

835.2

1. Considered: 7-15, 1964
2. Name of Applicant Willis Burnham
3. Post Office Address Millboro
4. Amount of Water Claimed 100
5. Source of water supply Keyapaha River
6. Water to be used for irrigation
- Acres to be irrigated 72.6
7. Water to be diverted and used in Tripp County about
4N 6W Miles of Newela
8. Proof of Publication Received ✓
- Not Received
9. Application Approved
- Subject to
- Not Approved
- Action deferred

10. Remarks: Test 710-2

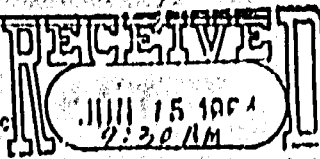
No.

835-2

Water Division No.

2 Keyapaha River

(Blanks to be filled by the Engineer for the W. R. O.)



STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant

~~W. H. H. Burnham~~ ALVA F. WILEY

Postoffice address

Millbrook, County Tripp, State S. Dak

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

Burnham Irrigation Project #1

3. Amount of water claimed

1.00

cubic feet per second

4. Source of water supply

Keyapaha River

5. Location of point of diversion

See attachment

6. Annual period or periods during which water is to be used

April thru October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

sprinkler

(a) Number of acres to be irrigated

72.6

acres.

(b) Legal subdivisions to be irrigated

See attachment

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 714-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pump, pipe & sprinklers

II. Dimensions of works.

(a) Dam: Height 11 1/2 feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width feet; height feet; Material

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate

Winner Advocate, Winner, S.Dak

STATE OF SOUTH DAKOTA

County of Hughes

I, Willis Burham, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Willis Burham

Subscribed and sworn to before me this

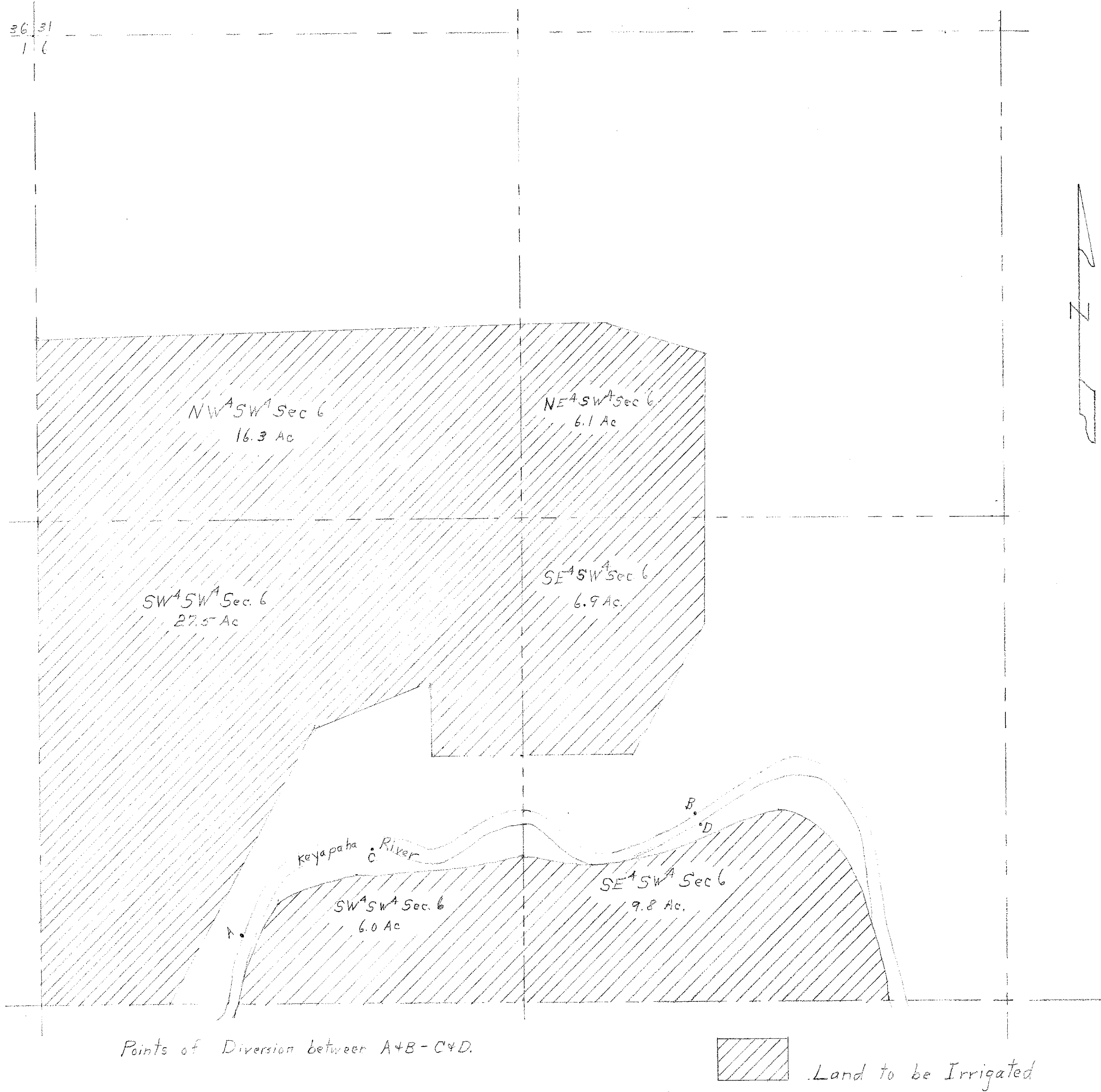
15th

day of

June1964

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Willis Burnham

Location of Land to be Irrigated

Area	Location	Section	Township	Range	Acres
1	NW 1/4 SW 1/4	6	76	76	16.3
2	NE 1/4 SW 1/4	6	76	76	6.1
3	SW 1/4 SW 1/4	6	76	76	22.5
4	SE 1/4 SW 1/4	6	76	76	6.9
5	SW 1/4 SW 1/4	6	76	76	6.6
6	SE 1/4 SW 1/4	6	76	76	9.8
Total					78.6

Scale 1"=200'

Willis Burnham
Irrigation Project No. 1
Tripp County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn L. Pedersen	5/24/44	Title _____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No _____	of _____

Remarks by State Water Resources Commission:

Diversions of water under this Permit shall
not interfere with downstream domestic use
or prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, August 13, 1964

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
a.m. upon the 15th day of June, 1964

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 835-2

Date of first receipt of application June 15, 1964

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right June 15, 1964

Approved July 15, 1964, Recorded in Book 8 Page 230

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

January 15, 1967

2nd. The whole of said work is to be completed on or before July 15, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____

July 15, 1969

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 100 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before July 15, 1969; said water to be used during the following described annual period:

April thru October

Witness my hand this 13th day of August, 1964

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

July 27, 1967

Water License Issued

July 27, 1967

Attachment

Points of diversion. Two points in the
SW⁴ SW⁴, and 2 points in the SE⁴ SW⁴,
Section 6, T95N, R76W

Lands to be irrigated:
all in Section 6, T95N, R76W

NW ⁴ SW ⁴	16.3 acres
NE ⁴ SW ⁴	6.1 "
SW ⁴ SW ⁴	33.5 "
SE ⁴ SW ⁴	16.7 "
Total	72.6 acres

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Willie Burdhamof Millboro, County of Tripp, and State of South Dakotathe holder of Permit No. 635-2, issued upon Application No. 835-2, bearing date of priority of June 15, 1964, authorizing the diversion of1.0 cu. ft. per second of the waters of the Keyapaha RiverCounty of Tripp, State of South Dakota, at between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, T95N, R76Wfor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in Section 6, T95N, R76W

<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>16.3 Acres</u>
--	-------------------

<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>6.1 Acres</u>
--	------------------

<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>33.5 Acres</u>
--	-------------------

<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>16.7 Acres</u>
--	-------------------

<u>Total</u>	<u>72.6 Acres</u>
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Witness my hand this 27th day of July A. D. 1967.

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 835-2 ..

WHEREAS, On the 15th day of June A. D. 1964

Willis Ruxohan

of Millboro County of Tripp and State of South Dakota duly made application (No. 835-2) to us for a permit to use 1.0 cubic feet per second of the waters of the Keyapaha River County of Tripp, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 13th day of August A. D. 1964 Permit No. 835-2 was issued to said applicant... for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 15th day of July A. D. 1969 and for the application to beneficial use of said water on or before the 15th day of July A. D. 1969 and.

WHEREAS, On the 24th day of July A. D. 1967 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.0 cubic feet per second of said waters, as evidenced by our Certificate No. 835-2 dated July 27, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.0 cubic feet per second of water, with date of priority of June 15, 1964 and,

WHEREAS, On the 24th day of July A. D. 1967 proof was duly made of the application to beneficial use of 1.0 cubic feet per second of said water; for irrigating 72.6 acres in the SW $\frac{1}{4}$, Section 6, T95N, R76W

NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Willis Burnham
of Millboro the holder and owner of said permit No. 835-2
a water right, dating from June 15, 1964 to the use of 1.0
cubic feet per second of the waters of the Keyapaha River
in the County of Tripp and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, T95N, R76W
and conducted to and upon 72.6 acres in a portion of the SW $\frac{1}{4}$, Section 6, T95N,
R76W

for the purpose of irrigation, subject to any limitations listed in the
permit to appropriate water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 27th day of July A. D. Nineteen
Hundred and Sixty-Seven

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

on or before June 18
(First Publication June 18, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 15, 1964

Notice is hereby given that Willis Burnham whose postoffice address is Millboro S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.00 cubic feet of water per second of time from the Keyapaha River through the Burnham Irrigation Project #1, the point of diversion of which is to be located on ~~xxx~~ both between a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and a point bands of said stream in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 Twp. 95N Range 76W a portion of said water to be used for the purpose of providing irrigation of the following described land:

SW $\frac{1}{4}$, Section 6, T95N, R76W

~~XXXXXX~~

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1964, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

CC: D. L. Johansen, Publisher
Winner Advocate
Winner, S. Dak.

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }

County Tripp } ss.A. L. J. Hansen being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Winnipeg Advocate a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in thecity of Winnipeg County ofTripp and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 18, 1964June 25, 1964July 2, 1964July 9, 1964

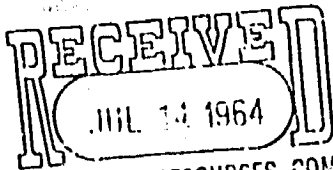
in each and every issue of the full number thereof, the first

publication being made on the 18th day of June1964 and the last publication on the 9th day ofJuly 1964, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was editor ~~the printer~~ and publisher of

the said newspaper.

A. L. J. HansenSubscribed and sworn to before me this 7th day of July A. D. 1964STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANotary Public Tripp County, S. D.
 No. 835-2
 APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, So. Dak.,
 June 15, 1964

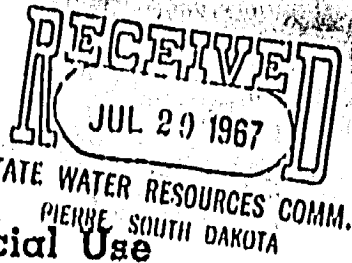
 Notice is hereby given that Wil-
 lis Burnham whose postoffice ad-
 dress is Millboro, S. Dak., has
 made an application in accordance
 with the provisions of the water
 laws of South Dakota for a permit
 to appropriate for beneficial use
 1.00 cubic feet of water per second
 of time from the Keyapaha River
 through the Burnham Irrigation
 Project No. 1, the point of diversion
 of which is to be located on both
 banks of said stream between a
 point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and a point
 in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
 6 T 95° N Range 76W. Said water
 to be used for the purpose of pro-
 viding irrigation on a portion of the
 following described land: SW $\frac{1}{4}$,
 Section 6, T 95° N, R76W.

 This application will be taken up
 by the State Water Resources Com-
 mission at their office at Pierre for
 consideration upon the 15th day of
 July, 1964, at 2 P. M. All interest-
 ed persons may appear and be heard.

 Appropriate action will be taken
 by the Water Resources Commis-
 sion after suitable time has elaps-
 ed for the consideration of any or
 all information presented.

 State Water Resources Commis-
 sion:

 By: BURTON F. JONES
 Water Right Specialist (30-32)

Permit No. 835-2Water Division No. 2 Hyattsville Pierre Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Millers A.D.(Date) July 15, 1967

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 15 day of July
10-1-7, at Hyattsville County of Tripp State of South Dakota,
 before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
 of 100 cubic feet per second of the waters of Hyattsville Pierre.
 In accordance with the terms and conditions of Permit No. 835-2
 heretofore issued by the Water Resources Commission of South Dakota.

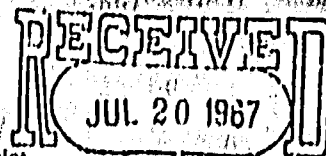
- The name and postoffice address of the person or corporation holding said permit are
Willis Burnham
- The use to which said water has been applied is _____
- The amount applied to beneficial use is _____
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

- The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
- The right to take the water from such works is based upon permit No. 835-2
- The source of supply from which such water is diverted is _____
- The date of priority which said user is prepared to establish is _____

(Sign) Willis Burnham

Permit No. 835-2Water Division No. 2Hydrol. Div.

Water District

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Millerton S D

(Date)

July 15, 1967

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR(S): Notice is hereby given of the completion of the works for the diversion of

4.5 cu. ft. per second of the waters of the state from

through the

for purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota,

1. The name of the person or corporation holding said permit is

Hillis Burnham

2. The postoffice address of such person or the place of business of such corporation is

County of

Tripp

State of

S. D.

3. The number of such permit is 835-2 and the date set for the completion of such work is

1969

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is

1.00

cubic feet per second.

6. The amount of land for which said water is available is

72.6acres,

particularly described as follows:

NW 1/4 SW 1/4

16.3 acres

NE 1/4 SW 1/4

6.1

SW 1/4 SW 1/4

33.5

SE 1/4 SW 1/4

16.7

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Hillis Burnham

Permit No.

835-2

KAYAPAHA

Water Division No. 2

RIVER

Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated

I have this day made a thorough examination of the diversion works constructed by

WILLIS BURNHAM, of MILLBORO

TRIPP

County, South Dakota, holder of Permit No. 835-2, issued

upon Application No. 835-2, bearing date of priority of JUNE 15, 1964, authorizing the

diversion of 1.0 cu. ft. per second of the waters of THE KAYAPAHA RIVER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: TRAILER MOUNTED BERKELEY PUMP
337 PM-6, POWERED BY 6 CYL. FORD INDUSTRIAL
PROPANE ENGINE OPERATING @ 1850 RPM. 1500' OF
6" MAINLINE W/ VERMEER L140 BOOM

and the system is in the following condition: EXCELLENT

The point of diversion is located AS SHOWN ON W/R MAP # 719-2

The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water,
which is to be used for IRRIGATION

The legal subdivisions to be irrigated are: 72.6 ACRES IN PORTIONS
OF THE SW 1/4 SECTION 6, T95N, R76W

comprising a total of 72.6 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 24TH day of JULY

A.D. 1967

—SEAL—

Burton J. [Signature]
Examining Engineer
OFFICER
WATER RIGHT SPECIALIST
WATER RESOURCES COMM.

Form 20.

835-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date April 28, 1972

This is to notify you that title to the lands described as follows:

SD: 6-49511-R761

formerly owned by Willie Burnham

has been transferred to Alva F. Wiley

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 835-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of TRIPP) ss.

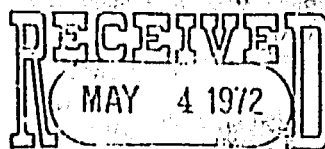
I, Alva F. Wiley being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

(Signed) Alva F. Wiley

Subscribed and sworn to before me this 28 day of April, 19 72.

James H. Rogers
(Notary Public)
James H. Rogers

My Commission Expires July 25, 1974



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

SOUTH DAKOTA
Department of
Water & Natural Resources
 Joe Foss Building
 Pierre, South Dakota 57501
 Division of Water Rights
 (605) 773-3352

August 11, 1980

Because of the existing deficient supply of water in the Keyapaha River (2.3 cfs at Wewela gage August 6, 1980) to provide water for domestic use including livestock watering, it is ordered that all withdrawals of water from the Keyapaha River for irrigation purposes cease effective 12:00 noon August 14, 1980 until January 1, 1981 or until further notice.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right in accordance with this order. You will be notified if the water supplies of the Keyapaha River become sufficient to permit irrigation water withdrawals again during 1980. If there are any questions on this order, please let me know.

Very truly yours,

John Hatch
 JOHN HATCH, Chief Engineer
 Water Rights Division

JH/gy

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

Jon Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

ALVA F. WILEY
SR 10 BOX 34
MILLBORO, SD 57554

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

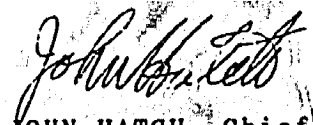
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 959-2, 835-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 959-2, 835-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

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

April 24, 1987

835-2
959-2

Alva F Wiley
SR 10 Box 34
Millboro, SD 57554

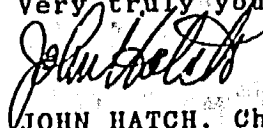
Dear Mr. Wiley:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 835-2 and 959-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

835-2

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

ALVA F WILBY
SR 10 BOX 34
MILLBORO, SD 57554

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

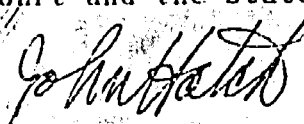
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s) 959-2, 835-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 959-2, 835-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

DATE MICROFILMED

CAMERA OPERATOR

South Dakota
Department of
Water & Natural Resources

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

March 9, 1988

835-2
959-2

Alva F Wiley
SR 10, Box 34
Millboro SD 57554

Dear Ms. Wiley:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 835-2, 959-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours

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

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

January 11, 1991

835-2

NOTICE

TO: Alva Wiley
SR 10, Box 34
Millboro, SD 57554

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

John Hatch

SUBJECT: Amendment of Water Right Nos. (835-2) and 959-2 Qualification
Regarding Cut Off Periods

Notice is given that the Water Management Board will consider adding the following qualifications to Water Right Nos. 835-2 and 959-2.

Qualification to be added:

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

The hearing to consider amendment of Water Right Nos. 835-2 and 959-2 to add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The hearing is based on the review of Keya Paha River Water Permits/Rights and historic flow records of the Keya Paha River. The attached report summarizes the current water permits/rights on the Keya Paha River and contributing tributaries. Also enclosed is a notice of hearing that will be published in the Winner Advocate for two consecutive weeks. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Attachment

835-2

CERTIFICATION

I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right Nos. 835-2 and 959-2 addressed as stated below.

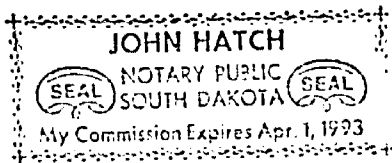
Alva Wiley, SR 10 Box 34, Millboro SD 57554

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 15th day of January, 1991.

John Hatch
Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

835-2

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
TO AMEND WATER PERMITS AND WATER	)	CONCLUSION OF LAW
RIGHTS WHOSE WATER SOURCE IS THE	)	AND FINAL DECISION
KEYA PAHA RIVER, IN PARTICULAR,	)	
WATER PERMITS AND RIGHTS NOS. 281-2	)	
282-2 AND 710-2, CHARLES RICHEY;	)	
NO. 369-2, VICTOR WEICKUM; NO. 414-2	)	
H.W. CARLSON; NO. 465-2 LUCILE RICHEY;	)	
NOS. 835-3 AND 959-2 ALVA WILEY;	)	
NO. 1530-2, VERN KESZLER; NO. 879-2,	)	
RICHARD KIRSCH; NO. 931-2,, LLOYD	)	
BLOMSTROM NO. 1107-2, STANLEY HANSON;	)	
NO. 1108-2, GARNET SARGENT;	)	
NO. 1128-2, CHARLES HELLMANN; AND	)	
NO. 2122-2 RODNEY HOFELDT	)	



FINDINGS OF FACT

I

This is an application by the Chief Engineer to establish a more manageable "cutoff" system on the Keya Paha River.

II

The existing water permits and water rights on the Keya Paha River have various cutoff dates. The first three permits issued on the Keya Paha River have a 10 cfs bypass at the Wewela Gauging Station. Eight permits, issued in the 1950s and 1960s, do not have a specific low flow bypass or cutoff date, but do have a requirement to bypass water for downstream domestic use and prior water rights. Three permits, issued in the 1970's, have a June 15 cutoff date. The most recent permit granted in the Keya Paha system provides a May 20 cutoff date.

III

Keya Paha system includes not only diversions from the Keya Paha River itself, but from its tributaries.

IV

The Keya Paha River is a spring fed river.

V

The Wewela Gaging Station is located at a point downstream of most of the water permits at issue. Statistics developed at the Wewela Gaging Station demonstrate that for the past thirty-nine years there were at least 10 cfs water at Wewela 90% of the time during the driest months of July, August and September. The same gaging station statistics indicate that there was a 70% chance that there would be at least 20 cfs of water at Wewela during the driest months of August and September.

VI

That Wewela Gaging station thus reflects the situation which has existed given actual diversions. The Wewela station statistics do not reflect, however, the withdrawals of the latest appropriator whose Water Permit Application No. 2122-21 was approved May 23, 1990. That permit was for 4.57 cfs of water from a dug out located on a spring fed draw and supplemental water from Lost Creek, a tributary of the Keya Paha River. That permit has a May 20 cutoff for the portion of the diversion from Lost Creek.

VII

At least one domestic user downstream of the Wewela Gaging Station has testified that even when there are 18 cfs of water in the stream, there is insufficient water for his livestock. His cattle are located several miles below Wewela.

VIII

The Board finds that a 10 cfs bypass at Wewela is insufficient to provide reasonable protection to downstream domestic use, including livestock watering and prior water rights. The Board finds, furthermore, that reasonable protection is provided, on the basis of data now available, by a 15 cfs bypass requirement.

IX

The Board of Water Management has jurisdiction to impose amendments on existing permits to protect downstream domestic use, including livestock watering and to protect prior water rights. Such amendments are justified by the Water Management Board's statutory authority and duty to protect such prior rights.

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 15 cfs bypass requirement, senior appropriators will be

allowed by the Chief Engineer to irrigate beyond the cutoff date before junior appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Board has general authority to amend existing water permits pursuant to SDCL 46-2A-12.
3. The amendment set out in the Final Decision does not unlawfully impair existing rights. This is so because the existing rights are all subject to downstream domestic use including livestock watering and, of course, prior water rights. Moreover, even when the flow is 15 cfs or less, any appropriator may receive written permission from the Chief Engineer to appropriate water and such permission shall be granted, insofar as reasonably possible under the circumstances, first to senior appropriators and then to later appropriators.
4. The cutoff requirement set out in the Final Decision provides reasonable direction to the Chief Engineer in his management of the Keya Paha system. The proposed amendment to the permits is for beneficial purposes and is in the public interest.
5. The Board has jurisdiction to provide for a 15 cfs bypass requirement despite the fact that the advertisement provided for a 10 cfs requirement. The Chief Engineer's recommendation, as advertised and served upon the present water right holders, authorized the Board to approve the recommendation with "additional qualifications. . . ."

This language vests the Board with the power to make reasonable modifications in the recommendation.

6. The Department of Game, Fish and Parks requested a 16 cfs bypass for fish and wildlife purposes. The Board, having determined to adopt a 15 cfs requirement, concludes that it is unnecessary to consider whether it is appropriate or lawful to impose new bypass requirements on existing permits for fish and wildlife purposes and therefore declines to act upon the GF&P suggestion.

FINAL DECISION

Each of the rights and permits identified in the caption of this proceeding is herewith amended to remove any previous cutoff dates and bypass requirements and the following qualification is hereby added to each of the above-identified water rights and water permits.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the chief engineer. Diversions under this permit shall be in accordance with any written orders issued by the chief engineer.

BY THE BOARD

Chairman
Water Management Board

m-pld51.jpg

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 1991

NOTICE

835-2

Alva Wiley
SR 10, Box 34
Millboro SD 57554

Dear Mr. Wiley:

This letter is in response to action taken by the Water Management Board to amend Water Right Nos. 835-2 and 959-2. The Board amended Water Right Nos. 835-2 and 959-2 by deleting and adding the qualifications on the enclosed "Attachment" which should be placed with each water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,

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

enclosure

ATTACHMENT TO WATER RIGHT NO. 835-2

ALVA WILEY

The Water Management Board amended Water Right No. 835-2 at the February 27, 1991 Board meeting to delete and add the following qualifications:

Qualification deleted:

Diversions of water under this Permit shall not interfere with downstream domestic use or prior water rights.

Qualification added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

835-2

CERTIFICATION

I hereby certify that on June 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board to amend Water Right Nos. 835-2 and 959-2 addressed as stated below:

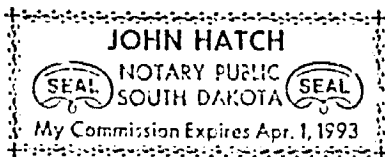
Alva Wiley, SR 10, Box 34, Millboro, SD 57554.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 18th day of June, 1991.



John Hatch
Notary Public

Permit No. 835-2Keyapaha River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Alva Wiley
 of SR 10 Box 34, Millboro, SD holder of
 Permit No. 835-2, bearing the priority of June 15, 1964 19____ authorizing
 the diversion of 1.0 cu. ft. per second of the waters of Keyapaha River
 for Irrigation purposes, in Tripp County.

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

A. Works used to divert the water:

Berkley Centrifugal Pump - Model #337-PM-6 &
Ford 6 cyl. Propane Engine

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

Approx. 1500 ft. of 6 inch Aluminum Pipe

C. Works used to apply water to beneficial use:

Vermeer - Model L140
Circular Boom

The system is in the following condition Fair

The point of diversion is located Between a point located 500 ft. East and a
point 2130 ft. East & 725 ft. North of the SW corner of
Sec. 6-T95N-R76W

The works are capable of diverting and conveying to the place of use 1.0
 cu. ft. per second of water, which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: Sec. 6-T95N-R76W

<u>NW 1/4 SW 1/4</u>	<u>19 Acres</u>
<u>NE 1/4 SW 1/4</u>	<u>7</u>
<u>SW 1/4 SW 1/4</u>	<u>22</u>
<u>SE 1/4 SW 1/4</u>	<u>2</u>

comprising a total of 50 acres of land and the license should be issued for 0.71 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date August 28, 1990

Timothy H. Lissal
 SIGNATURE

LICENSE FOR PERMIT NUMBER 835-2

1. Legal location of wells: Diversion from Kayapaha River - Between
a point located 500 ft. East and a point 2130 ft. East & 725 ft.
dams & structures: North of the SW corner of Sec. 6-T95N-R76W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkley Centrifugal Motor a) make Ford 6 cyl

b) model #337-PM-6 b) model No. Propane

c) size _____ c) horsepower rating _____

d) capacity ≈ 450 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 6 inch

b) type Aluminum

c) length ≈ 1500 ft.

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length 1/2 mile feet
- 2) make, model & number of sprinklers M-1-1-140
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
---	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	---	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 835-2

(1) Alva F. Wiley of SR 10, Box 34, Millboro, SD 57554 was issued Water License No. 835-2, July 27, 1967 for a water right to appropriate 1.00 cubic feet of water per second from the Keyapaha River, Tripp County, South Dakota for irrigation purposes. Water License No. 835-2 with a priority date of June 15, 1964 was issued to applicant(s) for diversion of water with construction of the described water supply system to be completed and the application to beneficial use of said water completed.

Water License No. 835-2 was originally issued for irrigation of 72.6 acres in the SW 1/4 of Section 6, T95N, R76W. Based upon an August 28, 1990 inspection of the water use system, Water License No. 835-2 is being reissued to the extent of what is actually being irrigated.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.71 cubic feet of water per second for beneficial use. The location of the diversion point is: between a point 500'E and a point 2130'E and 725'N of the SW corner of Section 6, T95N, R76W.

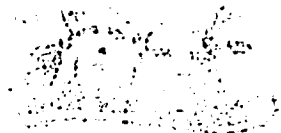
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T95N, R76W Section 6	NW 1/4 SW 1/4	19 Acres
	NE 1/4 SW 1/4	7 Acres
	SW 1/4 SW 1/4	22 Acres
	SE 1/4 SW 1/4	2 Acres
	Total -----	50 Acres

(4) Pursuant to Section 46-5-30.1 Alva F. Wiley of SR 10, Box 34, Millboro, SD 57554 the holder(s) and/or owner(s) of Water Right No. 835-2 is issued a license to appropriate water, the right to use 0.71 cubic feet of water per second from the Keyapaha River with a priority date of June 15, 1964 from the location specified in (2) of this license. The water is 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 Water Permit No. 835-2 and subject to South Dakota State Law.

 MAY 27 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

South Dakota



GREAT FACES. GREAT PLACES.

MAY 27 1991

Alva Wiley
SR 10, Box 34
Millboro, SD 57554

Dear Ms. Wiley:

Enclosed is Reissued Water License Nos. 835-2 and 959-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosures

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



835-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-181

August 29, 1991

NOTICE

PERMIT NO(S). 959-2 and (835-2)

TO: Alva Wily
SR 10, Box 34
Millboro, SD* 57554

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

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

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

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

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

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

235-2

CERTIFICATION

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

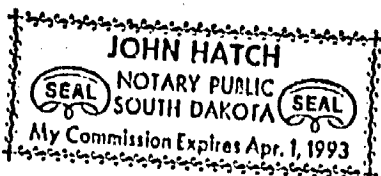
Garnet Sargent, RR, Clearfield, SD 57581
Rcdney Hofeldt, RR 5, Box 89, Millboro, SD 57554
Stanley Hanson, RR 5, Box 63, Millboro, SD 57554
Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.
Vern Keszler, HC 88, Box 12, Clearfield, SD 57581. ,
~~Dale Heese, SR Box 36, Millboro, SD 57554.~~
Charles Hellman, RR 5, Box 84, Millboro, SD 57554.
Alva Wily, SR 10, Box 34, Millboro, SD 57554.
Richard Kirsch, HC 80, Box 49, Springview, NE 68778.
Charles Richey, HC 88, Box 47, Wewela, SD 57578.
Lucile Richey, RR 10, Box 46, Wewela, SD 57578.
Victor Weickum, Wewela, SD 57578.
H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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



John Hatch
Notary Public



835-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: ALVA F WILEY, HCR 88 BOX 34, MILLBORO, SD 57580

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 835-2 & 959-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 835-2 & 959-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

835-2

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____	
1. Article Addressed to: ALVA F WILEY HCR 88 BOX 34 MILLBORO SD 57580		C. Signature <i>Alva Wiley</i> D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below: _____	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No	

2. Article Number: (Copy from service label) 2227670421

PS Form 3811, July 1999 Domestic Return Receipt 107595



835-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2000

835-2
959-2

Alva F Wiley
HCR 88 Box 34
Millboro, SD 57580

Dear Mr. Wiley:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 835-2 and 959-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). (835-2) 959-2

To: ALVA F WILEY
3140 301ST
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 835-2 959-2

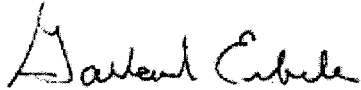
Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has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

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

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s) 835-2 959-2

To: ALVA F WILEY
3140 301ST
WINNER, SD 57580



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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 835-2 959-2

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: ALVA F WILEY, 3140 301ST, WINNER, SD 57580

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 835-2 & 959-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 835-2 & 959-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

835-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 4568

Status: **Delivered**

Your item was delivered at 3:27 PM on January 26, 2008 in WINNER, SD 57580. The item was signed for by M WILEY.

Track & Confirm

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No FEAR Act EEO Data

FOIA

Seal of the United States Postal Service

United States Postal Service

ALVA F WILEY 3140 301ST WINNER SD 57580	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4568	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2008

835-2
959-2

Alva F Wiley
481 Hillside Dr
Winner SD 57580

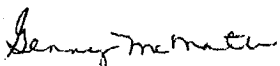
Dear Mr. Wiley:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 835-2 and 959-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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



February 22, 2008

ALVA F WILEY
3140 301ST
WINNER, SD 57580

Dear Water Right Holder:

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

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

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

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

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program

835-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2008

835-2
959-2

Alva Wiley
31450 301st St
Winner SD 57580

Dear Mr. Wiley:

Enclosed, as requested, are "Notice of Transfer of Ownership" forms for use in changing ownership on Water Right Nos. 835-2 and 959-2. The water rights are currently listed in your name.

The forms are partially filled out and will need to be completed and signed by the new owner of the land. Once completed, please return the forms to our program with a \$2.50 filing fee for each one (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 13 2008

WATER RIGHTS
PROGRAM

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

No. 835-2
Date: _____

I/We request that Water Right No. 835-2

formerly owned by: Alva F Wiley

be transferred to: (name & address) ALVA LEE WILEY

4814 1/2 S Le Dr Winner SD. 57580

Telephone No. 605 557 3235

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

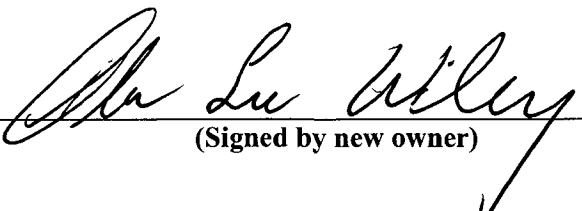
50 acres - SW 1/4 Section 6, T95N, R76W

I/We understand that the validity of Water Right No. 835-2 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 ALVA LEE WILEY, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/13, 20 08

RECEIVED OF Alva L Wiley 481 Hillside Dr Winner SD 57580

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>835-2</u>		
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.

03793

By

Harland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2008

835-2

959-2

Alva Lee Wiley
481 Hillside Dr
Winner SD 57580

Dear Mr. Wiley:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 835-2 and 959-2. The transfers have been completed. The water rights formerly held by Alva F Wiley are now listed in your name.

Enclosed are your Receipt Nos. 03793 and 03794 in the amount of \$2.50 each. You may keep these for your records.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 18, 2010

Martin Wasserburger
30131 Cascade Rd
Ardmore SD 57735

RE: Location Notice No. 31-2, Water Right No. 392-2 and Vested Water Right Nos. 853-2
and 2115-2

Dear Mr. Wasserburger:

Thank you for returning the annual irrigation questionnaires and also the note concerning the ownership changes needed for the above water rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$200.00). The check or money order for the fee can be made payable to the Water Rights Program.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: ALVA LEE WILEY
31450 301 ST
WINNER SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) **835-2** 959-2

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: ALVA LEE WILEY
31450 301 ST
WINNER SD 57580

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

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

Shutoff Order for Water Right Nos. 835-2 959-2

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

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

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

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

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

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

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

CERTIFICATION

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

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

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

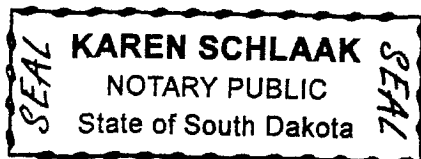
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

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

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2022

ALVA LEE WILEY
31450 301 ST
WINNER, SD 57580

Dear Keya Paha River Water Right Holder:

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

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ALVA LEE WILEY, 31450 301 ST, WINNER, SD 57580

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 835-2 & 959-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 835-2 & 959-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 8, 2023** 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: ETAUQK**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2023

NOTICE

TO: Alva Lee Wiley, 31450 301st St, Winner SD 57580

FROM: Ron Duvall, Natural Resources Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right Nos. 835-2 &
959-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 23rd and January 28th, 2023 to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 13, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 13, 2023 regarding Unclaimed Certified Mail to the Water Right/Permit Holders addressed as stated below:

No. 2706-3: Ronnie Reimer, 34611 255th St, Pukwana SD 57370

Nos. 1222A-1 & 1524-1: John A Ismay, Ismay Ranch LLC, PO Box 396, Sturgis SD 57785-0396

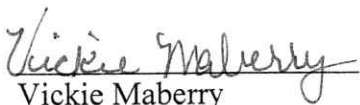
Nos. 4687-3A & 4687-3B: James L Sutton, PO Box 33, Onida SD 57564-0033

No. 1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

No. 6168-3: Todd Hattum, 21742 W Bend Rd, Harrold SD 57536

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

Nos. 835-2 & 959-2: Alva Lee Wiley, 31450 301st St, Winner SD 57580



Vickie Maberry

Senior Secretary-Water Rights

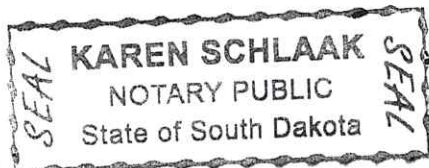
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of February, 20 23.



Karen Schlaak Notary Public

My Commission expires April 1, 2025





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

February 21, 2023

835-2
959-2

Alva Lee Wiley
31450 301st St
Winner SD 57580

Dear Mr. Wiley:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 835-2 and 959-2. 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

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70201810000098486785

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Latest Update

Your item has been delivered to the original sender at 8:36 am on February 13, 2023 in PIERRE, SD 57501.

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Delivered, To Original Sender

PIERRE, SD 57501

February 13, 2023, 8:36 am

Arrived at Post Office

PIERRE, SD 57501

February 13, 2023, 8:19 am

Out for Delivery

PIERRE, SD 57501

February 13, 2023, 7:51 am

Arrived at USPS Regional Facility

HURON SD DISTRIBUTION CENTER

February 12, 2023, 6:23 pm

In Transit to Next Facility

February 12, 2023

Arrived at USPS Regional Facility

7020 1810 0000 9848 6785

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Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	
\$	
Total	
\$	
Sent to	
Street	
City, State	

ALVA LEE WILEY

31450 301 ST

WINNER SD 57580

Postmark
Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SIOUX FALLS SD DISTRIBUTION CENTER
February 11, 2023, 10:13 am

Arrived at USPS Regional Facility

MINNEAPOLIS MN DISTRIBUTION CENTER
February 9, 2023, 1:35 pm

Unclaimed/Being Returned to Sender

WINNER, SD 57580
February 7, 2023, 3:45 pm

Reminder to Schedule Redelivery of your item

January 28, 2023

Notice Left (No Authorized Recipient Available)

WINNER, SD 57580
January 23, 2023, 2:19 pm

Departed USPS Regional Facility

HURON SD DISTRIBUTION CENTER
January 22, 2023, 11:23 pm

Arrived at USPS Regional Facility

HURON SD DISTRIBUTION CENTER
January 20, 2023, 10:38 pm

Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less

Track Another Package

Enter tracking or barcode numbers



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 7, 2026

Permit Nos. 835-2 and 959-2

ALVA LEE WILEY
31450 301st AVE
WINNER, SD 57580

Dear Appropriators:

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

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

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

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

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

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

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

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program