

WATER PERMIT NO. 2306-2

Phone: 224-2915

Name of Applicant: Tipp Hamilton

Post Office Address: PO Box 465, Ft. Pierre SD 57532

Amount of Water Claimed: no add'l (1.0 cfs) Total Acres: no add'l (80.8 acres)

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Stanley

About _____ miles north _____ of Ft. Pierre

PRIORITY _____ Date Received: 2-28-94 Fee: \$150 Remarks: correct

diversion pt, acreage and authorizes 2 ponds - - Permit No. 646-2

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

WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Miss R.-Gov't Lot 5, 2 ponds

Gov't Lot 5, holding pond-Accretion Lot 3;

all in T5N-R31E

Land to be Irrigated: Block 3 and 10 (SE 1/4

SE 1/4) Section 17, Accretion Lot 3, Lot 4 and

Lot 5; all in T5N-R31E

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Eric Gronlund Reviewed and the Number

Assigned on: 3-2-94 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2306-2 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Capital Journal, PO Box 878, Pierre
(office use only)

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

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 646-2
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
acreage correction to include SE 1/4 SE 1/4 Section 17, correct div. point
authorize two ponds

- Name of Applicant Tipp Hamilton Phone 224-2915
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address PO Box 465 Ft. Pierre State SD 57532
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed no add'l CFS or no add'l GPM no add'l AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Missouri River (permitted by No. 646-2)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Div. point Gov't Lot 5, ~~SW 1/4~~; Two ponds - Gov't Lot 5, ~~SW 1/4~~ (surface runoff)
and Accretion Lot 3; (holding pond); all in Sect 16, T5N, R31E County Stanley
- County or counties where water will be used Stanley
- Annual period during which water is to be used April 1 - November 1
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Block	Land Description	Acres	Land Description	Acres
3 and 10	(SE 1/4 SE 1/4) Section 17, T5N, R31E	20		

- Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☐ Gun: ☐ Other (Specify): sprinkler/pivot
- Crops to be irrigated: grass/turf, alfalfa
- Give a description of the project. (Attach sheet if more space is needed).
- no increase in 1.0 cfs diversion from Missouri River
- no increase in 80.8 acres

- Development of an executive golf course in Accretion Lot 3 & Gov't Lot 5. Irrigation of alfalfa will continue in portions of Accretion Lot 3 & Lot 4 which are not developed as part of golf course.

- Ponds will be lined. Pond in Gov't Lot 5 will receive surface runoff & return flows only. Pump will be located at pond in Accretion Lot #3.

STATE OF SOUTH DAKOTA)

County of Hughes ^{SS}

I, Tipp Hamilton, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

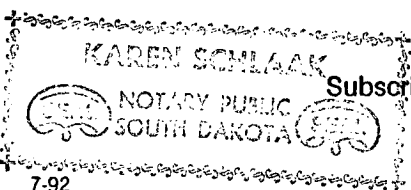
Signed

[Signature]

Subscribed and sworn to before me this 1st day of March 19 94

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

[Signature]
Notary Public



SOUTH DAKOTA
WATER PERMIT NO. 2306-2 FOR IRRIGATION

Date of first receipt of application February 28, 1994.

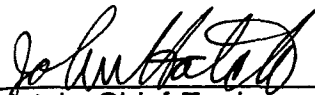
The Water Management Board approved Water Permit Application No. 2306-2 on June 28, 1994 for Tipp Hamilton, PO Box 465, Fort Pierre SD 57532 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2306-2 specifies the correct location of acreage irrigated, corrects the location of the diversion point and authorizes two storage ponds. Water Right No. 646-2 appropriates 1.0 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 16 to irrigate 80.8 acres located in Accretion Lot 3 and Government Lots 4 and 5 of Section 16; all in T5N-R31E. This permit corrects the location of the diversion point to Government Lot 5, Section 16 and corrects the location of the irrigation of 20 acres to the SE 1/4 SE 1/4 (Block 3 and 10 of the City of Ft. Pierre) Section 17; all in T5N-R31E. This permit also authorizes two 1/2 acre storage/holding ponds (approximately 6.0 acre feet storage capacity) to be located in Government Lot 5 and Accretion Lot 3, Section 16-T5N-R31E. No increase in the number of acres being irrigated is authorized by this permit. Water Right No. 646-2 appropriates 1.0 cfs for the irrigation of 80.8 acres. Pumping in excess of the 1.0 cfs may not exceed the volume of water that would be applied in a 24-hour period at a rate of 1.0 cfs per 80.8 acres.
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 - November 1.
3. The date from which applicant may claim right is February 28, 1994 (two storage ponds).
4. One-fifth of the construction is to be completed on or before December 28, 1996.
5. All construction is to be completed on or before June 28, 1999.
6. Water is to be put to beneficial use on or before June 28, 2003.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit No. 2306-2 is subject to compliance with applicable Administrative Rules of South Dakota regarding wastewater disposal systems.
2. Pumping in excess of 1.0 cubic feet of water per second may not exceed the volume of water that would be applied in a 24-hour period at a rate of 1.0 cfs per 80.8 acres.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Permit No. 2306-2 authorizes storage of up to 6 acre-feet of water in two storage ponds.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer

OCT 4 1994

date

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

- a) Surface Dimensions 280×70 250×70 Depth 5 to 6 feet
- b) Depth to water (ground surface to water level) _____

will be lined
Lake in Govt Lot 5 will receive
surface runoff & return flows.

3. 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:

_____ 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

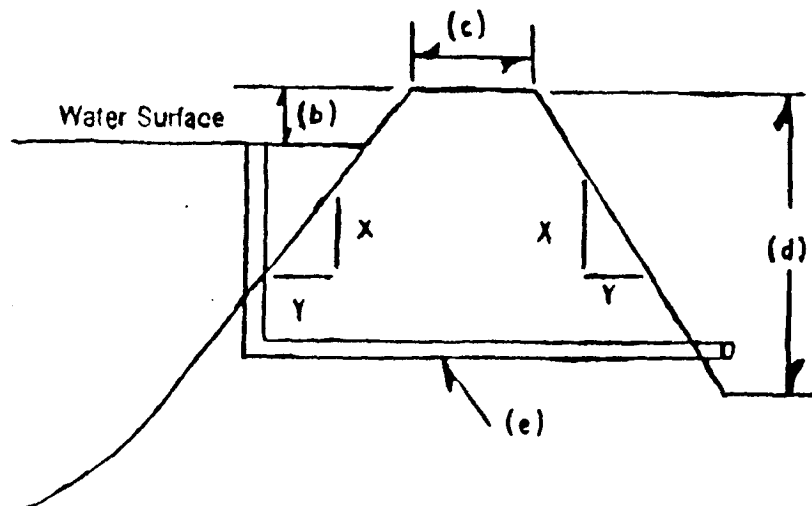
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414062

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 1, 19 94

RECEIVED OF J Tipp Hamilton, 208 W Capitol, Pierre, SD 57501

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

Fee for Application for Permit No. <u>2306-2</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

NOT TO SCALE



— Proposed Area of Golf Course

— Existing pivot 1/2 circle

Eric Hamilton
Water Right Division
2/2/1961

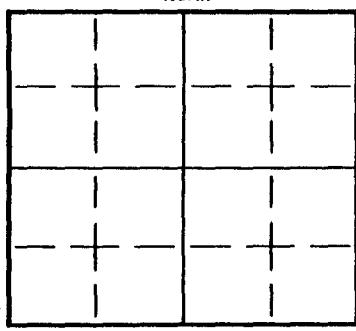
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location Lot 18, Hamilton's 1st Addition
16 Twp 5 Rg 31County Stanley County

North

Please mark well location with an "X"

[See enclosed]
[Plat]Well Completion Date June 27, 1994

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 90 ft. from Septic Tank (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>42</u> FT	<u>6 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>3</u>	_____ lb./gal	<u>6</u> ft.	<u>15</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pumped in Through
1 in. pipe.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 10 FEET

Material _____

Slot Size 10/10 Set From 42 Feet to 52 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: H+H
_____ NO, Why Not? _____Laboratory sent to for water quality analysis PierreWell Owner: Tipp Hamilton

Business Name: _____

Address: Box 465
Fort Pierre, S.D. 57532

WELL LOG:

DEPTH

FORMATION

FROM

TO

Sand Fine > Course 0 53STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Submersible☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

14 ft. After 1 Hrs. pumped 15 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 16 GPM

REMARKS

This well was drilled under license # 234

And this report is true and accurate.

Drilling firm Dakota Boring Co.

Signature of License Representative:

Chris Duff

Signature of Well Owner or Equitable Property Holder:

Gary HamiltonDate: June 24, 94



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1994

Tipp Hamilton
Dunes Development
208 West Capitol
Pierre, SD 57501

Dear Mr. Hamilton:

A well driller's report filed by Dakota Boring Company shows that they completed a new well for you. Based on the information in the report, you may need a permit to appropriate water for use in your business.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

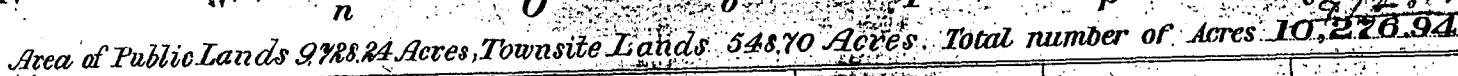
Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by November 4, 1994. You may contact Barry McLaury at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

Sincerely,

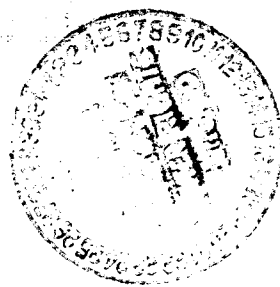
RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosures

G f F e E d D C

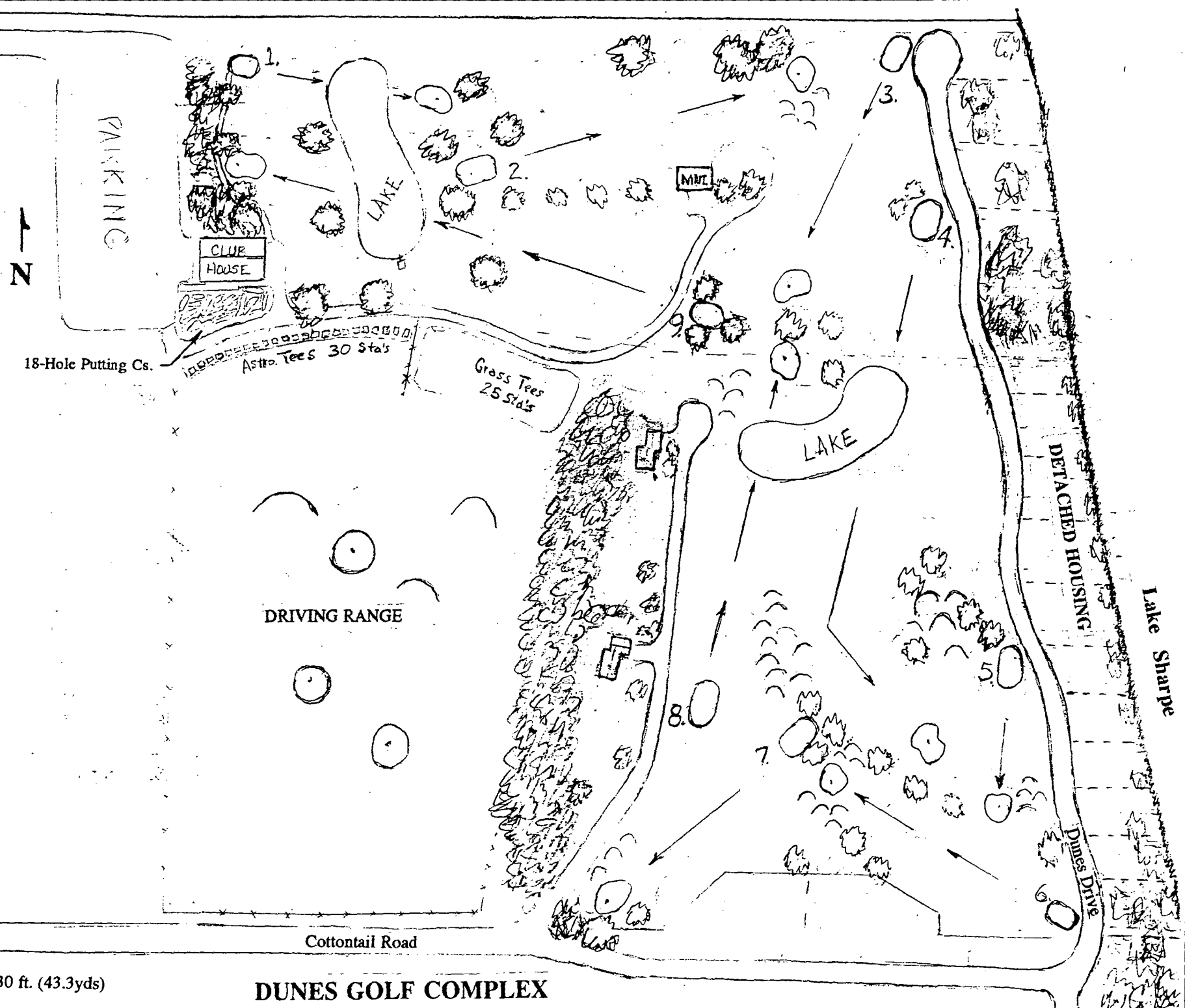


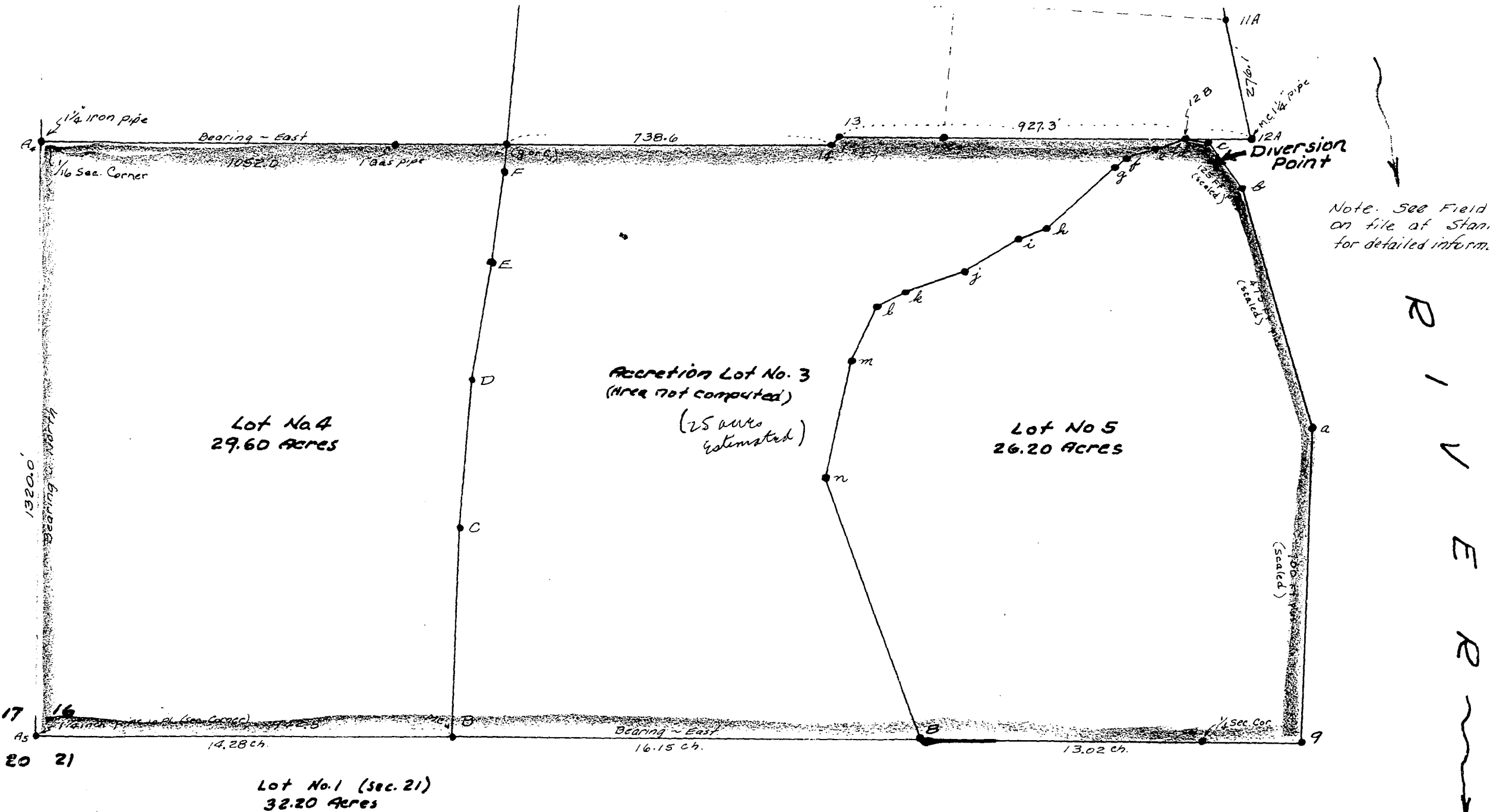
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed	Mean Declination E.
Township lines	McJ. Woolley	March 27 1890		May 1890	
Subdivisions	Pittigrew & Flickinger		28 63 59	June 20, Aug 22	13° 29' 30"
Meanders	"	"	16 08 51	"	"
South boundary	McJ. Woolley	12		May	
Townsite	F. W. Pittigrew	Sp ^d Inst ^d Apr 9 91		April 1891	



SCALE: 1" = 130 ft. (43.3yds)

DUNES GOLF COMPLEX





Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Tipp Hamilton File No. 2306-2
Address: PO Box 465, Ft Pierre, SD County: Stanley
Date: 4/13/94 Telephone: 224-2915
RE: Application 2306-2

Comments:

I called Tipp Hamilton concerning application No. 2306-2. I suggested that he amend his application such that he be allowed to pump in excess of the 1.0 cfs per 80.8 acres on the golf course so that he may not exceed pumping the volume of water that would be applied in a 24 hour period at a rate of 1.0 cfs per 80.8 acres. I explained that most golf courses irrigate at night in a 8 to 12 hour period at a higher pump rate. He said that he wished to amend his application such that he could pump at the higher rate.



Mark D Rath
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATION NO. 2306-2
TIPP HAMILTON
APRIL 13, 1994

Application No. 2306-2, Tipp Hamilton, proposes to specify the correct location of acreage irrigated, corrects the location of the diversion point and to authorize two storage ponds. Water Right No. 646-2 appropriates 1.0 cubic feet of water per second (cfs) from the Missouri River with the diversion point located in the NE1/4 NE1/4 of Section 16 to irrigate 80.8 acres located in Accretion Lot 3 and Government Lots 4 and 5 of Section 16; all in T5N- R31E. This application requests to correct the location of the diversion point to Government Lot 5, Section 16 and correct the location of the irrigation of 20 acres to SE1/4 SE1/4 (Blocks 3 and 10 of the City of Fort Pierre) Section 17; all in T5N-R31E. This application is also to authorize two 1/2 acre storage ponds to be located in Government Lot 5 and Accretion Lot 3, Section 16 T5N-R31E. Water Right No. 646-2 appropriates 1.0 cfs for the irrigation of 80.8 acres. Pumping in excess of the 1.0 cfs per 80.8 acres on the golf course may not exceed the volume of water that would be applied in a 24 hour period at a rate of 1.0 cfs per 80.8 acres. No increase in the number of acres to be irrigated is authorized by this application.

Discussion of the Proposed Application

Water for this proposed water permit is from local surface runoff and from the Missouri River located approximately 5 miles downstream from Oahe Dam and has already been appropriated by Water Right No. 646-2 having a priority date of December 13, 1960. A review of Division of Water Right records did not find any record of problems or complaints associated with Water Permit No. 646-2. The storage of water will get a new priority date. No adverse impacts to existing water rights are expected.

Water for the club house use is to be from a well that is currently used to supply a common distribution system. Water diversion from this well will continue to be less than 18 gallons per minute after the club house is connected and does not require a water permit. If a separate well would be drilled to solely supply the club house, a water permit application would be required for commercial use. Water use by any future development of residential housing supplied by a private water source will require a water permit to be obtained.

Conclusions

1. Application No. 2306-2 proposes to correct the location of acreage and the diversion point and to authorize two storage ponds to be used for a golf course.
2. Water for this application has already been appropriated by Water Right No. 646-2 having a priority of December 13, 1960. If approved this water permit would retain the same

priority date for 1.0 cfs appropriated by No. 646-2. The storage of water in the ponds will get a new priority date.

3. The total acres to be irrigated will not exceed 80.8 acres.
4. Pumping in excess of the rate of 1 cfs per 80.8 acres on the developed golf course may not exceed the volume of water that would be applied in a 24 hour period at the rate of 1 cfs per 80.8 acres.

Mark D. Rath 

Mark D. Rath
Natural Resources Engineer III

Approved by:

Delvin D. Brosz

Delvin D. Brosz, P.E.
Natural Resources Engineer IV

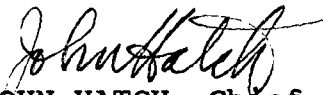
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2306-2, Tipp Hamilton

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. 2306-2, Tipp Hamilton, PO Box 465, Ft. Pierre, SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 2306-2 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. Permit No. 2306-2 is subject to compliance with applicable Administrative Rules of South Dakota regarding wastewater disposal systems.
2. Pumping in excess of 1.0 cubic feet of water per second may not exceed the volume of water that would be applied in a 24-hour period at a rate of 1.0 cfs per 80.8 acres.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Permit No. 2306-2 authorizes storage of up to 6 acre-feet of water in two storage ponds.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 26, 1994



**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.**

May 18, 1994

Tipp Hamilton
PO Box 465
Ft. Pierre, SD 57532

Dear Mr. Hamilton:

Water Permit Application No. 2306-2 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 Capital Journal printed at Pierre, SD (Ph # 224-7301). 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
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.

c: Scott Larson, U.S. Fish & Wildlife Service, 420 S. Garfield, Pierre, SD 57501
Tim Olson, Water Permit Coordinator, SD Department of Game, Fish & Parks, Pierre, SD



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 1994

Capital Journal
PO Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2306-2 to be published twice. Please publish the first notice on May 25, 1994, 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 Tipp Hamilton, PO Box 465, Ft. Pierre, SD 57532 (Ph # 224-2915).

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
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

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 May 25, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2306-2 to Appropriate Water
and to Amend Water Right No. 646-2

Notice is given that Tipp Hamilton, PO Box 465, Ft. Pierre, SD 57532 has filed an application for a water permit to specify the correct location of acreage irrigated, to correct the location of the diversion point, and to authorize two storage ponds. Water Right No. 646-2 appropriates 1.0 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 16 to irrigate 80.8 acres located in the Accretion Lot 3 and Government Lots 4 and 5 of Section 16; all in T5N-R31E. This application requests to correct the location of the diversion point to Government Lot 5, Section 16 and correct the location of the irrigation of 20 acres to the SE 1/4 SE 1/4 (Block 3 and 10 of the City of Ft. Pierre) Section 17; all in T5N-R31E. This application is also to authorize two 1/2 acre storage/holding ponds (approximately 6.0 acre-feet storage capacity) to be located in Government Lot 5 and Accretion Lot 3, Section 16-T5N-R31E. No increase in the number of acres to be irrigated is authorized by this application. Water Right No. 646-2 appropriates 1.0 cfs for the irrigation of 80.8 acres. Pumping in excess of the 1.0 cfs may not exceed the volume of water that would be applied in a 24-hour period at a rate of 1.0 cfs per 80.8 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2306-2 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.

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 June 20, 1994. 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.

The Water Management Board will consider this application at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, SD. 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. The June 28, 1994, 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 June 20, 1994.

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 June 20, 1994, 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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Hughes) ss

I, Peggy Warner

certify that the attached printed Notice was

taken from the _____

Capital Journal
 printed and published in Pierre

County of Hughes and State of

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

May 25, 1994
June 1, 1994

Cost of Printing: 65.28

Peggy Warner
 (Signature)

Legal Representative
 (Title)

June 2, 1994
 (Date Signed)

No. 7666 2tdly 5/25, 6/1

NOTICE OF HEARING on Application No. 2306-2 to Amend Water Right No. 646-2

Notice is given that Tapp Hamilton, PO Box 465, Fort Pierre, SD 57532 has filed an application for a water permit to specify the correct location of acreage irrigated, to correct the location of the diversion point, and to authorize two storage ponds. Water Right No. 646-2 appropriates 1.0 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 16 to irrigate 80.8 acres located in the Accretion Lot 3 and Government Lots 4 and 5 of Section 16; all in T5N-R31E. This application requests to correct the location of the diversion point to Government Lot 5, Section 16 and correct the location of the irrigation of 20 acres to the SE 1/4 SE 1/4 (Block 3 and 10 of the City of Fort Pierre) Section 17; all in T5N-R31E. This application is also to authorize two 1/2 acre storage/holding ponds (approximately 6.0 acre-feet storage capacity) to be located in Government Lot 5 and Accretion Lot 3, Section 16-T5N-R31E. No increase in the number of acres to be irrigated is authorized by this application. Water Right No. 646-2 appropriates 1.0 cfs for the irrigation of 80.8 acres. Pumping in excess of the 1.0 cfs may not exceed the volume of water that would be applied in a 24-hour period at a rate of 1.0 cfs per 80.8 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2306-2 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.

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 June 20, 1994. 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.

The Water Management Board will consider this application at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, S.D. 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. The June 28, 1994, 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 June 20, 1994.

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 June 20, 1994, 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. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 4 1994

Tipp Hamilton
PO Box 465
Ft. Pierre, SD 57532

Dear Mr. Hamilton:

Enclosed is Water Permit No. 2306-2 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.

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Tipp Hamilton

Date: 10-5-94

County: Stanley

File No: 2306-2

COMMENTS:

Today I received a call from Mr. Hamilton concerning a letter he received from Ron Duvall on October 4, 1994. This letter explained that a Water Permit may be needed for the three wells he had drilled in Stanley County. The three wells, according to Mr. Hamilton, were drilled for domestic use to be used for newly built homes. He explained to me in our conversation that he had one lone well he was going to use for his clubhouse (see Water Permit No. 2306-2) and nothing else. I explained the matter to Eric Gronlund who had worked with Mr. Hamilton on Water Permit No. 2306-2.

Eric called Mr. Hamilton the same afternoon to get more details. Mr. Hamilton explained to Eric that he would be running a water line from the housing development wells over to the clubhouse when it is built. This was acknowledged in the report prepared on the application. This is considered a common distribution system and will not require a permit, provided that Mr. Hamilton does not exceed 18 GPM. At the present, Mr. Hamilton is aware of this situation. No Water Permit is needed if the use of water remains a common distribution system diverting no more than 18 GPM.


Barry A. McLaury


Eric Gronlund



February 4, 1997

NOTICE**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: J TIPP HAMILTON, PO BOX 465, FT PIERRE, SD 57532-0465

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2306-2, 646-2 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2306-2, 646-2. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 646-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2306-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in 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) 2306-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 646-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 1997, 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 (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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 1997

646-2
2306-2

J Tipp Hamilton
1201 Hamilton Ct
Ft Pierre, SD 57532

Dear Mr. Hamilton:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit and 1996 Irrigation Questionnaire Requirements.**

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 and if you have any questions, please contact me.

Sincerely,

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



2306-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2001

646-2 and 2306-2

Cullen Deis
1271 Hamilton Court
Ft. Pierre SD 57532

Dear Mr. Deis:

On September 20, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2306-2, was completed by Mark Rath, a staff engineer with our program. The final water right document, the water license, can now be issued.

The applicable portions of Water Right No. 646-2 will be incorporated into Water Permit No. 2306-2.

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.

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.

Also, enclosed are *Notice of Transfer of Ownership* forms. The forms need to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee each. The check or money order for the fees (\$55.00) should be made payable to the "Water Rights Program".

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

Sincerely,

Karen Schlaak
Water Rights Program

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2306-2

Date: 11-27-01

I/We request that Water Permit No. 2306-2

formerly owned by: Tipp Hamilton

be transferred to: (name & address) Deis Enterprises, LLC, 1271 Hamilton Ct,
Fort Pierre, SD 57532 Telephone No. 605-223-2525

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

two storage/regulating ponds - Lots 3, 4 & 5 Section 16-T5N-R31W.

I/We understand that the validity of Water Permit No. 2306-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

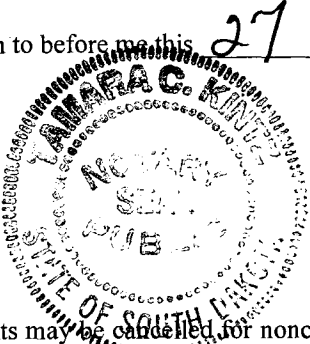
STATE OF SOUTH DAKOTA)

County of Stanley)

I/We Cullan Deis being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Cullan Deis
(Signed)

Subscribed and sworn to before me this 27 day of Nov, 20 01.



Tamarac King
(Notary Public)
Cullan ex) 9-2-07

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NR 416992

Pierre, November 28, 20 01

RECEIVED OF Dais Enterprises LLC, 1271 Hamilton Ct., Ftt Pierre, SD 57532
the following amount in fees for services rendered as provided for by law: (Tipp Hamilton)

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. 2306-2

Fee for Filing Transfer Form 2306-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

2 50

52 50

By

Darland Erbele

Chief Engineer

gm

Permit No. 2306-2
Missouri River - Water District

Contact Person & Address: Cullin Deis, 1271 Hamilton Court, Ft Pierre SD - 605-223-2268

Related Permits: 646-2

Report Of Examination Of Works

On, February 8, 2000 and September 20, 2001, I made a thorough examination of the water use system constructed by Cullen Deis of 1271 Hamilton Court, Ft Pierre SD holder of Permit No. 2306-2, bearing the priority of February 28, 1994 authorizing the diversion of 1.0 cu. ft. per second of the waters and construction of two small holding ponds 6.0 ac-ft of storage from surface water (Missouri River) for irrigation purposes, in Stanley County.

The system is in the following condition good. The point of diversion is located from the SW corner of Sec 16 T5N-R31E: 2660 ft east and 1200 ft north with a longitude of -100.38013 and a latitude of 44.38939. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water with two small holding/regulating/water hazard ponds with 6.0 ac-ft of storage located in lots 3, 4, & 5 of Sec 16 T5N-R31E; which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 16 T5N-R31E

Lots 3, 4 & 5 – 60 acres

comprising a total of 60 acres of land and the license should be issued for 0.86 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 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 yes.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Pump:

- | | |
|------------------------|----------------------------|
| 1) Make <u>Berkley</u> | 2) Model <u>L150A</u> |
| 3) Size <u>4</u> | 4) Capacity <u>400</u> GPM |

Motor:

- | | |
|----------------------------------|-----------------------|
| 1) Make <u>unknown</u> | 2) Model No. <u>?</u> |
| 3) Horsepower rating <u>5</u> hp | |

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 6 inches 3) Length 1000 feet

SYSTEM TYPE:

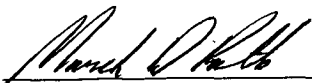
Popup sprinklers

DAM INFORMATION:

The golf course has two small dugouts used as regulating ponds/water hazards with a combined capacity of approximately 6.0 ac-ft.

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type mechanical
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) **Comments :** The golf course has been purchased by Cullen Deis from J. Tipp Hamilton. A transfer form needs to be sent to Cullen Deis, 1271 Hamilton Court, Ft Pierre SD. The applicable portions of Water right No. 646-2 should be incorporated into this license.



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

11-21-01

Date

2306-2



Sec 16
T5N-R31E

2660 feet

Pond
60 acres
Pond
Lots 3, 4, & 5

1200 feet

0.3 0 0.3 0.6 0.9 Miles

Mark D Rath 11-20-01

Mark D Rath
Natural Resources
Engineering Specialist
SD DENR

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2306-2

(1) Tipp Hamilton, Ft. Pierre SD made Application No. 2306-2, February 28, 1994 for a water permit to correct the location of acreage irrigated under Water Right 646-2, correct the location of the diversion point and to add two storage/regulating ponds (6 acre-feet storage capacity), Hughes County, South Dakota for irrigation purposes. Permit No. 2306-2, with a priority date of February 28, 1994 was approved June 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 28, 1999 and for the application to beneficial use of said water on or before June 28, 2003.

On November 28, 2001, Water Right No. 646-2 and Water Permit No. 2306-2 were transferred to Deis Enterprises LLC.

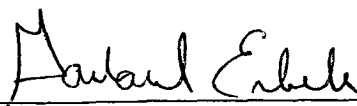
Water Right No. 646-2 with a priority date of December 13, 1960 authorized 1.0 cubic feet of water per second from the Missouri River to irrigate 80.8 acres. The applicable portions of Water Right No. 646-2 have been incorporated into No. 2306-2.

(2) It is certified that the permit holder 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 0.86 cubic feet of water per second for beneficial use. The location of the Missouri River diversion point is 2,660 feet east and 1,200 feet north of the southwest corner of Section 16-T5N-R31E.

Water is pumped from the Missouri River to the 2 storage/regulating ponds for irrigation of a golf course.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: 60 acres located in Lots 3, 4 & 5 of Section 16-T5N-R31E.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Deis Enterprises LLC, 1271 Hamilton Court, Ft. Pierre SD 57532 the holder and/or owner of Incorporated Water Right No. 2306-2 is issued a license to appropriate water, the right to use 0.86 cubic feet of water per second from the Missouri River with priority dates of December 13, 1960 and February 28, 1994 (2 storage/regulating ponds) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 2306-2 and subject to South Dakota State Law.



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

MAR 01 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2002

2306-2

Deis Enterprises LLC
1271 Hamilton Court
Ft. Pierre, SD 57532

Dear Sir:

Enclosed is Water License No. 2306-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416992 and 416993 which you paid for the filing of transfers and investigation and issuance of the Water Licenses.

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. 646-2 are incorporated into Water License No.2306-2.

enclosures