

WATER PERMIT NO. 2280-2

Phone: 386-2131

Name of Applicant: Theodore Kjerstad

Post Office Address: HC 84 Box 40, Quinn SD 57775

Amount of Water Claimed: 0.27 cfs Total Acres: 19 add'l (66 total)

Source of Water Supply: Dirty Woman's Draw

Water to be used for: irrigation County: Haakon

About 14 miles west, 9 north of Philip

PRIORITY Date Received: 2-16-93 Fee: \$150 Remarks: Change

location of the diversion point authorized by No. 2233-2 & irrigation 19 add'l acres

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

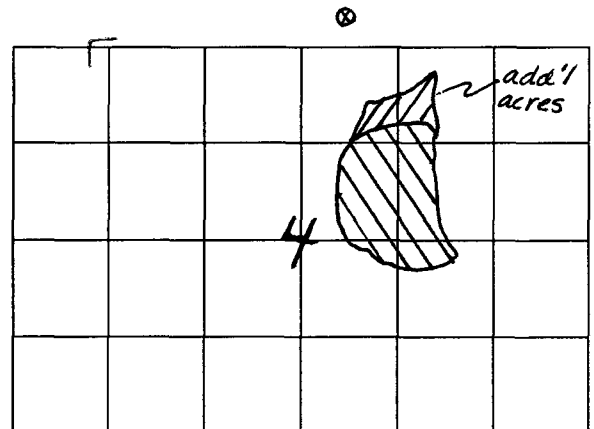
WATER QUALITY APPROVAL RECEIVED: 3-31-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SE 1/4 Sec 33-T3N-R18E

Land to be Irrigated: NE 1/4, N 1/2 SE 1/4

Sec 4-T2N-R18E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Gerald Magelly, SCS Reviewed and the Number

Assigned on: 4-1-93 By: Karen Schlaak

SOUTH DAKOTA WATER PERMIT NO. 2280-2

Date of first receipt of application February 16, 1993.

Date Soil/Water Compatibility Permit received March 31, 1993.

Date of return to applicant for corrections, amendments or changes February 17, 1993.

Date of receipt of corrected application February 22, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2280-2 to Theodore Kjerstad, HC 84, Box 40, Quinn SD 57775 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. 2280-2 changes the location of the diversion point authorized by Water Permit No. 2233-2, to appropriate an additional 0.27 cubic feet of water per second (cfs) and to increase the number of acres irrigated. Water Permit No. 2233-2 appropriates 0.67 cfs from Dirty Womans Draw located in the NW 1/4 NE 1/4 Section 4 to irrigate 47 acres located in the NE 1/4, N 1/2 SE 1/4 Section 4; all in T2N-R18E. The permit authorizes an additional appropriation of 0.27 cfs from Dirty Womans Draw to irrigate an additional 19 acres located in the N 1/2 NE 1/4 Section 4-T2N-R18E. This permit also changes the location of the diversion point to the SW 1/4 SE 1/4 Section 33-T3N-R18E. Water Permit No. 2233-2 and this permit, combined, may not exceed 1.0 cfs for each 70 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 February 16, 1993.
4. The date of approval of Permit No. 2280-2 is June 2, 1993.
5. One-fifth of the construction is to be completed on or before December 2, 1995.
6. All construction is to be completed on or before June 2, 1998.
7. Water is to be put to beneficial use on or before June 2, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

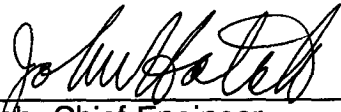
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

(continued)

2. Approval of Permit No. 2280-2 is subject to construction of a control structure to allow water to be bypassed, prior to any diversion for irrigation under this Permit, for downstream domestic use and prior water rights

WATER MANAGEMENT BOARD

By: _____


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

SEP 3 1993

date

(See instructions)

No. 2280-2 Hydrologic Unit: 10140102
Basin Bad River
Newspaper The Pioneer Review, Box 788, Philip

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

Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 2233-2
☒ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☒ Increase diversion rate ☐ Other _____1. Name of Applicant Theodore Kjerstad Phone No. 386-2131Post Office Address HC 84, Box 40, Quinn State SD 57775
(Street, RR or Box) (City) (Zip Code)2. Amount of water claimed (c.f.s.) 0.27 Total acres irrigated 66 (19 add'l)3. Source of Water supply Runoff from Dirty Woman Draw4. Location of point of diversion 115 Rods West, 15 Rods North of the South East corner of
section 33 T3N R18E (SW 1/4 SE 1/4)County Haakon5. Counties where water will be used Haakon6. 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.

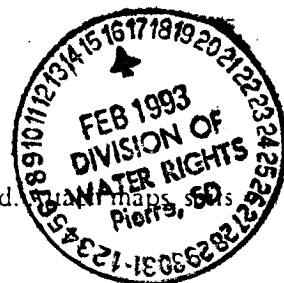
Land Description	No. Acres Irr.
Field #1 NWNE S4 T2N R18E	6.80
Field #1 NENE S4 T2N R18E	15.45
Field #1 SWNE S4 T2N R18E	18.30
Field #1 SENE S4 T2N R18E	19.30

Land Description	No. Acres Irr.
Field #1 NWSE T2N R18E, Sec 4	0.40
Field #1 NESE T2N R18E, Sec 4	5.75

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify)9. Crops to be Irrigated: Alfalfa

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

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed.
information and any other technical information.STATE OF SOUTH DAKOTA)
County of Haakon) ssTheodore Kjerstad, 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 Theodore KjerstadSubscribed and sworn to before me this 15th day of February 19 93David A. Schuler
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 _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If Pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway width _____

g) X & Y Slope

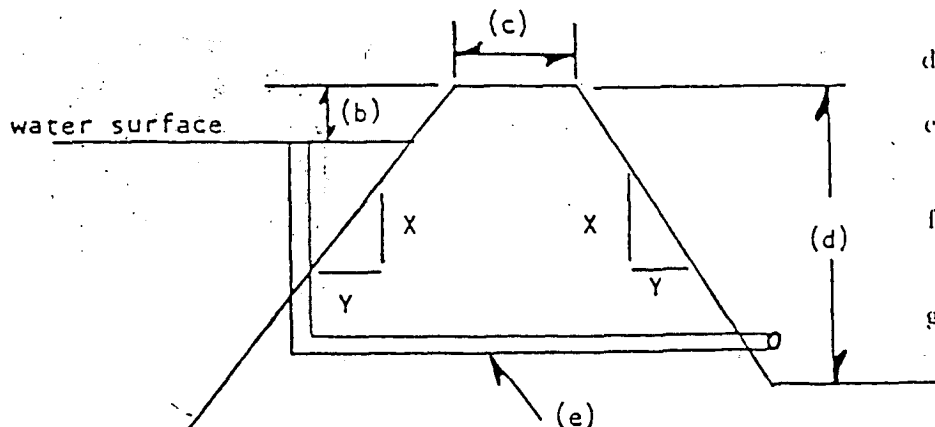
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Sirs
Last I received a permit
to divert & spread water
to this area, but we found
a better spot to divert & pick
up & are able to increase
deers.

Hope we don't have
to advertise, on this
Theodore

Theodore

The only water used would
be flood water so the 0.27 cfs.
would not be a concern.

When you send this in with
your \$150- it should be enough. If
not let me know and we will get
the other things they need

Jerry 837-2242

RECEIPT

Division of Water Rights

413649

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 22, 19 93

RECEIVED OF Theodore Kjerstad, HCR 3 Box 6, Quinn, SD 57775

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

Fee for Application for Permit No. <u>2280-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

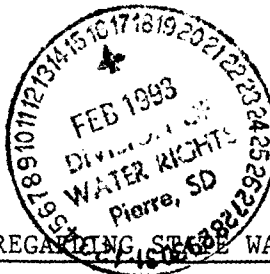


Exhibit "B"
SD-ENG-4
Rev. 4/89

CERTIFICATION STATEMENTS REGARDING STATE WATER LAWS

Practice or Structure Base Grade Channel, Level Lip Ditches

Legal Description NE 1/4 & SE 1/4 Sec. 4 T. 2N R. 18E

Approximate Location 115 Rods West and 15 rods North
of the NE corner of said section in Haakon Co.

Amount of water claimed 48 cubic feet per second,
or _____ acre feet per year.

Source of water supply Dirty Woman Draw

Point of diversion (if applicable) 115 Rods West, 15 Rods North of SE corner S33 T3N R18E

Use of water Waterspreading

Reservoir storage capacity none acre-feet.

Reservoir surface area none acres.

Watershed area 4922 acres.

Watered or irrigated area 66 acres.

1. For Dams and Dugouts across a dry draw storing 25 acre feet or less; Use Exhibit "C".

A properly completed Location Notice 1/ will be distributed and posted
according to South Dakota State Water Laws.

Date _____ Signature of Applicant _____

Mailing Address _____

2. For all dams storing more than 25 acre feet of water for any beneficial use. Use Exhibit "D".

A water right application will be (or has been) submitted to the South Dakota
Department of Water and Natural Resources.

Date _____ Signature of Applicant _____

Mailing Address _____

3. For all Irrigation Wells and Storage Reservoirs used for any form of irrigation,
including waterspreading. (Use Exhibit "E").

A permit (No. _____) dated _____ to appropriate _____ cfs and/or
store _____ ac.ft. of water has been received from the South
Dakota Department of Water and Natural Resources.

Date 2-15-93 Signature of Applicant Therese Christad

Mailing Address 22302 Quinn RD

1/ See Reverse Side.

To: Owner or Operator of Water Development facility -

I. Location Notice - State Laws and Regulations require that a Location Notice must be filed when proposing to construct a dam or dugout storing - 25 Acre Feet or less across a dry/draw.

II. Permits to appropriate water within the State of South Dakota - State Laws require application for this type of permit for all beneficial uses except those listed below.

1. Dams or dugouts constructed on a dry draw and storing 25 Acre Feet or less.
2. Domestic uses, including livestock water, or 26,000 gal/day.
3. Irrigation water for one acre of land.
4. Maximum pump capacity is 25 gpm for domestic uses listed in Items 2 and 3 above.

III. Application for Soil/Water Compatibility Permit and Permit to Appropriate Water - State Laws and Regulations require application of this type permit for all irrigation uses in excess of one acre.

Soil Conservation Service

Gerard L. Magelky, CET

Kadoka, S.D.

STATE WATER LAWS STATE THAT THE LOCATION NOTICE IS TO BE POSTED AT THE SITE BEFORE WORK IS STARTED ON THE PROJECT.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4768

WR#

OWNERS NAME: KJERSTAD, THEODORE OWNERS ADDRESS: HC 84 BOX 40
QUINN SD 57775

COUNTY LAND LOCATED IN: HAAKON PHONE: 386-2131

LEGAL DESCRIPTION: ☐ Well ☒ Surface
1. LOCATION 115 Rods West, 15 Rods North of SE Corner of Section 33
Depth (SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33-T3N-R18E)

(ALL FIELD #1) Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T2N-R18E	6.80	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T2N-R18E	0.40
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T2N-R18E	15.45	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T2N-R18E	5.75
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T2N-R18E	18.30		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T2N-R18E	19.30		

2. TYPE OF IRRIGATION: GRAVITY: XXX TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) _____
3. CROPS TO BE IRRIGATED: ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: DIRTY WOMAN DRAW 7. ADJUSTED (SAR): 0.01
5. SALINITY (EC X 10⁶): 100 8. PERCENT SODIUM: 3.70
6. SODIUM (SAR): 0.05

Requirements:

Adequate protection shall be provided to prevent additional erosion to the adjacent draws.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, of the Commission.



Director, Division of Conservation

MARCH 29, 1993

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, 445 East Capitol
Pierre, South Dakota 57501-3185
Phone 605/773-3258



March 5 1992,

Theodore Kjerstad
HC 84 Box 40
Quinn SD 57775

Dear Mr Kjerstad:

In reviewing your application to change acreage, add acreage, change the point of diversion and the diversion rate with respect to the Soil and Water Compatibility Permit #4712 issued in June of 1992. The staff has noted that you have not complied with the requirement of submitting the necessary water sample for analyses.

Based on this fact, we can not assess the true soil and water compatibility and feel we would be in error to consider any expansion of this project at this time.

As such, we are placing your application on hold until the sample is secured and analyzed.

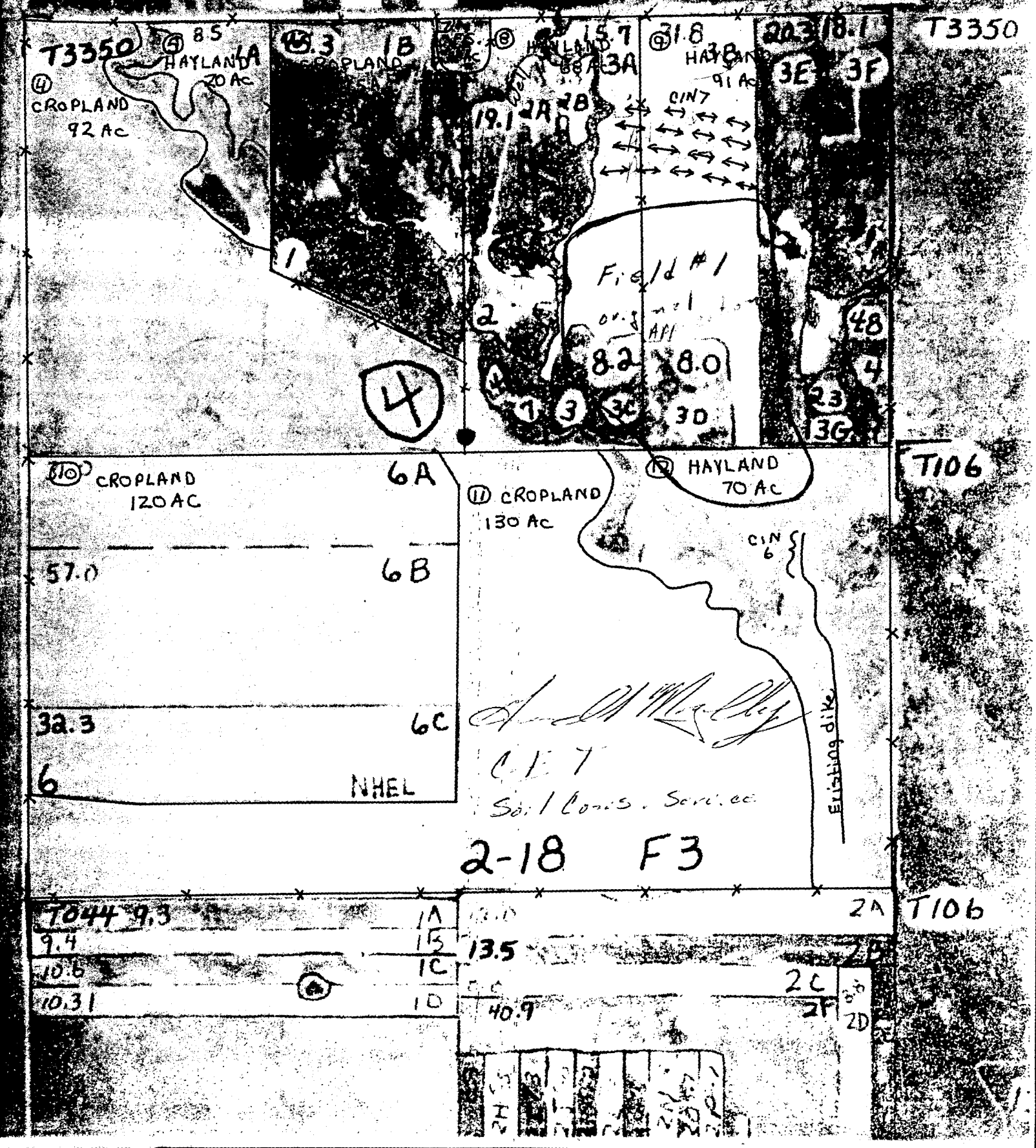
For additional assistance or information concerning this matter please contact this office.

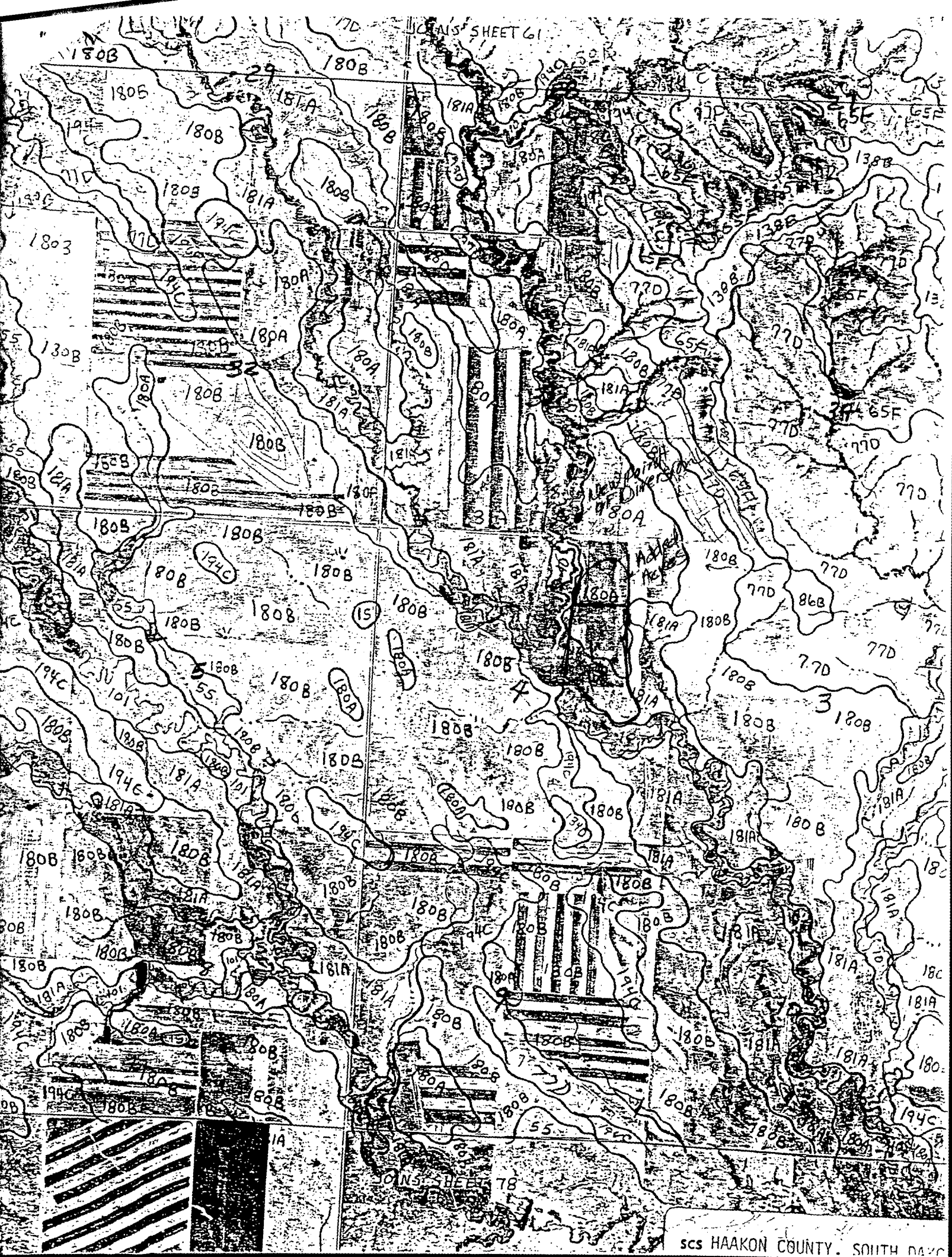
Sincerely

James L Stukel
Irrigation Program Administrator

CC: Eric

NOT TO SCALE





180A=Ottumwa silty clay, 0 to 2 percent slopes

Composition

Ottumwa soil and similar inclusions: 65 to 90 percent

Contrasting inclusions: 5 to 15 percent

Setting

Landform: residual upland plain

Landscape position: Lower back slope and foot slope

Slope range: 0 to 2 percent

Shape of areas: irregular

Size of areas: 10 to 500 acres

Typical Profile

Surface layer:

0 to 6 inches=dark grayish brown silty clay

Subsoil:

6 to 15 inches=dark grayish brown clay

15 to 26 inches=grayish brown, calcareous clay

26 to 39 inches=grayish brown, calcareous clay

39 to 51 inches=light brownish gray, calcareous silty clay

Underlying layer:

51 to 60 inches=light brownish gray, calcareous silty clay
loam

Soil Properties and Qualities

Drainage class: Well drained

Depth to bedrock: Deep

Depth to contrasting or impervious layer: Greater than 60
inches

Depth to water table: Greater than 6 feet

Flooding: None

Permeability: Slow

Available water capacity: Moderate

Organic matter content: Medium

Surface runoff: Slow

Inclusions

Contrasting inclusions:

The poorly drained Kolls soils in basins

The moderately well drained sodium affected Capa soils on
lower foot slopes

Similar inclusions:

Soils with lighter colored surface layers

Soils that contain more clay throughout

Soils that have dark colors extending below a depth of 20
inches

Soils that have shale within a depth of 40 inches

Use and Management

Cropland and Pasture

Main crops: Winter wheat, grain sorghum, corn, oats, and
alfalfa

Suitable pasture plants: Alfalfa, crested wheatgrass,
intermediate wheatgrass, pubescent wheatgrass, and smooth
brome grass

Management concerns: Conserving moisture and controlling
wind erosion

Management measures:

Timely tillage, minimizing tillage, leaving crop residue on the surface, and including grasses and legumes in the cropping sequence helps to conserve moisture and control wind erosion

Stripcropping and field windbreaks help to control wind erosion

Interpretive Groups

Land capability classification: IIIs-3

Range site: Cy

Windbreak suitability group: 4C

Pasture suitability group: I



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Theodore Kjerstad
HC 84, Box 40
Quinn SD 57775

Dear Mr. Kjerstad:

We received your water permit application on February 16, 1993. After reviewing of the application, it is our understanding that you wish to change the location of the point of diversion on Water Permit No. 2233-2 and irrigate an additional 19 acres.

A new application is not required to change the location of the diversion point, if the change is within 660 feet of the original permitted location. Since you are requesting to irrigate an additional 19 acres also, the application you submitted is necessary. The same procedure will be followed as with Water Permit No. 2233-3, with you being responsible for payment of the publication notice. The following information needs to be submitted in order to process your application.

1. A map (aerial photo) outlining all the lands to be irrigated and showing the new location of the diversion point in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Gerald L. Magelky, with the Soil Conservation Service should be able to help prepare this map.
2. On the application, Item No. 2 you indicated the amount of water claimed to be 48 cfs. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.27 cfs for the additional 19 acres to be irrigated. The 0.27 cfs does not apply during flood flows. Please let us know if you concur with this change.
3. The filing fee for this application will be \$150.00.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture for the additional 19 acres. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Report on Water Permit Application No. 2280-2
Theodore Kjerstad
April 8, 1993

Background

Water Permit Application No. 2280-2 requests to change the location of the diversion point authorized by Water Permit No. 2233-2, to appropriate an additional 0.27 cubic feet of water per second (cfs) and to add 19 additional acres. Water Permit No. 2233-2 appropriates 0.67 cfs from Dirty Womans Draw located in the NW1/4 NE1/4 Section 4 to irrigate 47 acres located in the NE1/4, N1/2 SE1/4 Section 4, all in T2N-R18E, in Haakon County. This application requests an additional 0.27 cfs from Dirty Womans Draw to irrigate the additional 19 acres located in the N1/2 NE1/4 Section 4, T2N-R18E. This application also proposes to change the location of the diversion point to the SW1/4 SE1/4 Section 33, T3N-R18E.

Discussion

The total drainage area for Dirty Womans Draw that contributes to the downstream irrigation projects, is approximately 17 square miles. The 2 year event runoff from this watershed is estimated to be approximately 400 acre feet.

Total acreage irrigated from Dirty Womans Draw, including the acreage in the application, is 320.1 acres. The 2 year runoff event, for the Dirty Womans Draw watershed would provide about 1.25 feet of water to irrigate the 320.1 acres (see report on Water Permit Application No. 2233-2).

Conclusions and Recommendations

1. Water will be used whenever it is available.
2. No dike will be constructed across the draw.
3. Watershed runoff estimates show that there is a reasonable probability that water is available for the applicant and the downstream water right users.
4. If Water Permit Application No. 2280-2 is approved, the following qualifications should be included:

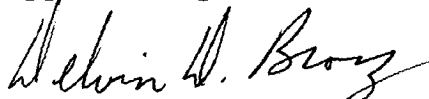
Flows must be by-passed for downstream domestic water use and senior water rights.

A control structure must be installed so that water can be by-passed for downstream water rights.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

Reference:

United States Geological Survey, **Techniques for Estimating Flood Peak, Volume, and Hydrographs on Small Streams in South Dakota.**, Water Resources Investigations 80-80, September 1980.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2280-2, Theodore Kjerstad

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2280-2, Theodore Kjerstad, HC 84 Box 40, Quinn, SD 57775.

The Chief Engineer is recommending APPROVAL of Application No. 2280-2 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Approval of Permit No. 2280-2 is subject to construction of a control structure to allow water to be bypassed, prior to any diversion for irrigation under this permit, for downstream domestic use and prior water rights.

See report on application for additional information.

for Eric Shenlund
JOHN HATCH, Chief Engineer
April 27, 1993



**DEPARTMENT of ENVIRONMENT
and 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.

April 29, 1993

Theodore Kjerstad
HC 84 Box 40
Quinn, SD 57775

Dear Mr. Kjerstad:

Water Permit Application No. 2280-2 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 Pioneer Review printed at Philip, SD (Ph # 859-2516). 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 ENVIRONMENT
and NATURAL RESOURCES

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

April 29, 1993

The Pioneer Review
Box 788
Philip, SD 57567

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2280-2 to be published twice. Please publish the first notice on May 6, 1993, 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 Theodore Kjerstad, HC 84 Box 40, Quinn, SD 57775 (Ph # 386-2131).

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
No. _____
Date _____
TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 May 6, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2280-2 to Appropriate Water
and Amend Water Permit No. 2233-2

Notice is given that Theodore Kjerstad, HC 84 Box 40, Quinn, SD 57775 has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 2233-2, to appropriate an additional 0.27 cubic feet of water per second (cfs) and to increase the number of acres irrigated. Water Permit No. 2233-2 appropriates 0.67 cfs from Dirty Womans Draw located in the NW 1/4 NE 1/4 Section 4 to irrigate 47 acres located in the NE 1/4, N 1/2 SE 1/4 Section 4; all in T2N-R18E. This application requests an additional appropriation of 0.27 cfs from Dirty Womans Draw to irrigate an additional 19 acres located in the N 1/2 NE 1/4 Section 4-T2N-R18E. This application also proposes to change the location of the diversion point to the SW 1/4 SE 1/4 Section 33-T3N-R18E. Water Permit No. 2233-2 and this application, combined, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2280-2 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 May 24, 1993. 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. 2280-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 2, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 June 2, 1993, 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 May 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Haakon) ss

I, Kelly Penticoff

certify that the attached printed Notice was

taken from the _____

printed and published in Pioneer Review

County of Haakon and State of

South Dakota. The notice was published in the newspaper on the following two dates:

May 6, 1993

May 13, 1993

Cost of Printing: \$69.50

Kelly Penticoff
(Signature)

Legal Advertising Manager
(Title)

May 13, 1993

(Date Signed)

Notice of Hearing on Application No. 2280-2 to Appropriate Water and Amend Water Permit No. 2233-2

Notice is given that Theodore Kjerstad, HC 84 Box 40, Quinn, SD 57775, has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 2233-2, to appropriate an additional 0.27 cubic feet of water per second (cfs) and to increase the number of acres irrigated. Water Permit No. 2233-2 appropriates 0.67 cfs from Dirty Womans Draw located in the NW1/4 NE1/4 Section 4 to irrigate 47 acres located in the NE1/4, N1/2SE1/4 Section 4; all in T2N-R18E. This application requests an additional appropriation of 0.27 cfs from Dirty Womans Draw to irrigate an additional 19 acres located in the N1/2 NE1/4 Section 4-T2N-R18E. This application also proposes to change the location of the diversion point to the SW1/4SE1/4 Section 33-T3N-R18E. Water Permit No. 2233-2 and this application, combined, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2280-2 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 May 24, 1993. 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. 2280-2 and 2) the Chief Engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 2, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 June 2, 1993, 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 May 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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.

Robert E Roberts, Secretary
Department of Environment and
Natural Resources

[Publish May 6 & 13, 1993]





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 1993

Theodore Kjerstad
HC 84, Box 40
Quinn SD 57775

Dear Mr. Kjerstad:

Enclosed is a check for \$150.00 which you submitted. The enclosed receipt shows that you paid this application fee on February 22, 1993. The receipt is for your records.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1993

Theodore Kjerstad
HC 84 Box 40
Quinn, SD 57775

Dear Mr. Kjerstad:

Enclosed is Water Permit No. 2280-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 11, 20 03

RECEIVED OF Reclining G Game Farm, 1719 W Main St, Rapid City SD 57702-2564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 2280-2</u>		250
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000913

By

Garland Erbele

Chief Engineer

GARLAND ERBELE

(Signature)

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2280-2

Date:

Nov. 5, 2003

I/We request that Water Permit No. 2280-2

formerly owned by: Theodore Kjerstad

be transferred to: (name & address) Joseph GRAZIANO

1719 W. MAIN STREET

Rapid City S.D. 57702

Telephone No. 605-342-8596

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

19 acres in the N ½ NE ¼ Section 4, T2N, R18E

I/We understand that the validity of Water Permit No. 2280-2 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

Joseph GRAZIANO

By Sam Zingra POA

, the new owner, certify that the above information is true and correct.

Joseph Graziano by Sam Zingra P.O.A.
(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 10 2003

WATER RIGHTS
PROGRAM



2280-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 22, 2003

662-2
2280-2
2233-2

Joseph Graziano
1719 W Main St
Rapid City SD 57702

Dear Mr. Graziano:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for changing ownership on Water Permit Nos. 2280-2 and 2233-2. The transfers have been completed. The water permits, formerly held by Theodore Kjerstad, are now listed in your name.

Enclosed are your Receipt Nos. 000913 and 000914 in the amount of \$2.50 each which you paid for filing the ownership changes. You may keep them for your records.

While transferring the water permits, I found a vested water right for Mr. Kjerstad in the same area as those just transferred to your name. I am enclosing a copy of Vested Water Right No. 662-2 and a transfer form in the event you also own this land. If you do not own the land, disregard the form. The process for transferring the vested right is the same as for the other permits. Please complete and sign the form prior to returning it to us with a \$2.50 filing fee.

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

enclosures

25% COTTON



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2004

2233-2
2280-2

Sam Zimiga
Reclining G Game Farm
1719 W Main St
Rapid City SD 57702-2564

RE: Permits held by Joseph Graziano

Dear Mr. Zimiga:

On October 29, 2003, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2233-2 and 2280-2, was completed by Eric Gronlund, a staff engineer with our program. Enclosed is a copy of the inspection report for your review.

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

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

If you have any questions regarding the water permits, investigation of the water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 1, 20 04

RECEIVED OF Sam Zimiga, Reclining G Game Farms, 1719 W Main St, Rapid City SD 57702

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct	
Fee for Application for Permit No. _____ to retain Future Use Permit No. _____ after period of seven years.	to Appropriate Water for Future use	
Fee for Inspecting Constructed Works confirming beneficial use and issuing Water License No. <u>2280-2</u>		50 00
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 004208

By Garland Erbele

Chief Engineer Garland Erbele

Permit Nos. 2233-2 and 2280-2
Bad River (10140102) - Water District

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

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

I have this day, October 29, 2003, made a thorough examination of the water use system constructed by Theodore Kjerstad and now owned by Joseph Graziano, c/o Sam Zimiga, Reclining G Game Farm, 1719 W. Main Street, Rapid City SD 57702-2564 holder of Permit Nos. 2233-2 and 2280-2, bearing the priority of May 27, 1992 and February 16, 1993 authorizing the diversion totaling 0.94 cu. ft. per second of the waters for irrigation totaling 66 acres from the Dirty Womans Draw for irrigation purposes, with the diversion point located in Haakon County.

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

A. Works used to divert the water:

Diversion structure along Dirty Womans Draw (see picture). The structure is not on the draw proper but is capable of diverting water from the draw if the gates are open.

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

Diversion ditch

C. Works used to apply water to beneficial use:

Water spreading using level lip ditches

The system is in the following condition fair. The point of diversion (structure) is located approximately 180 feet north and 1800 feet west of the SE Corner (SW ¼ SE ¼) of Section 33, T3N, R18E (Lat/Lon N 44.168858 W-101.954698). The works are capable of diverting and conveying to the place of use 0.94 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: **all in Section 4 T2N, R18E***

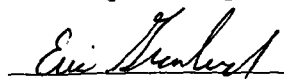
NW ¼ NE ¼	4.5 acres	SE ¼ NE ¼	25 acres
NE ¼ NE ¼	18 acres	NE ¼ SE ¼	5 acres
SW ¼ NE ¼	13 acres	NW ¼ SE ¼	0.5 acres

The system comprises a total of 66 acres of land and the license should be issued for 0.94 cfs.**

Applicable permit qualifications have been complied with: See comments on field investigation report

Exceptions to compliance are: none

Date Report Completed: February 20, 2004



Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

* This acreage breakdown is an estimate based on the field investigation. It is very difficult to determine actual acres from a waterspreading system of this type.

** The diversion rate was based on the statutory limit.

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 2233-2 & 2280-2

DATE OF INVESTIGATION:	October 30, 2003
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jim Brandt – accompanied me Sam Zimiga – permit contact person
NAME & ADDRESS OF PERMIT HOLDER	Joseph Graziano Reclining G Game Farm c/o Sam Zimiga 1719 W. Main Street Rapid City SD 57702-2564
DIVERSION POINT LEGAL LOCATION	<u>approximately 180 feet north and 1800 feet west of the SE Corner (SW ¼ SE ¼) of Section 33, T3N, R18E (Lat/Lon N 44.168858 W-101.954698)</u>

WATER SUPPLY Source: Dirty Womans Draw

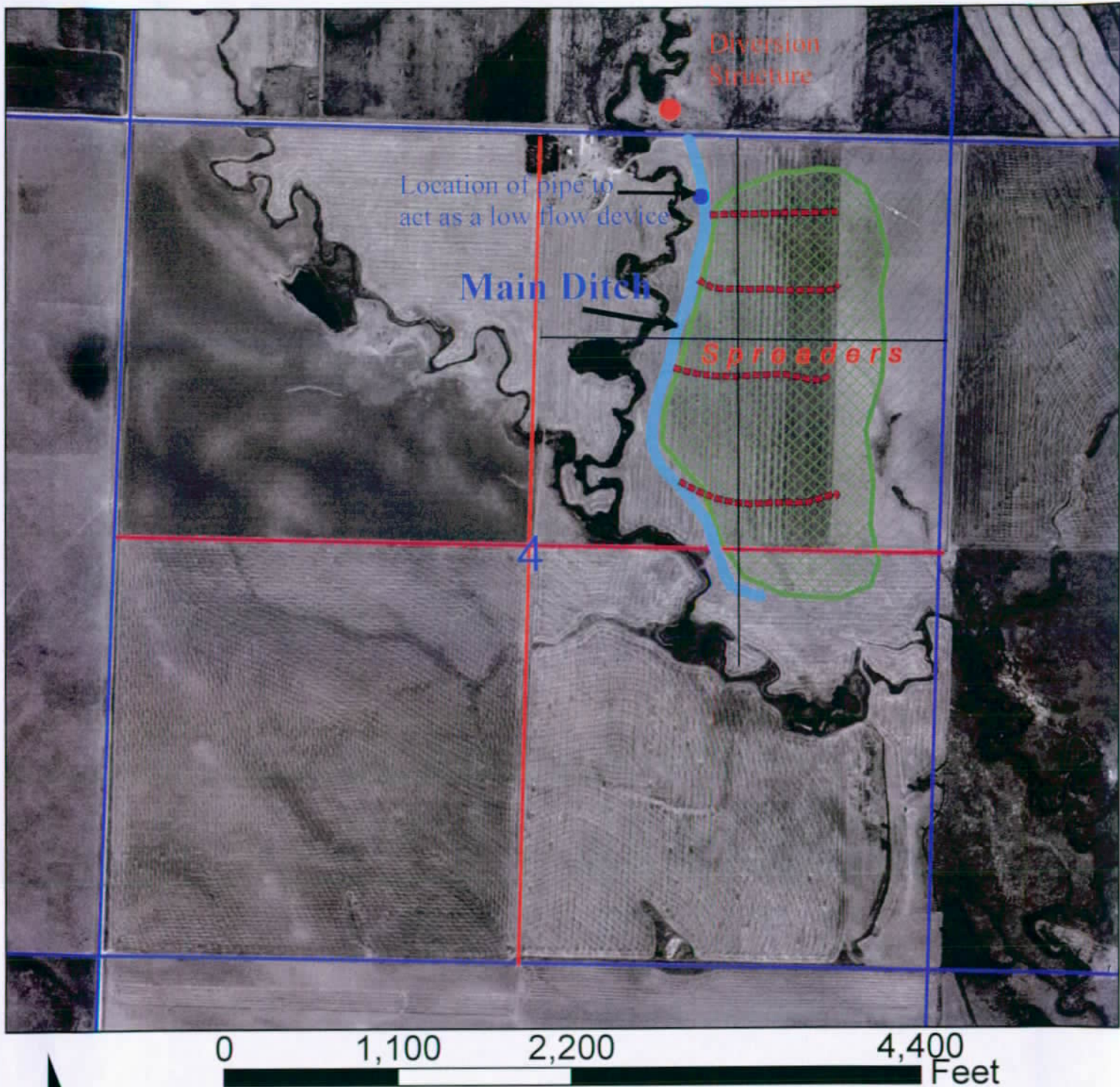
A diversion structure exists adjacent to Dirty Womans Draw (see picture). The works obviously have been in place for numerous years. When operated, the gates are opened and flow (assuming there is flow in the draw) is diverted into a ditch where water is transported in a southerly direction where level lip ditches direct water to the field for spreading. This is not a high tech system. Water must be available from Dirty Womans Draw and the gates open in order for irrigation to take place. There was not flow in the draw at the time of the licensing investigation. It is the licensing investigators opinion that water will be available only under spring snowmelt or following large thunderstorm events.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes (see comment below)
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable (gravity flow water spreading system)

The water permits are conditioned subject to a construction of a control structure to allow water to be bypassed, prior to any diversion for irrigation. There is a 10" – 12" PVC pipe located in the irrigation ditch prior to the first spreader (see map) that outlets back towards Dirty Womans Draw. It is assumed that this was installed in an effort to comply with this requirement. Mr. Brandt, who accompanied me on the onsite visit, was not familiar with the system.

Water Permit Nos. 2233-2 & 2280-2, Joseph Graziano
Reclining G Game Farm



Diversion structure located approximately 180 feet north and 1800 feet west of the SE corner (SW 1/4 SE 1/4) Section 33, T3N, R18E (Lat/Lon N44.168858 - W101.954698)

Eric Gronlund

Eric Gronlund

Water Rights Program, DENR

License Investigation - October 29, 2003



Picture of diversion structure. If gates are open flow from Dirty Womans Draw enters an irrigation ditch which supplies the water for spreading



Picture of Ditch

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2280-2

(1) Theodore Kjerstad, Quinn SD made Application No. 2280-2, February 16, 1993 for a water permit to divert an additional 0.27 cubic feet of water per second (cfs) from Dirty Womans Draw, Haakon County, South Dakota for irrigation purposes. Permit No. 2280-2, with a priority date of February 16, 1993 was approved June 2, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 2, 1998 and for the application to beneficial use of water on or before June 2, 2002.

Water Permit No. 2233-2 with a priority date of May 27, 1992 authorized diversion of 0.67 cfs from Dirty Womans Draw to irrigate 47 acres. The applicable portions of No. 2233-2 have been incorporated into No. 2280-2.

On November 10, 2003, Water Permit Nos. 2233-2 and 2280-2 were transferred to Joseph Graziano, 1719 W Main St, Rapid City SD 57702-2564.

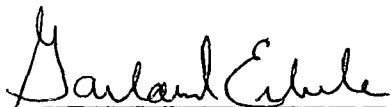
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 2280-2 is issued a license, bearing priority dates of May 27, 1992 (0.67 cfs) and February 16, 1993 (0.27 cfs) to appropriate 0.94 cubic feet of water per second from Dirty Womans Draw to irrigate 66 acres via a waterspreading system.

The diversion point is located: 180 feet north and 1,800 feet west of the southeast corner Section 33-T3N-R18E (SW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 4-T2N-R18E			
NW ¼ NE ¼	4.5 acres	NE ¼ SE ¼	5 acres
NE ¼ NE ¼	18 acres	NW ¼ SE ¼	0.5 acres
SW ¼ NE ¼	13 acres		
SE ¼ NE ¼	25 acres		
Total 66 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit Nos. 2233-2 and 2280-2 including the following now applicable qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Approval is subject to construction of a control structure to allow water to be by-passed, prior to any diversion for irrigation under this permit, for downstream domestic use and prior water rights.



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

MAY 10 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2004

2280-2

Joseph Graziano
% Sam Zimiga
Reclining G Game Farm
1719 W Main Street
Rapid City SD 57702-2564

Dear Mr. Zimiga:

Enclosed is Water License No. 2280-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001208 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

NOTE: The applicable portions of No. 2233-2 are incorporated into Water License No. 2280-2

enclosures