in reference to your water permit application (No. 2141-2) to increase the storage capacity of the storage dam and correct the location of the diversion point from the Keya Paha River authorized by Water Permit No. 1108-2. This office has received a petition of opposition to your application. Enclosed is a copy of the petition filed by the Department of Game, Fish & Parks.

The letter of opposition did not request a delay of the February 27, 1991 hearing date. The hearing is scheduled for February 27, 1991 at 10:00 am in the Meeting Room Governors Inn, 700 W. Sioux Ave, Pierre, SD.

If you have any questions on the upcoming hearing, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1108-2

January 20, 1984

Kenneth Sargent
Clearfield, South Dakota 57581

Dear Mr. Sargent:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1108-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

RECEIPT

Division of Water Rights

No 4 9543

South Dakota Department of Water and Natural Resources

Pierre, February 8, 1984

RECEIVED OF Kenneth Sargent, Clearfield, SD 57581

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. 1108-2	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

John Hatch
Chief Engineer JOHN HATCH ms

LICENSE FOR PERMIT NUMBER 1108-2

1. Legal location of wells: Diversior from River 660' south
of NW corner Section 21-96-78 (NW 1/4 NW 1/4)

dams & structures: 1600'W & 800'N from SW corner 16-96-78 (SE 1/4 SW 1/4)

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkeley B14 Motor a) make IH Diesel

b) model B310BM-CW b) model no. UD360N4

c) size 8" c) horsepower rating 85 HP

d) capacity approx. 1200 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

also _____

Berkeley B14 8"

model B4EYRMBH-CA

& 100HP John Deere Diesel

Model no. 6404DR-24-4547BSR

& Cornell Centrifugal pump 12 5/16"

model GNW62B4-3

Serial no. E2097

3. Distribution lines: River to dam

a) size of lines 12"

b) type Buried PVC

c) length 2200'

4. Dam information:

a) height to crest 54'

b) height to spillway 49'

c) crest width 15'

d) crest length 600'

e) spillway length 150'

f) spillway width 300'

g) approx. storage 720 Ac-Ft

h) Distribution lines or canals:

1) size 8" Sec. 16

2) type 1220' Buried PVC

3) length 1220' Alum.

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

Section 17

8"

Buried PVC

3300'

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make 2 - Valley Water Drive
- 2) number of towers 11
- 3) distance between towers _____
- 4) overall length 1320'
- 5) End gun (Y/N) Y Rainbird
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 70
- 9) GPM 900

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|-----------|-------|---|
| <u>NA</u> | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>X</u> | _____ | 2. Special Qualifications to permit being abided by. |
| <u>X</u> | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

Permit No. 2141-2
1108-2

 Permit No. 2141-2 was
 obtained for the extra storage
 and correction of the diversion
 point.

Keyapaha River Water District

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

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Kenneth Sargent
 of Clearfield, SD holder of
 Permit No. 1108-2, bearing the priority of April 7 1972 authorizing
 the diversion of 6.0 cu. ft. per second of the waters of Keyapaha River & Dry Draw
 for Irrigation purposes, in Tripp County.

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

A. Works used to divert the water:

2 Berkeley Centrifugal Pumps & 1 Cornell Pump
John Deere 100 HP Diesel & IH 85 HP Diesel

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

2200' 12" Buried PVC Pipe
4520' 8" " " "
1220' 8" Aluminum Pipe

C. Works used to apply water to beneficial use:

2 Valley Water Drive Center Pivots

 The system is in the following condition Good

The point of diversion is located From River - 660' South of NW corner Sec. 21-T96N-R78W
(NW 1/4 NW 1/4), Dam - 1600' East & 800' North of SW corner Sec. 16-T96N-R78W
and 1750' E of the W 1/4 corner Section 16 (NE 1/4 SW 1/4) (SE 1/4 SW 1/4)

The works are capable of diverting and conveying to the place of use 3.8
 cu. ft. per second of water which is to be used for Irrigation

 Water has been put to beneficial use to the maximum extent as follows: All in T96N-R78W

Sec. 16 SE 1/4 SE 1/4 - 22 Ac. Sec. 21 NE 1/4 NE 1/4 - 39 Ac. Sec. 17 - NE 1/4 NE 1/4 - 32.5 Ac.
SW 1/4 SE 1/4 - 22 NW 1/4 NE 1/4 - 39 NW 1/4 NE 1/4 - 32.5
SE 1/4 NE 1/4 - 7 SE 1/4 NE 1/4 - 32.5
SW 1/4 NE 1/4 - 7 SW 1/4 NE 1/4 - 32.5

 comprising a total of 266 acres of land and the license should be issued for 3.8 cfs

 Applicable permit qualifications have been complied with ☒ Yes ☐ No

 Exceptions to compliance are: _____ Date November 1, 1983

Timothy R. Schaal
 (signature)

NOT TO SCALE

2

96-78

(189-R) (F-4)

92.6

92.6

5

16
233.5

96-78

1600'

800'



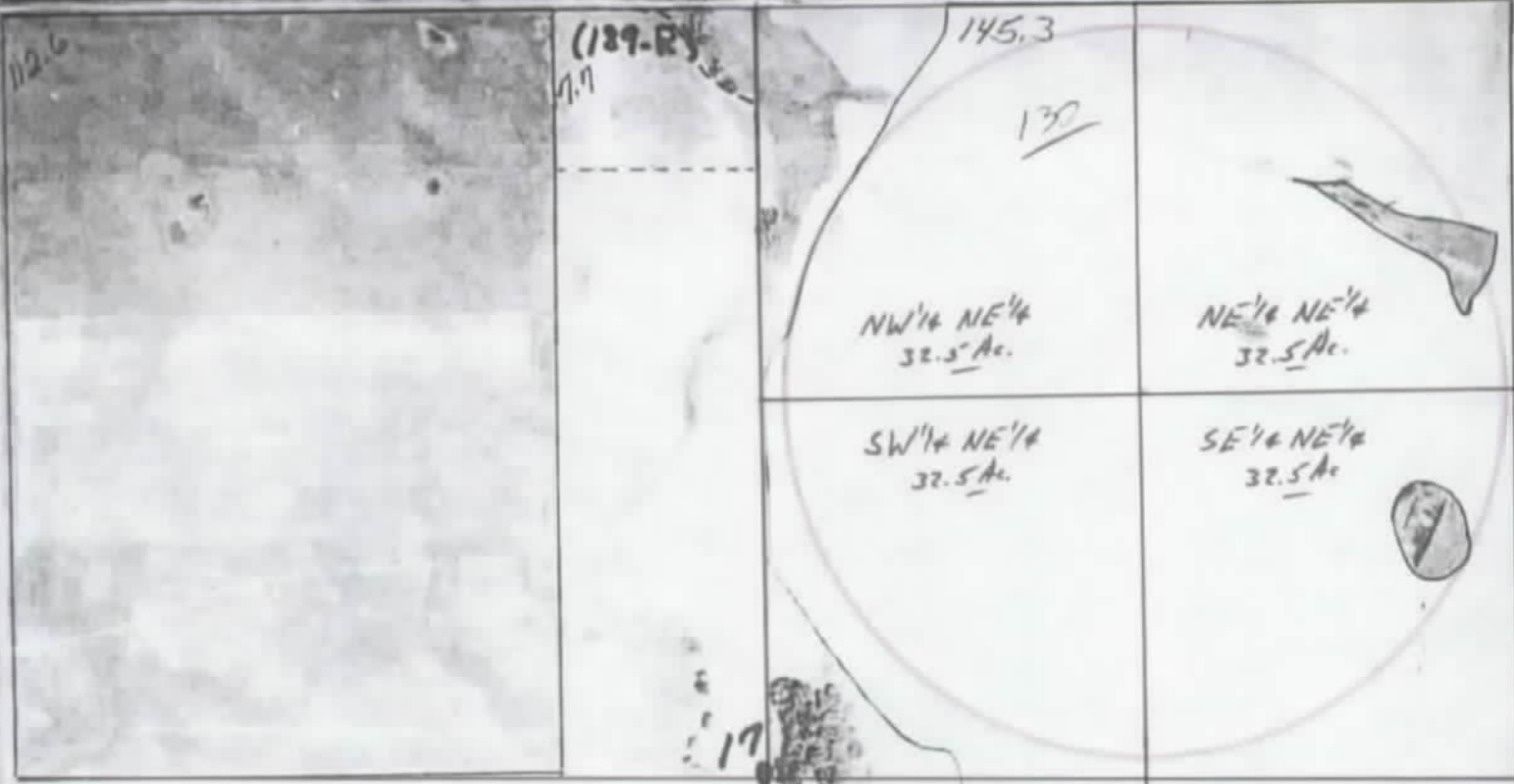
* Diversion Pt.
Acres
Mayapaha River

Keith H. Schaad
September 5, 1990

Appl. No. 2141-2

NOT TO SCALE

MAP 941-2
W/L 1108-2



22.3

96-78

Timothy L. Schaal
November 1, 1983

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2141-2**

(1) Garnet Sargent, RR, Clearfield, SD 57581, made Application No. 2141-2, September 14, 1990 for a water permit to correct a diversion point location and to store an additional 480 acre feet of water annually in an existing dry draw dam in Tripp County, South Dakota for irrigation purposes. Water Permit No. 2141-2, with priority dates of April 7, 1972 and November 26, 1990 was approved February 27, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application of beneficial use of said water completed.

Water Permit No. 1108-2 (April 7, 1972 priority date) authorized diversion of 6.0 cubic feet of water per second (cfs) from the Keyapaha River and could be pumped directly onto the acreage irrigated or pumped into a 240 acre storage dam. A November 1, 1983, inspection of the water use system found the diversion point location had changed and the storage capacity of the dam was 720 acre feet.

Water Permit No. 2141-2 authorizes the increase in storage capacity of the dam located in the W1/2 Section 16, T96N, R78W and corrects the diversion point location from the Keyapaha River described in Water Permit No. 1108-2. No. 2141-2 does not authorize an increase in the diversion rate or acres irrigated.

The applicable portions of Water Permit No. 1108-2 are incorporated into this Water License No. 2141-2. The priority dates are as follows:

April 7, 1972 - 3.8 cfs diversion rate to the acres irrigated;
6.0 cfs diversion rate from the Keyapaha River into the storage dam;
240 acre-feet of storage annually;

November 26, 1990 - 480 acre feet of storage annually

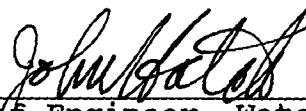
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert at a rate 6.0 cfs from the Keyapaha River into storage or at rate of 3.8 cfs to the acres developed for irrigation. The applicant is also entitled to store 720 acre feet of water annually. The location of the diversion points are: Keyapaha River - 660'S of the NW corner Section 21, T96N, R78W (NW 1/4 NW 1/4); storage dam - W 1/2 Section 16, T96N, R78W (diversion points from the storage dam: 1600'E and 800'N of the SW corner and 1750'E of the W 1/4 corner Section 16).

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

T96N, R78W Section 16	SE 1/4 SE 1/4	22.0 acres
	SW 1/4 SE 1/4	22.0 "
Section 17	NE 1/4 NE 1/4	32.5 "
	NW 1/4 NE 1/4	32.5 "
	SE 1/4 NE 1/4	32.5 "
	SW 1/4 NE 1/4	32.5 "
Section 21	NE 1/4 NE 1/4	39.0 "
	NW 1/4 NE 1/4	39.0 "
	SE 1/4 NE 1/4	7.0 "
	SW 1/4 NE 1/4	7.0 "
TOTAL		266.0 acres

(4) Pursuant to SDCL 46-5-30.1, Garnet Sargent, RR, Clearfield, SD 57581, the holder and owner of Incorporated No. 2141-2 is issued a license to appropriate water, the right to store 720 acre feet of water annually in a dry draw dam and divert at a rate of 3.8 cfs to the acres developed for irrigation or to divert at a rate of 6.0 cfs from the Keyapaha River directly into storage from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for irrigation purposes.

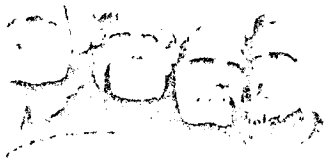
This license, with priority dates of April 7, 1972 and November 26, 1990, is subject to any limitations and qualifications listed in Incorporated No. 2141-2 and subject to South Dakota Water Law.



Chief Engineer, Water Rights Division
Dept. of Environment & Natural Resources

JUL 23 1991

South Dakota



GREAT FACES. GREAT PLACES.

JUL 23 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2141-2
1108-2

Garnet Sargent
Clearfield, SD 57581

Dear Ms. Sargent:

Enclosed are your Water Right and Water License No. 2141-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

The applicable portions of Water Permit No. 1108-2 are incorporated into Water License No. 2141-2.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 1991

2141-2

Garnet Sargent
Sargent Farms
RR
Clearfield, SD 57581

Dear Mr. Sargent:

Enclosed is your check #1604 in the amount of \$50.00 you submitted for licensing purposes. Your water license was issued July 23, 1991 and mailed to you along with a receipt for the inspection fee you paid. Another fee will not be necessary.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



2141-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1991

NOTICE

PERMIT NO(S). 2141-2 and 1108-2

TO: Garnet Sargent
RR
Clearfield, SD* 57581

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Shutoff Order for Water Diversions from the
Keyapaha River.

The flows in the Keyapaha River are below 15 cubic feet per second (cfs) at the Wewela gaging station. Therefore, to protect domestic use (livestock watering), effective immediately, no pumping of water is authorized from the Keyapaha River or contributing tributaries until January 1, 1992 or until further notice.

The following is the latest flow (cfs information on the river:

GAGE	3/27/91	3/28/91	3/29/91
Wewela	15.9	13.5	12.6

If you have any questions, please contact Tim Schaal or Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Diversions from the Keyapaha River addressed as stated below:

Garnet Sargent, RR, Clearfield, SD 57581

Rodney Hofeldt, RR 5, Box 89, Millboro, SD 57554

Stanley Hanson, RR 5, Box 63, Millboro, SD 57554

Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.

Vern Keszler, HC 88, Box 12, Clearfield, SD 57581.

Dale Heese, SR Box 36, Millboro, SD 57554.

Charles Hellman, RR 5, Box 84, Millboro, SD 57554.

Alva Wily, SR 10, Box 34, Millboro, SD 57554.

Richard Kirsch, HC 80, Box 49, Springview, NE 68778.

Charles Richey, HC 88, Box 47, Wewela, SD 57578.

Lucile Richey, RR 10, Box 46, Wewela, SD 57578.

Victor Weickum, Wewela, SD 57578.

H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

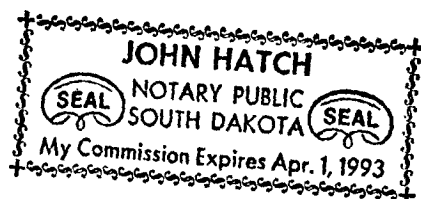
Cheryl F. Frost

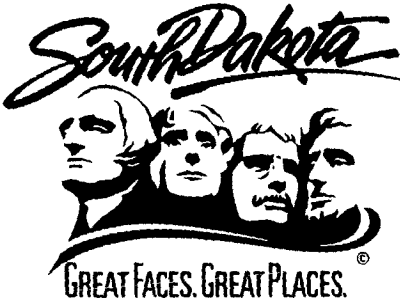
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of August, 1991.

John Hatch
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1994

2141-2

Garnet Sargent
RR
Clearfield, SD 57581

Dear Ms. Sargent:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: GARNET SARGENT, RR, CLEARFIELD, SD 57581
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2141-2

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2141-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2141-2 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 2141-2 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 1, 1996, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GARNET SARGENT
RR
CLEARFIELD SD 57581

4a. Article Number

2161984085

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

Garnet Sargent

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1996

2141-2

Garnet Sargent
RR
Clearfield, SD 57581

Dear Mrs. Sargent:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 2141-2.**

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 Division
(605) 773-3352

2141-2



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: GARNET SARGENT, RR, CLEARFIELD, SD 57581

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) 2141-2. 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) 2141-2 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) 2141-2 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.

2141-2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery Garnet Sargent 1-22-01 C. Signature ☐ Agent Garnet Sargent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 833 Truman ST.	
1. Article Addressed to: GARNET SARGENT RR CLEARFIELD SD 57581		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 7000 0600 0026 9814 2003		4. Restricted Delivery? (Extra Fee) ☐ Yes	

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 29, 2001

2141-2

Garnet Sargent
833 Truman St
Winner SD 57580

Dear Ms. Sargent:

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. 2141-2.

I completed a questionnaire for you based on our January 29th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2141-2

Date: 11/26/02

I/We request that Water Right No. 2141-2

formerly owned by: Garnet Sargent

be transferred to: (name & address) Cory C Sargent, PO Box 728, Winner SD 57580

Telephone No. (605)-557-3290

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

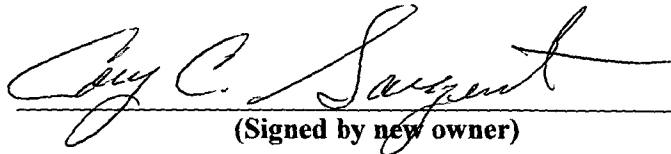
266 acres - S ½ SE ¼ Section 16, NE ¼ Section 17 and NE ¼ Section 21, T96N, R78W

I/We understand that the validity of Water Right No. 2141-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

NOV 26 2002

WATER RIGHTS
PROGRAM

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date November 26, 20 02

RECEIVED OF Garnet Sargent, Winner SD 57580

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50
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 _____ Water Right No. 2141-2	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2 50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL
	2 50

No.

000222

By

Garland Erbele

Chief Engineer

GARLAND ERBELE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2002

2141-2

Cory C Sargent
PO Box 728
Winner SD 57580

Dear Mr. Sargent:

Thank you for stopping in the office with Garnet to take care of the irrigation questionnaire and the ownership change for Water Right No. 2141-2.

The transfer has been completed. The water right, formerly held by Garnet is now listed in your name.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: CORY C SARGENT, PO BOX 728, WINNER, SD 57580 0728

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2141-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2141-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 2141-2 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 **February 24, 2006**, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5388

Your item was delivered at 12:15 pm on January 26, 2006 in WINNER, SD 57580. The item was signed for by B SARGENT.

[Shipment Details >](#)

Notification Options

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5388

CORY C SARGENT
PO BOX 728
WINNER SD 57580 0728

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com[®]
or call 1-800-222-1811

☐ Priority Mail[™] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2006

2141-2

Cory Sargent
29461 304th Ave
Winner SD 57580

Dear Mr. Sargent:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 2141-2.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2141-2

To: CORY C SARGENT
29461 304th AVE
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 2141-2

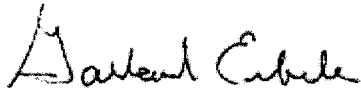
Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 17, 2006, the stream flow at the Wewela gage dropped to 14-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2141-2

To: CORY C SARGENT
29461 304th AVE
WINNER, SD 57580



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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 2141-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 16, 2006, the stream flow at the Wewela gage dropped to 13-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



February 22, 2008

CORY C SARGENT
29461 304th AVE
WINNER, SD 57580

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program

2141-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: CORY C SARGENT, 29461 304th AVE, WINNER, SD 57580 0728

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2141-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2141-2 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 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 2141-2 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 7330**
Status: **Delivered**

Your item was delivered at 9:25 AM on January 28, 2009 in WINNER, SD 57580. The item was signed for by B SARGENT.

Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

Signature Confirmation	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7330	CORY C SARGENT 29461 304th AVE WINNER SD 57580 0728
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
	☐ Priority Mail [™] Service ☐ First-Class Mail [®] parcel ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2009

2141-2

Cory C Sargent
29461 304th Ave
Winner SD 57580 0728

Dear Mr. Sargent:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 2141-2.

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
email: genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: CORY C SARGENT
29461 304th AVE
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 2141-2

This is a **reminder** to water right holders along the Keya Paha River and its tributaries that the dry weather and low flows create a potential for shutoff orders to be issued. A qualification on your water right states that diversions are not authorized when the stream flow is 15 cfs or less at the USGS Wewela, SD gaging station. This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

Currently the stream flow at the Wewela gage is at 21 cfs. Only when flow in the Keya Paha River is greater than 15 cfs at the USGS Wewela, SD gage, are you authorized to divert water. This is **not** a shut-off order. However, if flows continue to drop, a shut-off order may be issued.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 153 stream gauging stations across the state including two gaging stations on the Keya Paha River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

If you have any questions, please feel free to contact Mark Rath or Lynn Beck at (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: CORY C SARGENT
29461 304th AVE
WINNER SD 57580

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Keya Paha River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 2141-2

The flows in the Keya Paha River are below 15 cubic feet per second (cfs) at the USGS gaging station at Wewela, SD. Therefore to protect domestic use which includes livestock watering, the department is issuing shutoff orders for the Keya Paha River from the Todd-Tripp county line to the South Dakota-Nebraska border. Effective immediately, no diversions of water from the Keya Paha River is authorized under your Keya Paha River water rights.

Flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve.

If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 17, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 17, 2012 regarding shutoff order for Keya Paha River addressed as stated below:

PERMIT NO	PNO2	FIRST NAME	LAST NAME	CONTACTOWN	ADDRESS2	CITY	STATE	ZIP
1107-2		ROBERT/KIMBERLY	HANSON		29445 303 AVE	WINNER	SD	57580
2141-2		CORY C	SARGENT		29461 304th AVE	WINNER	SD	57580
1128-2	2581-2	JOE	ANDERSON	OPERATOR	29694 312th AVE	WINNER	SD	57580
414-2		H W OR BRAD	CARLSON		29716 315TH AVE	COLOME	SD	57528
835-2	959-2	ALVA LEE	WILEY		31450 301 ST	WINNER	SD	57580
710-2		JIM	RICHEY		30099 318TH AVE	WEWELA	SD	57580
465-2		E LUCILE	RICHEY		31856 RICHEY RD	WEWELA	SD	57578
369-2			HARTLAND FARMS INC	CORWIN HARTHOORN	88809 429TH AVE	AINSWORTH	NE	69212
931-2		VERNON & JEAN	VAN EPPS		93925 908TH RD	SPRINGVIEW	NE	68778
879-2		JEFF	KIRSCH		44326 905th RD	SPRINGVIEW	NE	68778

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

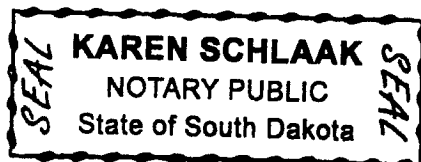
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 17th day of July, 20 12.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Meierhenry Sargent LLP

ATTORNEYS AT LAW

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MAR 30 2015

WATER RIGHTS
PROGRAM

Mark V. Meierhenry
Todd V. Meierhenry
Clint Sargent
Patrick J. Glover *
Raleigh Hansman
Christopher J. Healy

Sabrina Meierhenry
Of Counsel

*Also licensed in Iowa

CLINT SARGENT, Attorney
clint@meierhenrylaw.com

March 16, 2015

PMB 2020
Water Rights Program
523 E Capitol
Pierre SD 57501

RE: Cory Sargent – Tripp County
Application for Amendment to Permit 2141-2

Greetings:

I am submitting on behalf of Cory Sargent an application for amendment to his current Water License No. 2141-2. Enclosed please find:

1. Form 2 – Application with Attachment
2. Maps of the subject property
3. Plat Map

In accordance with the application instructions, no fee is being submitted at this time because Cory is only seeking a change in his diversion point. Please contact me if any fee is due to consider this application and it will be submitted immediately.

I will provide a little background regarding the reason for this application. The original permit was issued to Kenneth and Garnet Sargent – Cory's grandparents – in 1972. Kenneth died in 1986. His land was distributed to Garnet and her sons, Larry and Monty, who continued in a partnership/joint farming operation.

In 1991, Permit 2141-2 was issued to allow additional storage in the dry draw dam and correct the Keyapaha River diversion point to 660 feet south of the NW corner of Section 21, T96N, R78W. The NW ¼ of Section 21 was not part of the Sargent operation. The diversion point located on the referenced section line was actually accessed through the adjacent quarter to the west, NE ¼ of Section 20, which was owned after 1986 by Kenneth's son, Larry.

Garnet, Larry and Monty continued in a joint farming operation until 2002 at which time Garnet sold her land to her grandson, Cory Sargent. Garnet's Permit 2141-2 was also transferred

MARCH 16, 2015

PAGE 2

**Meierhenry
Sargent** LLP

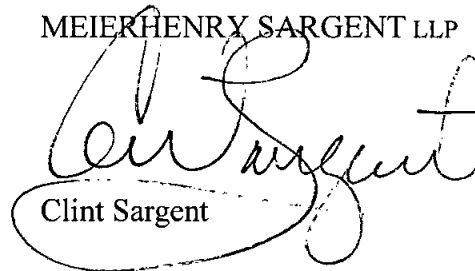
to Cory. Larry Sargent transferred his land to Larry's son, Craig Sargent. Cory and Craig operate separately and do not have a farming partnership.

Cory currently owns all of the land permitted for irrigation and all of the land permitted for storage by the dam. However, he does not own the land that allows access to the diversion point. Cory is requesting that the diversion point be moved southeast to a point where the Keyapaha River crosses his land so he has unfettered access to the diversion point for use in accordance with Permit No. 2141-2. Cory is not seeking any change to the permitted volume of water, diversion rate or acres irrigated. Cory would simply like to develop a new diversion point on land he owns to appropriate water consistent with his current permit.

Please let me know if I can provide you with any additional information in support of this application. Thank you.

With best regards,

MEIERHENRY SARGENT LLP



Clint Sargent

Encl.

cc: Cory Sargent

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2141-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Change Keyapaha River diversion point from current location in NW1/4 Sec 21, T96N, R78W to new location in NE 1/4 of Sec 21, T96N, R78W

1. Name to Appear on Irrigation Permit Cory Sargent
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 29461 304th Avenue Winner SD 57580-6207
(Address) (City) (State) (Zip Code)

Home Phone 605-557-3290 Cell 605-840-1968 Email corys@gwtc.net

2. Amount of water claimed 3.8 *CFS or **GPM ***AF Total Acreage 266
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Keyapaha River and Dry Draw Dam

4. Location of point of diversion 1896'S and 227'E of the NW corner of NE1/4 of Sec 21, T96N, R78W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Tripp ☒

5. County or counties where water will be used Tripp

6. Annual period during which water is to be used _____

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
See attached			

8. Give a description of the project. (Attach sheet if more space is needed)

Permitholder would like to move Keyapaha River diversion point from current permitted location to new location in NE1/4 of Sec 21, T96N, R78W. All permitted acres to be irrigated and dry draw dam are on land owned by permitholder, who acquired land from his grandmother (former permitholder). Access to current permitted diversion point is through land owned by cousin. Permitholder would like to move diversion point to land he owns. No increase in volume of water, diversion rate or acres irrigated is requested.

I, Cory Sargent, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)
- b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____
- c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) Distance to nearest existing domestic well:
On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) ____
- b) System Capacity (gallons) ____ Year Constructed ____
- c) Connected to the City of ____ Sanitary System

3. Dugout Information

- a) Surface Dimensions ____ Depth ____
- b) Depth to water (ground surface to water level) ____

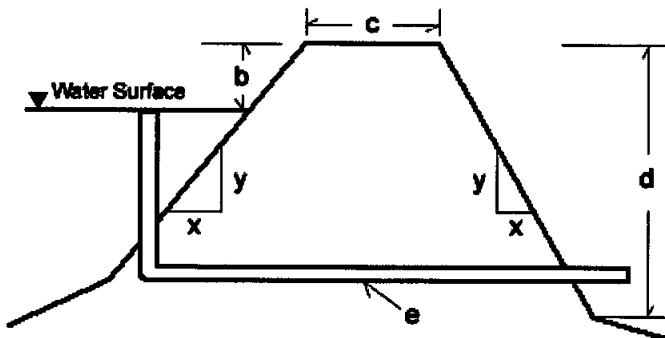
4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

Information taken from prior permit application dated 9/13/1990. No changes related to the storage dam are being requested.

- b) Freeboard 5 ft
- c) Crest Width 15 ft
Crest Length 600 ft
- d) Height 54 ft
- e) Primary Outlet Capacity n/a
If pipe, diameter ____
- f) Secondary Spillway Capacity 10,000 cfs
Spillway Width 300 ft
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 1:3
Downstream 1:3
- h) Surface Area of Impoundment 37
- i) Storage 720 Acre Feet
- j) Drainage Area Above Dam 5400 Acres



Appl. No 2141-2

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WATER RIGHTS
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ATTACHMENT



<u>Land Description</u>	<u>No. Acres Irrigated</u>
Sec.16-T96N-R78W SE 1/4 SE 1/4	22
SW 1/4 SE 1/4	22
Sec.21-T96N-R78W NE 1/4 NE 1/4	39
NW 1/4 NE 1/4	39
SE 1/4 NE 1/4	7
SW 1/4 NE 1/4	7
Sec.17-T96N-R78W NE 1/4 NE 1/4	32.5
NW 1/4 NE 1/4	32.5
SE 1/4 NE 1/4	32.5
SW 1/4 NE 1/4	<u>32.5</u>
Total	266 Acres



Common Land Unit

	Other Ag		Rangeland		PLSS
	Cropland		CRP		
			Tract Boundary		

Wetland Determination Identifiers

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

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MAR 30 2015

WATER RIGHTS PROGRAM

2015 Program Year

Map Created October 08, 2014

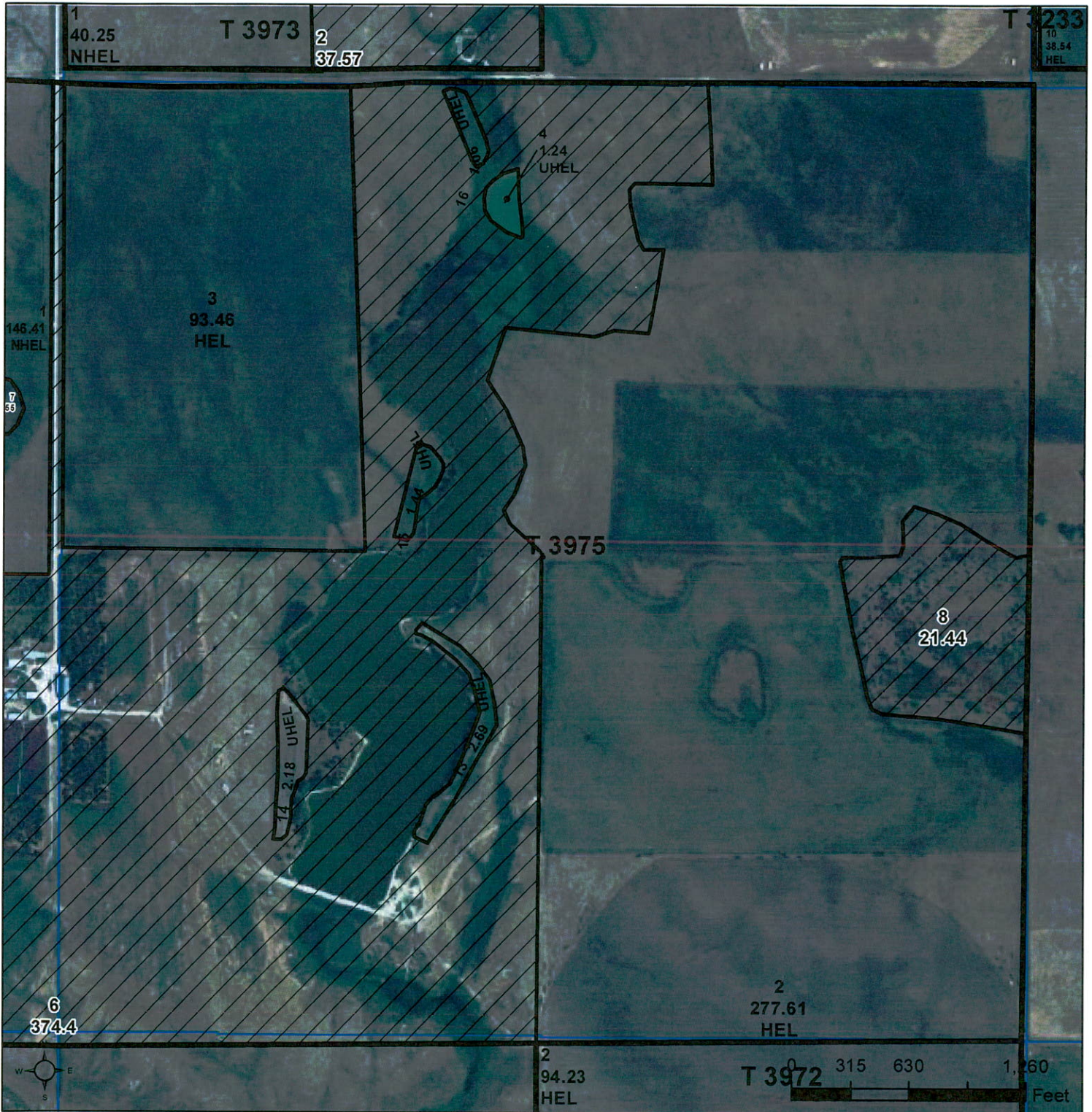
Farm 6335

17 -96N -78W



United States
Department of
Agriculture

Tripp County, South Dakota



Common Land Unit  Tract Boundary
 Cropland  PLSS
 Rangeland

Wetland Determination Identifiers

-  Restricted Use
-  Limited Restrictions
-  Exempt from Conservation
-  Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

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MAR 30 2015

WATER RIGHTS
PROGRAM

2015 Program Year

Map Created October 08, 2014

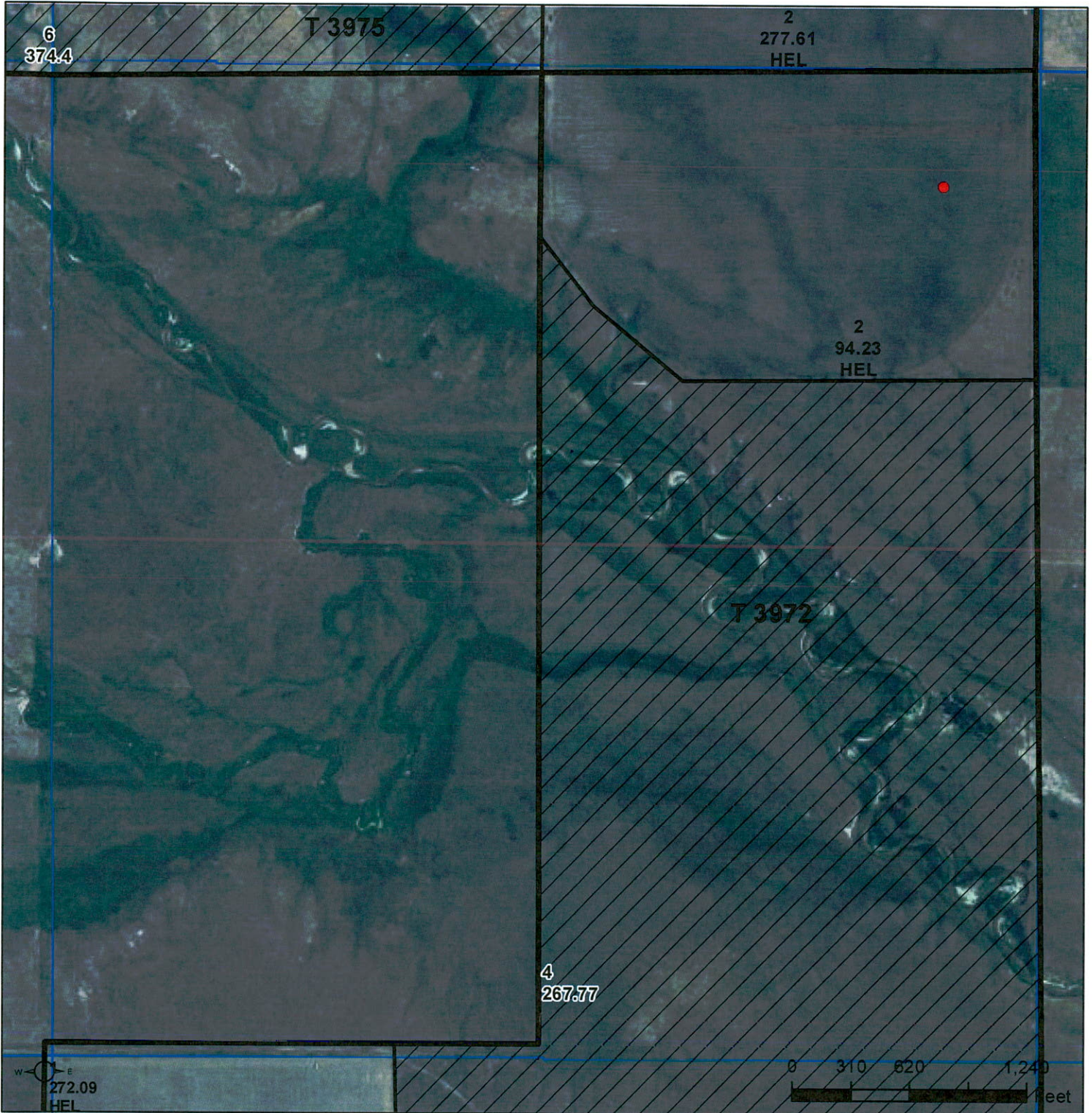
Farm 6335

16 -96N -78W



United States
Department of
Agriculture

Tripp County, South Dakota



Common Land Unit

	Tract Boundary
	PLSS
	Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

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MAR 30 2015

WATER RIGHTS
PROGRAM

2015 Program Year

Map Created October 08, 2014

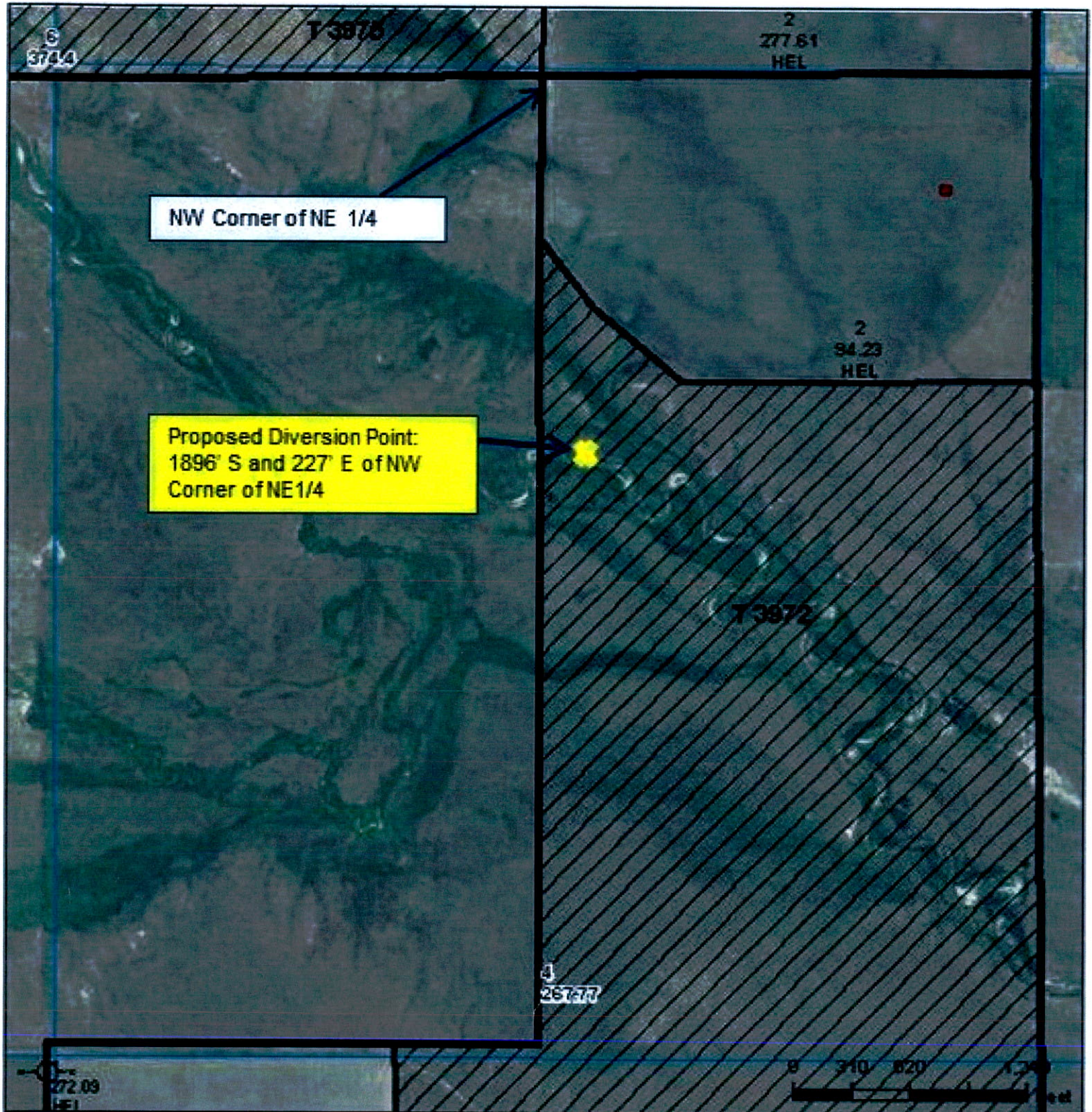
Farm 6335

21 -96N -78W



United States
Department of
Agriculture

Tripp County, South Dakota



Common Land Unit: Tract Boundary
 Cropland PLSS
 Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exemption/Conservation
- Compliance Prohibits

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data for use and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Program. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (FARMS) and attached maps for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2015 Program Year
Map Created October 10th, 2014

Farm 6335

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MAR 30 2015

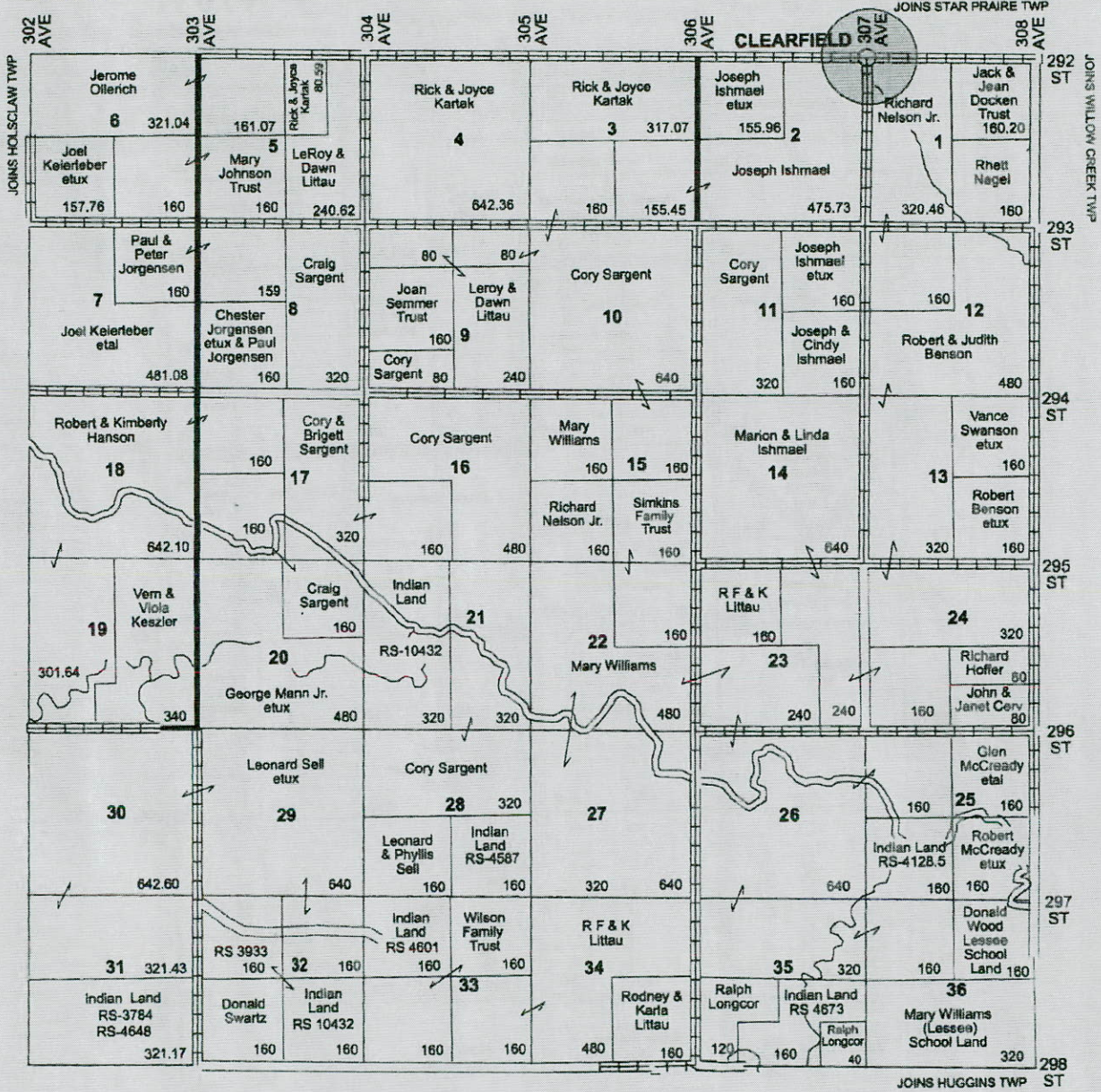
WATER RIGHTS
PROGRAM

21 -96N -78W

WORTMAN TWP

T 96 N

R 78 W

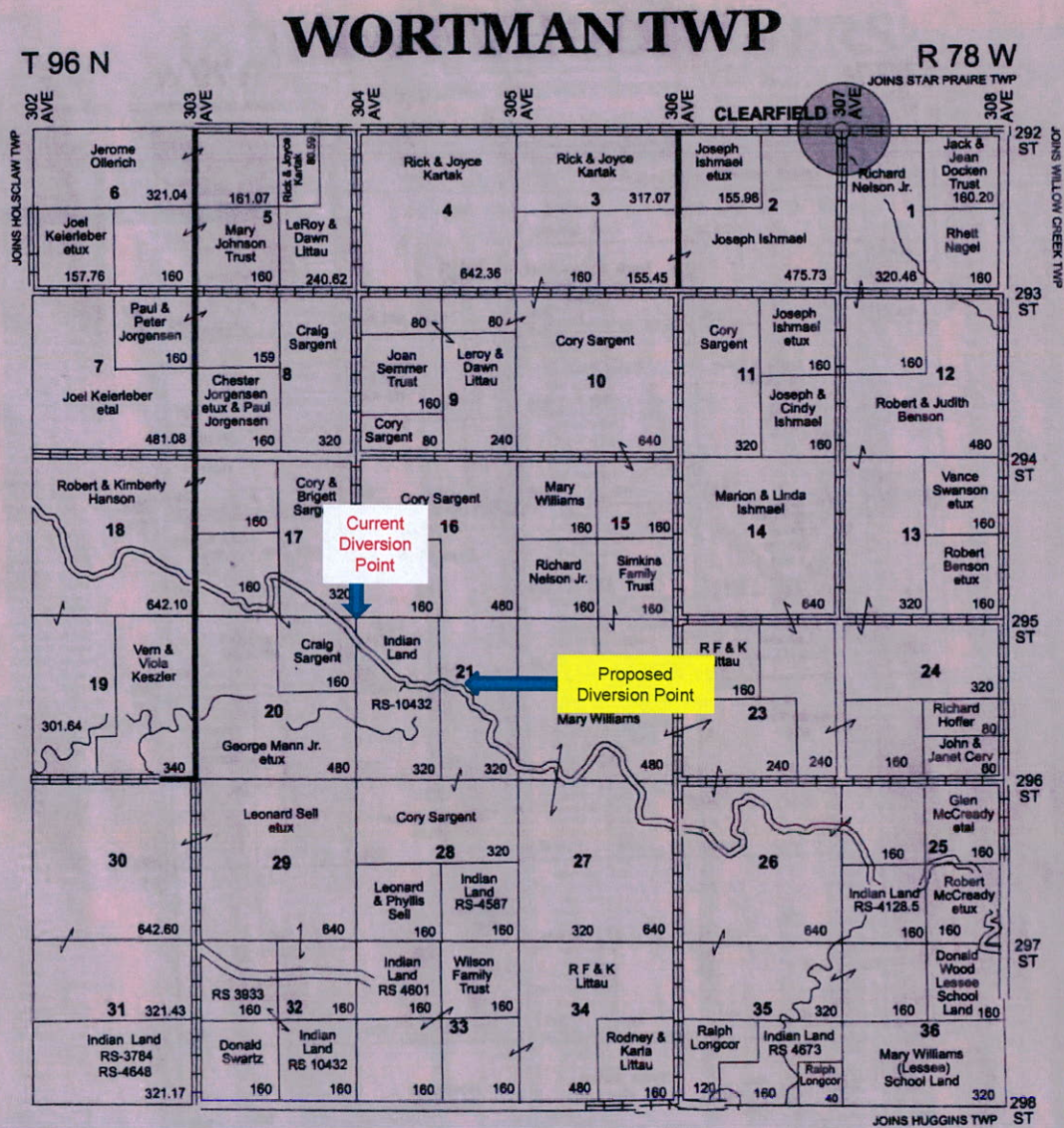


LAND OWNER MAPS

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WATER RIGHTS
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78 W	78 W	77 W	78 W	78 W	78 W
PHILADELPHIA	GREENWOOD	STAR VALLEY	LOVE STAR	ROSELAND	WILSON
CHURCH	LONGVIEW	WILSON	LONG	CONDON	WILSON
WILSON	WILSON	WILSON	WILSON	WILSON	WILSON
CARTER	JORDAN	BLACK	LARRO	PLEASANT VIEW	SULLY
STONER	WILSON	WILSON	WILSON	WILSON	WILSON
WILSON	STAR VALLEY	STAR VALLEY	STAR VALLEY	STAR VALLEY	STAR VALLEY
WILSON	WILSON	WILSON	WILSON	WILSON	WILSON
WILSON	WILSON	WILSON	WILSON	WILSON	WILSON
WILSON	WILSON	WILSON	WILSON	WILSON	WILSON

WATER RIGHTS
PROGRAM



DeFea, Michael

From: Gronlund, Eric
Sent: Tuesday, April 07, 2015 3:54 PM
To: 'Clint Sargent'
Cc: DeFea, Michael
Subject: RE: Cory Sargent - Application for Amendment to Permit 2141-2

Clint –

I looked over your submittal and handed it to a staff engineer to prepare our standard review/report for change of diversion points processed under SDCL 46-5-13.1. Hopefully it will be a fairly quick turn around time on an answer whether we can process administratively under SDCL 46-5-13.1.

I recall from our prior conversation that there was a period of nonuse from 2005 thru 2013 due to the forfeiture statute 46-5-37. I reviewed submitted irrigation questionnaires during this period. In 2005 & 2006, Corey reported not enough water in the dam which would be a basis for legal excuse (ARSD 74:02:01:37.01). The other years he just reported no irrigation. I also looked at FSA aeriels for 2008, 2010 & 2012. The pivot coverage is clearly visible which leads me to wonder whether limited irrigation did actually occur during those periods. That is something we will review more thoroughly and get back to you if there is a problem.

Looking on google map the center pivot systems are clearly visible. It appears that the pivot in S ½ SE ¼ Section 16 and NE ¼ Section 21 was partially taken apart at the time the aerial photo was taken.

Bottom line is at this time the “ball is in our court” and I will contact you if any problem arises.

Eric.

From: Clint Sargent [<mailto:Clint@meierhenrylaw.com>]
Sent: Tuesday, March 31, 2015 11:16 AM
To: Gronlund, Eric
Subject: Cory Sargent - Application for Amendment to Permit 2141-2

Eric –

I hope this message finds you doing well.

I just wanted to confirm that your office received the application for amended permit that I sent on March 16 and check to see if there is anything else I need to do at this time on Cory's behalf in support of the application.

Thank you.

Clint

Clint Sargent
Meierhenry Sargent LLP
315 South Phillips Avenue
Sioux Falls SD 57104
605.336.3075
clint@meierhenrylaw.com

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

NAME: Cory Sargent

ADDRESS: 29461 304th Ave., Winner, SD 57580

COUNTY: Tripp

TELEPHONE: 557-3290 (Home) 840-1968 (cell)

DATE: April 8, 2015

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**

The water source is the Keya Paha River which is the same as permitted and no increase in volume, diversion rate or irrigated acres is requested.

The permit holder requests to change the location of the diversion point from the Keya Paha river located in the NW ¼ NW ¼ Section 21 to the SW ¼ NE ¼ Section; both in T96N-R78W. The applicant provided the new diversion point location as 1,896 feet south and 227 feet of the NW corner of NE ¼ Section 21-T96N-R78W. (Approx. N 43.12032, W -100.07701)

Access to the current permitted diversion point is through property owned by a relative. The request to develop a new diversion point is to access the diversion point location on property he owns consistent with his permit.

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

No new land is being irrigated.

- **Review of Existing Diversions**

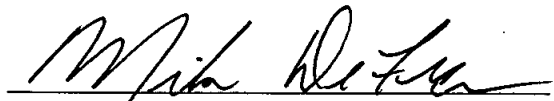
The requested new diversion point location is approx. 0.75 stream-miles downstream of the current permitted diversion point. The nearest downstream diversion point from the requested new diversion point from the Keya Paha river is located approx. 9.0 stream-miles downstream. This change in diversion point location is unlikely to cause adverse effects to downstream water rights.

This permit also has the qualification which does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15-cfs or less, unless written authorization is received by the Chief Engineer.

The Wewela gage is located approx. 23 stream-miles downstream of the requested new diversion point.

RECOMMENDED ACTION

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

A handwritten signature in black ink, appearing to read "Mike DeFea", written over a horizontal line.

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:

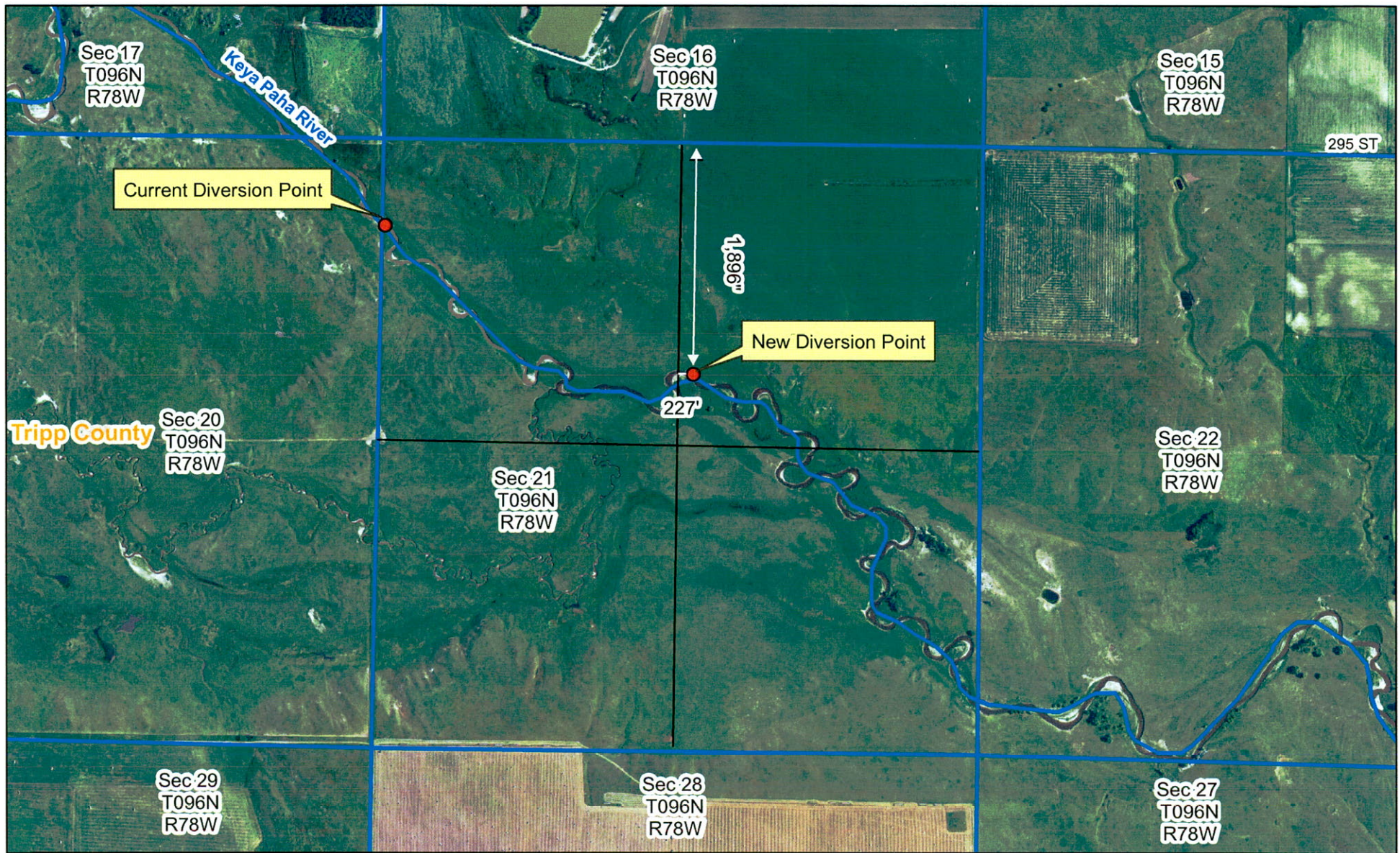
This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

A handwritten signature in black ink, appearing to read "Jeanne Goodman", written over a horizontal line.

Jeanne Goodman, Chief Engineer
DENR, Water Rights Program

Cory Sargent

Water Right No. 2141-2



Mike DeFea
Mike DeFea
DENR, Water Rights Program
April 13, 2015

0 0.15 0.3 0.6
Miles





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 15, 2015

Cory Sargent
29461 304th Avenue
Winner, SD 57580

Dear Mr. Sargent:

This letter is in response to your request to change the location of the diversion point from the Kaya Paha River authorized by Water Right No. 2141-2.

Currently, Water Right No. 2141-2 authorizes the diversion of water from the Keya Paha River located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 for irrigation of 266 acres located in the SE $\frac{1}{4}$ Section 16, NE $\frac{1}{4}$ Section 17 and NE $\frac{1}{4}$ Section 21; all in T96N-R78W.

You have requested the new diversion point to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21 approximately 1,896 feet south and 227 feet east of the NW corner of NE $\frac{1}{4}$ Section 21-T96N-R78W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in diversion point is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate or the number of acres irrigated is authorized. If the total diversion rate or the number of irrigated acres increases, a new water right permit will need to be obtained.

Enclosed is a copy of Water Permit No. 2141-2 with qualifications, corresponding License, and a map prepared by Water Rights staff identifying the current diversion point location and the requested new diversion point location from the Keya Paha River.

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

Sincerely,

Jeanne Goodman
Chief Engineer
DENR, Water Rights Program



2141-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: CORY C SARGENT, 29461 304th AVE, WINNER, SD 57580 0728

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2141-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 2141-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 2141-2 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 3, 2016

2141-2

Cory C Sargent
29461 304th Ave
Winner SD 57580-0728

Dear Mr. Sargent:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2141-2. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 16, 2022

CORY C SARGENT
29461 304th AVE
WINNER, SD 57580

Dear Keya Paha River Water Right Holder:

I am writing to remind Keya Paha River water right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 – Keya Paha River near Wewala, SD to insure flows for domestic use and prior existing water rights.

Recently, river flows measured at **USGS Gage No. 06464500 – Keya Paha River near Wewala, SD** have been nearing the 15 cfs cutoff and when it does, diversion of water for irrigation purposes shall cease. This 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Mark Rath, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

August 7, 2026

Permit No. 2141-2

CORY C SARGENT
29461 304th AVE
WINNER, SD 57580

Dear Appropriators:

I am writing to remind Keya Paha River Water Right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 - Keya Paha River near Wewala, SD to ensure flows for domestic use and prior existing water rights.

Recently, river flows measured at USGS Gage No. 06464500 – Keya Paha River near Wewala, SD have been as low as 25 cfs. If flows decrease to 15 cfs, diversion of water for irrigation purposes are required to cease. The 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office). We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program