

WATER PERMIT NO. 2776-2

Name of Applicant: Smith Cattle LLC

Address: 2095 201st St, Milesville SD 57553 Phone: 605 280-2441

Amount of Water Claimed: 3.56 cfs Total Acres: 248 acres

Source of Water Supply: Cheyenne River

Water to be used for: irrigation County: Haakon

Type of Waste Disposal System:

Location: Approximately 10 miles northwest of Milesville

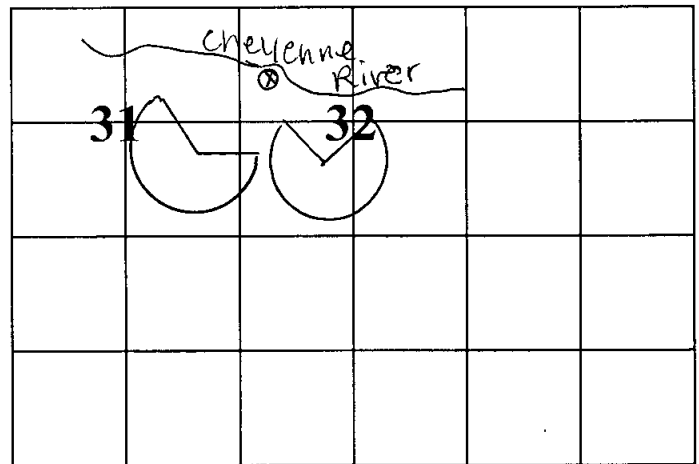
PRIORITY Date Received: 10-26-17 Application/License Fee: \$ 1250

Corrected Application Received: Period of Annual Use: April 1 – October 1

Remarks: Requesting a diversion rate greater than statutory limit

Diversion Point: SW 1/4 NW 1/4 Section 32-T7N-R19E

Land to be Irrigated: SW 1/4 NE 1/4, SE 1/4 Sec 31, SW 1/4, W 1/4 SE 1/4 Sec 32; all in T7N-R19E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 10-26-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

OCT 26 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2776-2</u> (office use only) Hydrologic Unit <u>10120 112</u> Basin <u>Lower Cheyenne</u> Newspaper <u>Pioneer Review, Philip</u> <u>Rapid City Journal</u>
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Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Smith Cattle LLC

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 20951 201st Street Milesville SD 57553
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-280-2441 Email Ksmith@gwtc.net

2. Amount of water claimed 3.56 *CFS or 1600 **GPM _____ ***AF Total Acreage 248
(*Cubic Feet per Second) (**Gallons per Minute) (***/Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Cheyenne River

4. Location of point of diversion SW 1/4 NW 1/4 Section 32 T007N-R19E
(example - 3 wells in SW 1/4 NE 1/4 section 12-T10N-R55W)

County Haakon

5. County or counties where water will be used Haakon

6. Annual period during which water is to be used April 1st to October 1st

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

Land Description	Acres	Land Description	Acres
<u>Acres to irrigate on page 2</u>			

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

Remove water from Cheyenne River to irrigate alfalfa, corn, etc.
248 acres under two center pivots.

Requesting diversion rate greater than the statutory limit.

1. Justine H Smith 10/24/2017 the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Smith Cattle LLC acres to irrigate.

Section	31
SW NE	9
NW SE	38
NE SE	26
SW SE	19
SE SE	20

Section	32
NW SW	31
NE SW	19
SW SW	18
SE SW	34
NW SE	20
SW SE	14

SOUTH DAKOTA
WATER PERMIT NO. 2776-2

Date of first receipt of application October 26, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2776-2 to Smith Cattle LLC, c/o Kristine H Smith, 20951 201st St, Milesville SD 57553 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. 2776-2 appropriates 3.56 cubic feet of water per second (cfs) from the Cheyenne River located in the W 1/2 NW 1/4 Section 32 for irrigation of 248 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 31, SW 1/4, W 1/2 SE 1/4 Section 32; all in T7N-R19E which is approximately 10 miles northwest of Milesville SD.
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 1.
3. The date from which applicant may claim right is October 26, 2017.
4. The date of approval of Permit No. 2776-2 is December 4, 2017.
5. One-fifth of the construction is to be completed on or before June 4, 2020.
6. All construction is to be completed on or before December 4, 2022.
7. Water is to be put to beneficial use on or before December 4, 2026.
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 rights must be bypassed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2776-2 authorizes a maximum diversion rate of 3.56 cfs for the irrigation of 248 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

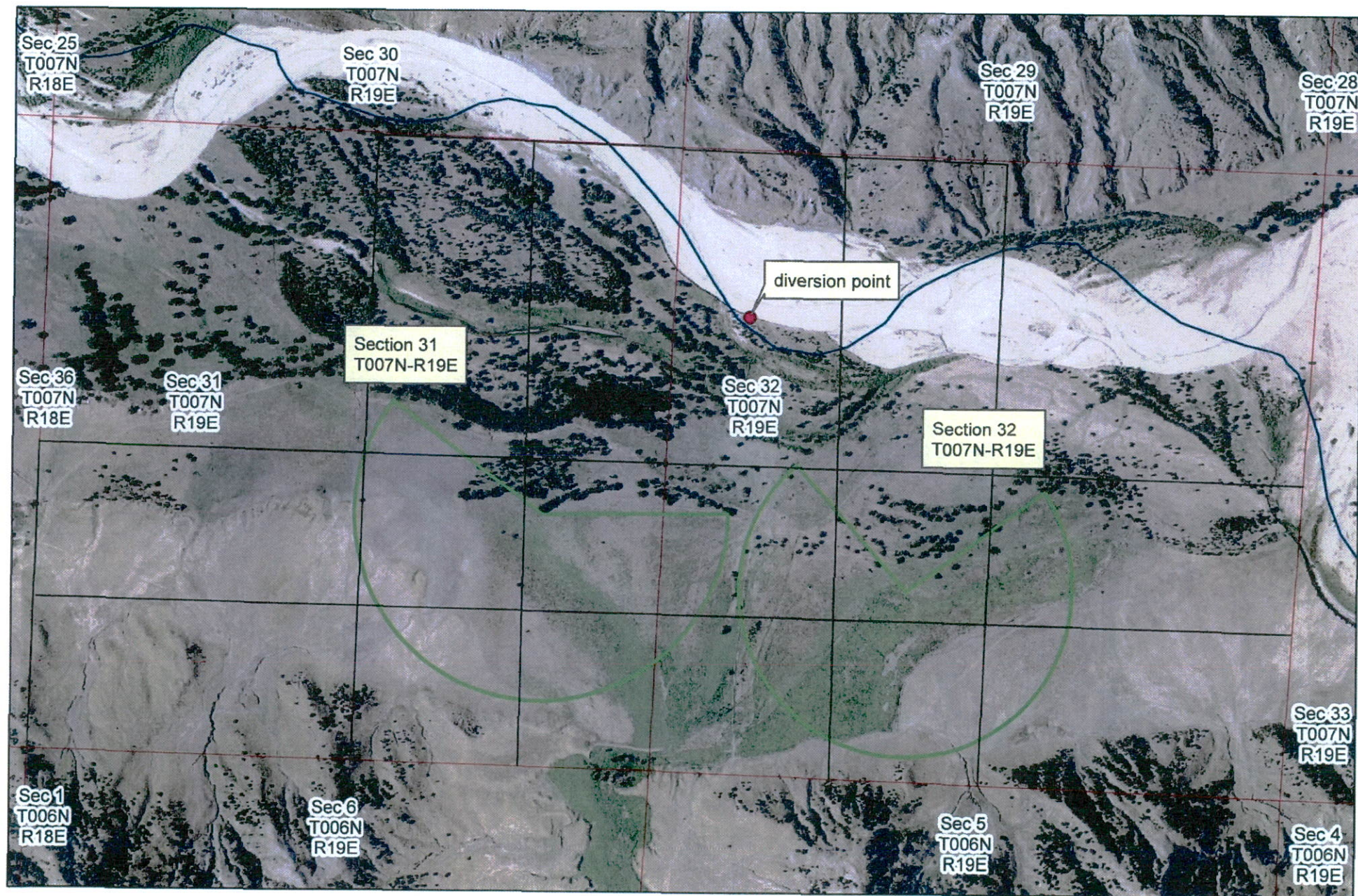
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2017

date



Smithth Cattle LLC - Water Permit Application



Smith

West Pivot 116 Acres
East Pivot 100 Acres (Full 130)

Legend

- 10" Pipe
- 12" Pipe
- 8" Pipe
- End Gun Coverage
- End of System
- Pivot Wheel Track
- Pump

75 HP Pump

Google Earth

© 2017 Google



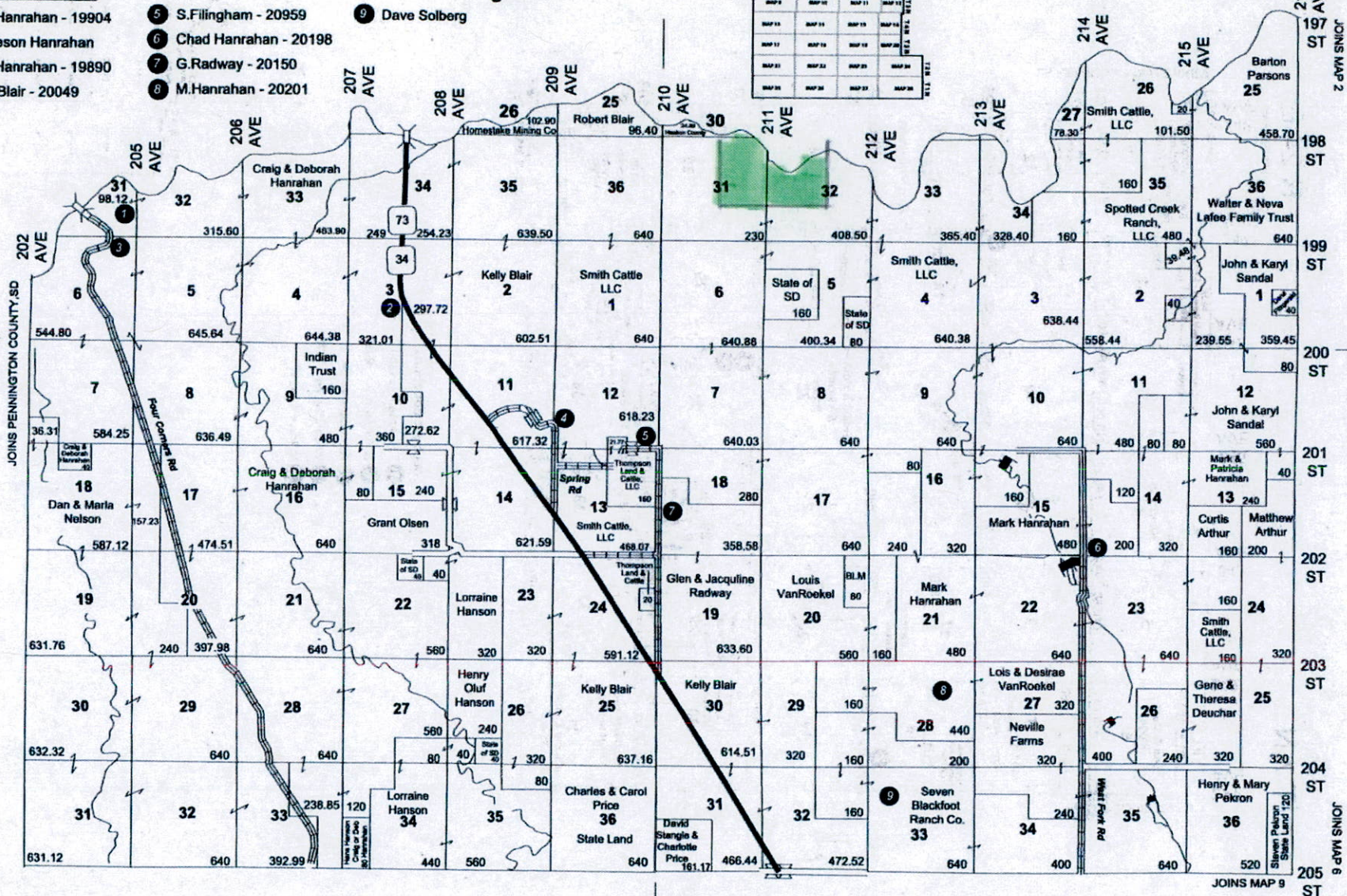
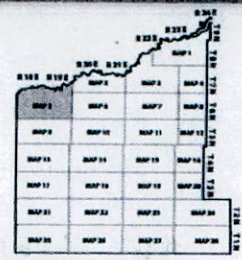
T7&6N

R 18 & 19 E

JOINS ZIEBACH COUNTY, SD

Resident Locations

- 1 D. Hanrahan - 19904
- 2 Jaeson Hanrahan
- 3 C. Hanrahan - 19890
- 4 K. Blair - 20049
- 5 S. Fillingham - 20959
- 6 Chad Hanrahan - 20198
- 7 G. Radway - 20150
- 8 M. Hanrahan - 20201
- 9 Dave Solberg



MAP 5

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 26, 2017

RECEIVED OF Smith Cattle LLC 20951 201st Street Milcoville, SD 57553 3043

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

Fee for Application for Permit No. <u>2776-2</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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. <u>2776-2</u>	200	00
Fee for Filing Transfer Form _____		
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	1250 00

No. **08366**

By

Jeanne Goodman
Chief Engineer

2911



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **SMITH CATTLE L.L.C.**

General Information

SOS Business ID **DA000143**
Filing Type: Limited Liability Company - Domestic
 03/14/1994
Status: Delinquent
Duration Term: Expires: 03/14/2024
Business Type: Farm

Registered Agent Address

KRISITNE H SMITH
20951 201ST
MILESVILLE, SD 57553

Principal Address

20951 201ST ST
MILESVILLE, SD 57553-3043

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
03/01/2016	2016 Annual Report	
04/07/2015	2015 Annual Report	
04/14/2014	2014 Annual Report	
04/14/2014	2014 Annual Report	
04/11/2013	2013 Annual Report	
04/03/2012	2012 Annual Report	
03/16/2011	2011 Annual Report	
06/03/2010	2010 Annual Report	
05/12/2009	2009 Annual Report	
04/03/2008	2008 Annual Report	
03/22/2007	2007 Annual Report	
03/10/2006	2006 Annual Report	
03/31/2005	2005 Annual Report	
03/03/2004	2004 Annual Report	
01/30/2003	2003 Annual Report	
01/03/2002	2002 Annual Report	
03/20/2001	2001 Annual Report	
03/02/2001	2001 Annual Report	

Filing Information

Name: **SMITH CATTLE L.L.C.**

01/03/2000	2000 Annual Report
02/02/1999	1999 Annual Report
01/02/1998	1998 Annual Report
01/02/1997	1997 Annual Report
12/10/1996	1996 Annual Report
01/02/1996	1996 Annual Report
08/25/1995	1995 Annual Report
01/03/1995	1995 Annual Report
03/14/1994	Initial Filing
03/14/1994	Farm Qualification

DA000143

Shan Seachris

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Monday, October 23, 2017 11:30 AM
To: Shan Seachris
Cc: Schlaak, Karen
Subject: Smith Cattle LLC
Attachments: Smith Cattle water permit application.pdf; SmithL&Cmap.pdf

**** This email is from an external source, Please do not open attachments or click links from an unknown or suspicious origin. ****

Shan

The application filing fee for 248 acres is \$1050 plus a \$200 licensing fee for a total of \$1250. Check made payable to Water Rights Program. Yes – have the producer sign the application at the bottom. We do not need the water quality analysis but they can include it if they want.

Attached is a map I put together. Does it accurately represent the location of the diversion point and irrigated acres?

Item No. 2 - application states 248 acres to be irrigated. Based on what I arrived at this is a little high (I came up with 222 acres). But that is okay, I'd rather the application be a little on the high side as opposed to underestimate the acres to be irrigated.

Item No. 4 – the diversion point appears to be in the SW ¼ NW ¼ Section 32, T007N-R19E

Item No. 7 – I arrived at a breakdown of acres as follows

Section 31
SW NE 9
NW SE 38
NE SE 26
SW SE 19
SE SE 20

Section 32
NW SW 31
NE SW 19
SW SW 18
SE SW 34
NW SE 20
SW SE 14

Eric

From: Shan Seachris [<mailto:shan.seachris@morris-inc.com>]
Sent: Monday, October 23, 2017 8:53 AM
To: Gronlund, Eric
Cc: Shan Seachris
Subject: [EXT] Water permit info.

Thanks, Shan

10-19-17

Eric,

Sending this over to you to see if there is anything we missed or need changed.

I calculated the fee at \$1,150⁰⁰, but not sure if we need the exact acres. Also to whom does our customer make the check to? I assume at the bottom of the application we need the grower's signature.

Morris Inc. has a water sample from the Cheyenne River that is within the last few years. Do you need a copy of the report?

Thanks, Sharon



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2776-2, Smith Cattle LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2776-2, Smith Cattle LLC, c/o Kristine H Smith, 2095 201st Street, Milesville SD 57553.

The Chief Engineer is recommending APPROVAL of Application No. 2776-2 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) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2776-2 authorizes a maximum diversion rate of 3.56 cfs for the irrigation of 248 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
November 15, 2017

REPORT ON WATER PERMIT APPLICATION NO. 2776-2

Smith Cattle LLC

November 13, 2017

Application No. 2776-2 Smith Cattle LLC, proposes to appropriate 3.56 cubic feet of water per second (cfs) from the Cheyenne River located in the SW 1/4, NW 1/4 Section 32 for irrigation of 248 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 31, SW 1/4 W 1/2 SE 1/4 Section 32; all in T7N-R19E which is approximately 10 miles northwest of Milesville SD located in Haakon County. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Review of the Proposed Project

The applicant proposes to irrigate 248 acres utilizing two center pivot irrigation systems. Water will be pumped directly from the Cheyenne River to each of the center pivots, Figure 1.

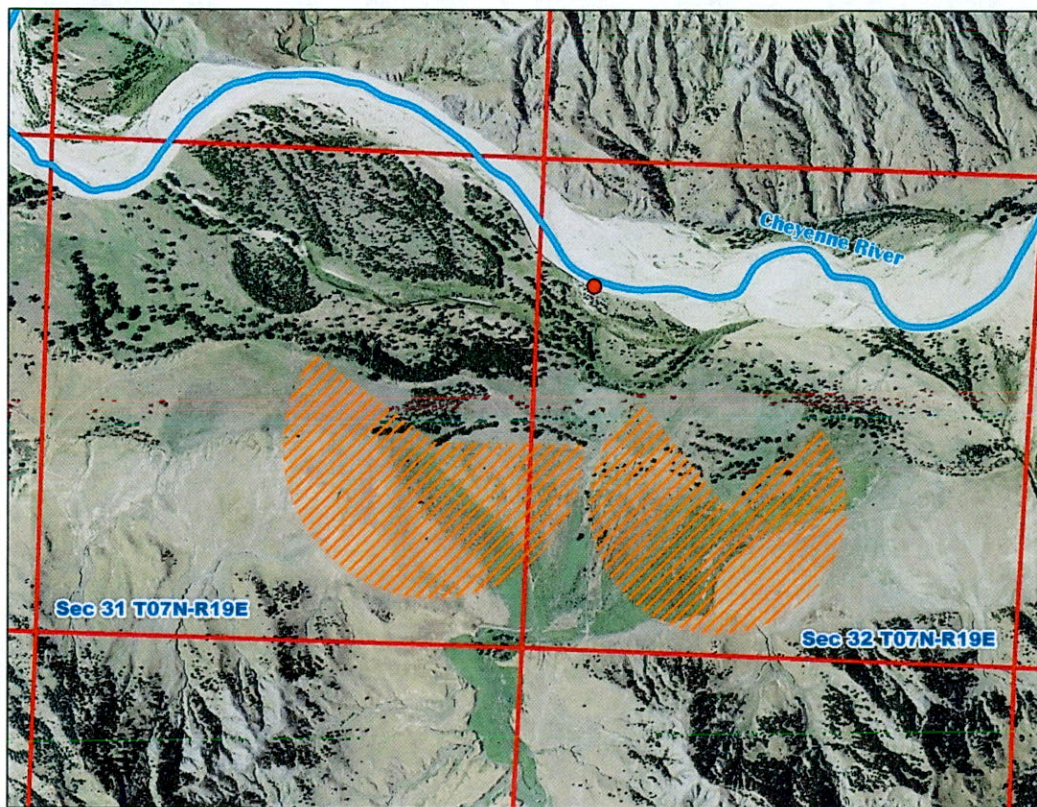


Figure 1. Irrigation proposed by Application No. 2776-2 in Haakon County SD.

This applicant requests a diversion rate greater than the statutory limit of one cfs for each seventy acres. South Dakota Codified Law (SDCL) 46-5-6 states in part that "The Water Management Board may allow a greater diversion in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires". The proposed diversion

rate is slightly greater than 1 cfs per 70 acres and the applicant will be utilizing center pivot irrigation systems to apply the water. There is no request to go beyond the statutory limit of two acre-feet per irrigated acre.

Review of the Proposed Water Source

The water source for the proposed project is from the lower Cheyenne River below the confluence of the Cheyenne River with the Belle Fourche River. The Cheyenne River headwaters in the high plains of Wyoming in the Thunder Basin National Grasslands and meanders around the southern extent of the Black Hills entering South Dakota about 14 miles northwest of the town of Edgemont, SD in Fall River County. The river is impounded by Angostura Reservoir located approximately 6 miles south of Hot Springs, SD and is capable of impounding up to 138,761 acre-feet of water stored in Angostura Reservoir for irrigation and other purposes. Construction of Angostura Reservoir was completed in 1949 as part of the Angostura Unit and supplies the Angostura Irrigation District water for irrigation of 12,218 acres in northeastern Fall River and southeastern Custer counties (US Bureau of Reclamation, 2002).

The Belle Fourche River headwaters in northeastern Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of Wasta South Dakota. In this stretch is the Belle Fourche Irrigation District, a US Bureau of Reclamation irrigation project capable of diverting Belle Fourche River flow to an off river reservoir located on Owl Creek. This project was completed in 1914 and includes the Belle Fourche River diversion dam, a storage dam capable of impounding 192,077 acre-feet of storage and irrigating 57,068 acres in southeastern Butte and northwestern Meade counties (US Bureau of Reclamation, 2004).

In addition there are numerous tributaries located along the southern, eastern and northern flanks of the Black Hills that contribute flow to the Cheyenne and Belle Fourche rivers. A major source of flow coming from upstream of this project is from irrigation return flows from the Angostura Irrigation District and the Belle Fourche Irrigation District.

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the Cheyenne River downstream from the confluence of the Cheyenne and Belle Fourche rivers near Plainview, SD, approximately 4 river miles upstream of the proposed project (USGS, 2017). The historical data from 1950 to 2017 for the Plainview SD stream flow gage indicates at the 10 percentile the monthly mean flow could range from approximately 110 to 178 cfs April through September of any given year, (Table 1). Based upon a review of the historical stream gaging information, there is sufficient water is available in the Cheyenne River to supply this proposed permit.

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	32	64	116	122	110	178	134	160	152	111	97	63
25%	62	100	187	205	205	293	237	251	229	153	132	91
50%	98	172	411	418	505	670	420	384	328	217	171	134
75%	187	377	975	1039	1769	2398	902	590	427	293	230	189
90%	443	815	2757	2046	5382	5609	1561	887	611	534	397	337

Table 1. Cheyenne River Percentiles of Monthly Mean Flow (cfs) USGS Stream Gaging Station near Plainview SD, (USGS, 2017).

Review of Existing Water Rights

There are four existing water rights/permits appropriating 41.39 cfs from the Cheyenne River located downstream from this proposed project (Water Rights, 2017). If this permit is issued, based upon the available flow data adverse impacts to existing rights are not expected.

Conclusions

1. This application proposes to appropriate 3.56 cubic feet of water per second (cfs) from Cheyenne River to irrigate 248 acres.
2. There is sufficient water is available in the Cheyenne River to supply this proposed permit.
3. The proposed diversion rate is slightly greater than 1 cfs per 70 acres and the applicant will be utilizing center pivot irrigation systems to apply the water.
4. Based upon the available flow data adverse impacts to existing rights are not expected if this permit is approved.



Mark D. Rath
Natural Resources Engineer III

References

1. Water Rights. 2017. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
2. USGS. 2017. United States Geological Survey National Water Information System: USGS Water Data for South Dakota. <https://waterdata.usgs.gov/sd/nwis/nwis>.

3. US Bureau of Reclamation, 2002. Angostura Unit Contract Negotiation and Water Management Final Environmental Impact Statement. Bureau of Reclamation, Great Plains Region - Dakotas Area Office: Bismarck, ND and Rapid City, SD.
4. US Bureau of Reclamation, 2004. Final Environmental Assessment and Resources Management Plan – Belle Fourche Reservoir. US Dept. of the Interior, Bureau of Reclamation - Dakotas Area Office: Bismarck, ND and Rapid City, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

November 15, 2017

Smith Cattle LLC
c/o Kristine H Smith
2095 201st St
Milesville SD 57553

Dear Ms. Smith:

Water Permit Application No. 2776-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Pioneer Review printed at Philip SD (Ph # 605-859-2516) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 15, 2017 2:36 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: FW: 2776-2, Smith Cattle LLC
Attachments: 2776-2public.short.docx; FORM8.FRM.doc

Please disregard the notice I sent this morning and replace with attached notice.

Ms. Smith called to inform us of a correction in her mailing address. It should be: Smith Cattle LLC, c/o Kristine Smith, 20951 201st St, Milesville SD 57553 (605 280-2441)

If you have questions, please let me know.

Karen

From: Schlaak, Karen
Sent: Wednesday, November 15, 2017 8:53 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2776-2, Smith Cattle LLC

Attached is a notice to be published on November 22, 2017.

Smith Cattle LLC, c/o Kristine Smith, 2095 201st St, Milesville SD 57553 (605 280-2441) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Wednesday, November 15, 2017 1:36 PM
To: RCY Legals
Subject: FW: 2776-2, Smith Cattle LLC

Please disregard the notice I sent this morning and replace with attached notice.

Ms. Smith called to inform us of a correction in her mailing address. It should be: Smith Cattle LLC, c/o Kristine Smith, 20951 201st St, Milesville SD 57553 (605 280-2441)

If you have questions, please let me know.
Karen

From: Schlaak, Karen
Sent: Wednesday, November 15, 2017 8:53 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2776-2, Smith Cattle LLC

Attached is a notice to be published on November 22, 2017.

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Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the Notice on November 22, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2776-2 to Appropriate Water

Notice is given that Smith Cattle LLC, c/o Kristine H Smith, 2095th 201st St, Milesville SD 57553 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second (cfs) from the Cheyenne River located in the W 1/2 NW 1/4 Section 32 for irrigation of 248 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 31, SW 1/4, W 1/2 SE 1/4 Section 32; all in T7N-R19E which is approximately 10 miles northwest of Milesville SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2776-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 December 4, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Affidavit of Publication

Nov 22 L21066306
NOTICE OF APPLICATION
NO. 2775-2 to

Appropriate Water

Notice is given that Smith Cattle LLC, c/o Kristine H Smith, 20951 201st St, Milesville SD 57553 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second (cfs) from the Cheyenne River located in the W 1/2 NW 1/4 Section 32 for irrigation of 240 acres located in the SW 1/4 NE 1/4, SE 1/4 Section 31, SW 1/4, W 1/2 SE 1/4 Section 32, all in T7N-R19E which is approximately 10 miles northwest of Milesville SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2776-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M Pimer,
Secretary
Department of Environment
and Natural Resources

(Published once at the total approximate cost of \$62.26)

STATE OF SOUTH DAKOTA

County of Pennington

SS:

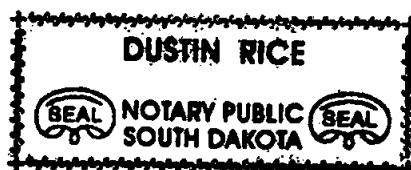
Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 22nd day of Nov 2017 that the fees charged for the publication there of are 62 dollars and 26 cents.

Sheri Sponder

Subscribed and sworn to before me this 11th
day of December, 2017.

Dustin Rice

Notary public



7/1/20
My commission expires

WATER RIGHTS PROGRAM

Notice of Application No. 2776-2 to Appropriate Water

Notice is given that Smith Cattle LLC, c/o Kristine H Smith, 20951 201st St, Milesville SD 57553 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second (cfs) from the Cheyenne River located in the W1/2 NW1/4 Section 32 for irrigation of 248 acres located in the SW1/4 NE1/4, SE1/4 Section 31, SW1/4, W1/2 SE1/4 Section 32; all in T7N-R19E which is approximately 10 miles northwest of Milesville SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2776-2 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 December 4, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pimer, Secretary,
Department of Environment
and Natural Resources

[Published November 23, 2017, at the total approximate cost of \$28.78]

PUBLISHER'S AFFIDAVIT OF PUBLICATION

[illegible]

I, Selma Thorson of said County and State, being duly sworn on oath says: PIONEER REVIEW is a weekly newspaper of general circulation, published in PHILIP, in said County and State and has been such newspaper during the times thereafter mentioned; that the said PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

Department of Environment and Natural Resources

Notice of Application No. 2776-2

A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being on the 23rd day of November, 2017, and the last publication on the 23rd day of November, 2017, that \$28.78 benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

John Thoun

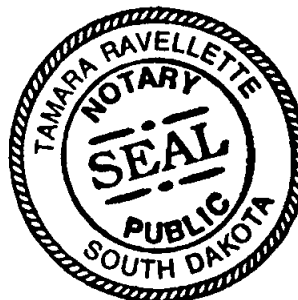
Subscribed and sworn to me before this 30th day of November 2017.

Tamar Pawell

Notary Public, State of South Dakota

My Commission Expires

January 24, 2020





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

DEC 15 2017

Smith Cattle LLC
c/o Kristine H Smith
20951 201st St
Milesville SD 57553

Dear Mr. Smith:

Enclosed is Water Permit No. 2776-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

2776-2



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: SMITH CATTLE LLC, KRISTINE SMITH, 20951 201ST ST, MILESVILLE, SD 57553
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2776-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2776-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2776-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GACDLA**

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.

2776-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

2776-2

Kristine Smith
Smith Cattle LLC
20951 201st St
Milesville SD 57553

Dear Ms. Smith:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 2776-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us