

Considered: _____

WATER PERMIT NO. 1272A-3

MAP No. Same

Name of Applicant John E. Sutter Jr.

Post Office Address RT. 1 Box 13 Apex S.D.

Amount of Water Claimed 0.28 Total Acres 20.2

Source of Water Supply Missouri River

Water to be used for IRR County Sully

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 1st 4-16-85 Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 1-9-85 Fee \$150.00 Remarks _____

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

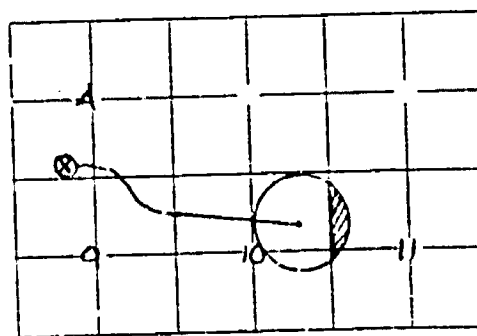
WATER QUALITY APPROVAL RECEIVED 3-15-85 APPROVED CONDITIONAL (Circle one)

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

Diversion Point SE4 SW4 sec. 4 T116N-R79W

Land to be Irrigated NW4 NW4, SW4 NW4, NW4 SW4

sec. 11 T116N-R79W



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial PREPARED BY Ron Duvall Reviewed and the Number

assigned on 3-19-85 By Kevin C. Larson

Mail to: Water Rights Div.
DWNRR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 1272A-3 Hydrologic Unit 10130105
Map No. Same Basin Missouri
Newspaper Owida Watchman Box 9 (Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☒ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant John E. Sutton Jr. Phone No. 605-54396-114683

Post Office Address RR 1 Box 13 Agar, SD State 57520
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) .28 Total acres irrigated 20.2

3. Source of Water supply Missouri River

4. Location of point of diversion Missouri River 1770 ft. E and 430 ft. N from the
SW Corner of Section 4-T116N-R79W

County Sully

5. Counties where water will be used Sully

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

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW1/4 Sec. 11 T116N R79W	3.7		
SW1/4 Sec. 11 T116N R79W	14.5		
NW1/4 Sec. 11 T116N R79W	2.0		

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This permit covers portions of a center pivot which are not covered by permit No. 1272-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Hughes

I, John E. Sutton Jr. the applicant, certify that I have read the foregoing application, have examined the attached map and that the nature therein stated are true and that I intend, and am able to complete the necessary construction.

Signed John E. Sutton Jr.

Subscribed and sworn to before me this 13 day of January 19 85

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1272A-3
John E. Sutton Jr RT. 1 Box 13 Agar
(Applicant) (Post Office Address)
South Dakota 57520 With the following qualifications.
(State) (Zip Code)

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application January 9, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved May 15, 1985.

The Water Management Board hereby approves this Water Permit No. 1272A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 9, 1985.
2. One-fifth of the work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The time limit for proof of beneficial use of water is —, 19—.
5. The water appropriated shall be used for the purpose of Irrigation.
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 —, 19—; said water to be used during the following described annual period: April 1 to October 31.

WATER MANAGEMENT BOARD
 By: John K. Ketch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
SEP 11 1985, 19—

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

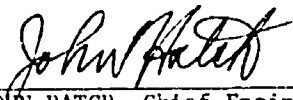
APPLICATION NO. 1272A-3, John E Sutton, Jr.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1272A-3, John E Sutton, Jr., Rt 1, Box 13, Agar SD.

The Chief Engineer is recommending APPROVAL of Application No. 1272A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 28, 1985

REPORT ON APPLICATION NO. 1272A-3

JOHN E SUTTON, JR.

March 25, 1985

Application No. 1272A-3 proposes to divert 0.28 cfs from the Missouri River to irrigate 20.2 acres. Flows are diverted from the river directly through a center pivot. The acreage covered by Application No. 1272A-3 has been developed. A portion of a pivot not covered by Permit No. 1272-3 irrigates the lands included on Application No. 1272A-3. This application covers only lands which have been developed but were omitted from the original permit No. 1272-3.

Unappropriated water is available from the Missouri River and existing rights will not be impaired. Approval of Application No. 1272A-3 is recommended.

Ron Duvall/ks

Ron Duvall
Natural Resources Engineer

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1272A-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. 1272-3

Notice is hereby given that John E. Sutton, Jr. whose mailing address is
Route #1, Box 13, Agar, South Dakota has made an application for a permit

to appropriate 0.28 cfs through an existing system to irrigate 20.2 acres located
in the $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T116N-R79W. The existing diversion from the
Missouri River and pipeline were constructed under authority of Permit No. 1272-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 1272A-3 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense
Room in basement of Capitol Building, Pierre, SD, May 15 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985.
The petition may be informal, but it must include a statement describing the petitioners
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) ~~46-5-38 thru 46-5-40; (transfer lands)~~
~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD~~
~~74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25 - (10,000 AFA)~~
~~74:02:01:15+02 thru 74:02:01:15+05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Rights Division, DWNK, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by May 3, 1985.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Sioux) ss.

Parker Knox hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Braden Watercourse

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Braden

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

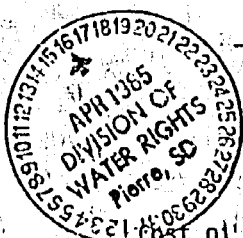
Thursday, April 4, 1985

Thursday, April 11, 1985

Parker Knox
(Signature)

owner
(Title)

April 11, 1985
(Date Signed)



Cost of Printing: \$36.08

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING
On Application No. 1272A-3
to Appropriate Water and to
Amend Water Permit No. 1272-3
Notice is hereby given that John
E. Sutton, Jr. whose mailing add-
ress is Route 11, Box 13, Aglar,
South Dakota has made an applica-
tion for a permit to appropriate 0.28
cfs through an existing system to
irrigate 20.2 acres located in the
W/4NW/4, NW/4SW, Section 11,
T16N, R79W. The existing diver-
sion from the Missouri River and
pipeline were restricted under
authority of Permit No. 1272-3.
Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends approval of
Application No. 1272A-3 because (1)
unappropriated water is available,
(2) will be no unlawful impairment of
existing rights, (3) is beneficial use
of water and (4) is in the public
interest.
This application will be considered
by the Water Management Board at
Civil Defense Room in basement of
Capitol Building, Pierre, SD, May
15, 1985 at 10:00 a.m. The recom-
mendation of the Chief Engineer is
not final or binding upon the Board
and the Board is authorized to make
a determination on this application
after it reaches a conclusion based
upon facts presented at the public
hearing. Any interested person who
may be affected by a Board decision
and who intends to participate in the
hearing before the Board and pre-
sent evidence or cross-examine wit-
nesses, according to SDCL 46-26,
must file a written petition with
both the Applicant and the Chief
Engineer by May 3, 1985. The
petition may be informal, but it
must include a statement describing
the petitioner's interest in the appli-
cation, the reason for the petitioner's
opposition to or support of the
application, and the signature and
mailing address of the petitioner or
his legal counsel if legal counsel is
obtained. The applicant need not file
a petition.
This application is made pursuant
to the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-12 thru 46-1-15,
46-2-1, 46-2-2, 46-2-11, 46-2-13,
46-2-17, 46-5-1 thru 46-5-10, 46-5-24,
46-5-25, 46-5-30, 46-5-31, 46-2A-1
thru 46-2A-10, 46-2A-12, 46-5-3,
46-5-3.1, 46-6-1, 46-6-10, 46-6-13,
46-6-14, and Board Rules ARSD
74-02-01.01 thru 74-02-01.15.
This hearing is an adversary
proceedings. The applicant or any
person, after filing a petition, 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.
Decision of the Board may be
appealed to the Circuit Court and
the State Supreme Court as provid-
ed by law.
Any person wishing a copy of the
Chief Engineer's recommendation,
further information on the applica-
tion or to assure access to the
hearing by the Board, should con-
tact the Water Rights Division,
DWR, Joe Foss Bldg., Pierre, SD
(605 773-3352) for assistance prior to
the hearing date. The time of the
hearing will be automatically ex-
tended for at least twenty days upon
written request of the applicant or
any person who has filed a petition
to oppose or support the application.
The request for extension must be
filed with the Chief Engineer by
May 3, 1985.

WATER RIGHTS DIVISION
(605) 773-3352

December 20, 1984

John E. Sutton
906 N. Madison Avenue
Pierre, South Dakota 57501

Dear Mr. Sutton:

On April 17, 1984, I visited your farm for the final inspection of your water permit No. 1272-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that some of your developed acreage is not covered by permit No. 1272-3. The lands listed on the enclosed application are the areas which are not covered. The time for developing or amending permit No. 1272-3 ended on May 18, 1971; therefore, a new permit is required for any developed acreage not covered by permit No. 1272-3.

Soil and Water compatibility is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. The forms must then be notarized and returned with an application fee of \$150.00. Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Department of Agriculture
WI#1
3/82

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: John F. Sutton Jr. OWNERS ADDRESS: RR 1 Box 13
Agar, S. Dak.
COUNTY LAND LOCATED IN: Sully PHONE: 264-5439 or 224-6683
TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

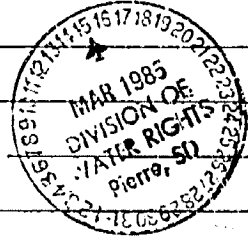
1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Missouri River

Diversion Location: 1770 ft. E and 430 ft. N from SW Corner of SECTION 4 T116N R79W

Legal Description	Acres	Legal Description	Acres
NW1/4 Section 11 T116N R79W	3.7		
SW1/4 Section 11 T116N R79W	14.5		
NW1/4 Section 11 T116N R79W	2.0		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: Sec. 10; NE1/4 Sec. 9; E1/2 Sec. 3; W1/2 Sec. 2; all in T116N R79W

IN WHAT NAME: John Sutton and Sons

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: _____ 10. ADJUSTED (SAR): _____

8. SALINITY (EC X 10⁶): _____ 11. PERCENT SODIUM _____

9. SODIUM (SAR): _____

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (48-5-6-4)

SUBSCRIBED AND SWORN BEFORE ME THIS

3rd DAY OF January, 1985

Thomas C. Adams
(NOTARY PUBLIC)

THOMAS C. ADAMS
My Commission Expires
August 28, 1987

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

APPLICANT'S SIGNATURE

John F. Sutton Jr.

Director, Division of Conservation

Date

☐ APPROVED
☐ DISAPPROVED
☒ CONDITIONALLY APPROVED

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

REPRODUCTION
REDUCTION
75-1
ROLL NO
11-12
12-30-86
DATE MICROFILMED
CAMERA OPERATOR

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: John E. Sutton, Jr.LEGAL DESCRIPTION: Portions of Ely 11-116-79 = 20.2 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

We recommend the use of a form of conservation tillage to control erosion and conserve soil moisture. X

You may experience some trafficability problems in the areas mapped as Ohta silt loam. If this area is a problem you may wish to keep area in permanent vegetation.

J. E. Sutton, Jr.
SIGNATURE

DATE

RECEIPT

Division of Water Rights

No 4 9885

South Dakota Department of Water and Natural Resources

Pierre, January 9, 1936

RECEIVED OF John E. Sutton, Jr., RRA, box 13, Agar, SD 57520

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

Fee for Application for Permit No. <u>12/2A-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form. _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

JOHN HATCHER



Joe Foss Building
Pierre, South Dakota 57501

Department of Water & Natural Resources

Water Rights Division
605 773-3352

1272A-3

SEP 11 1985

John E. Sutton, Jr.
Rt 1, Box 13
Agar, South Dakota 57520

Dear Sir:

Enclosed herewith is your Water Permit No. 1272A-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 1272A-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

WEN-800-A 4/82

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

SECOND NOTICE

February 25, 1986

Permit No. 1272A-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

John E. Sutton, Jr.
Rt 1, Box 13
Agar, South Dakota 57520

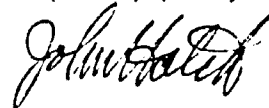
Dear Mr. Sutton:

September 11, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1272A-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S508.WR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410241

Pierre, March 4, 1936

RECEIVED OF John E. Sutton, Jr., Route 1, Box 13, Agar, South Dakota 57520

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1272A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCHES

1272A-3
LICENSE FOR PERMIT NUMBER 1272-3

1. Legal location of wells: _____

^{River diversion}
~~dams & structures:~~ 430 ft N and 1,770 ft E from the SW corner of sec. 4-T116N-R77W

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines <u>12 in.</u>	<u>10 in.</u>	<u>10 in.</u>
b) type <u>PVC</u>	<u>Aluminum</u>	<u>PVC</u>
c) length <u>4,300 ft.</u>	<u>1,450 ft.</u>	<u>6,740 ft.</u>

4. Dam information:

a) height to crest _____	i) Outlet tubes:
b) height to spillway _____	1) diameter _____
c) crest width _____	2) type _____
d) crest length _____	3) valued (Y/N) _____
e) spillway length _____	4) valve type _____
f) spillway width _____	5) location on structure _____
g) approx. storage _____	

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

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

b) towline:

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

5. System Type: c) center pivots (3) d) Gate Pipe
- 1) make Electrogrators
 - 2) number of towers 7, 7, 12
 - 3) distance between towers _____
 - 4) overall length 1250/1250/1560 ft. e) Siphons
 - 5) End gun (Y/N) _____
 - 6) higher low pressure low/low/high
 - 7) make & size of nozzles _____
 - 8) PSI reading while system is running 50, 50, 70
 - 9) GPM 550, 550, 1200
- f) Portable boom
- 1) make _____
 - 2) serial number _____
 - 3) nozzle size _____
 - 4) capacity (GPM) _____
 - 5) PSI _____
- g) Gun
- 1) make _____
 - 2) serial number _____
 - 3) nozzle size _____
 - 4) capacity (GPM) _____
 - 5) PSI _____
 - 6) hose size _____
 - 7) hose length _____
- h) Hydromatic
- 1) make _____
 - 2) model _____
 - 3) serial number _____
 - 4) length _____
 - 5) nozzle size _____
 - 6) spacing _____
 - 7) PSI _____
 - 8) capacity (GPM) _____

YES	NO	Check Items
☒	☐	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.

REMARKS: motor: Allis - Chalmers pump: Veni-line
S.N. 21-12647 S.N. 14976
at the M. River M.N. 21000 with Randolph right angle drive
Diesel, 6cyl. 150 hp.
M.N. 4RBVMSO-4
S.N. E 2327

motor: General Electric pump: Cornell, imp. 12 3/4 in.
M.N. SK326JN2521 M.N. 4RBVMSO-4
50 hp., 1770 rpm. S.N. E 2327

Booster
station
for large pivot

location: 1160 ft N and 990 ft W from the
center of sec 10-T116N-R7W.

Form 1

1272A-3
Permit No. 1272-3Missouri 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 John E. Sutton Jr.of PR1, Box 13, Agar, SD 57520 holder of
* 1272A-3
Permit No. 1272-3, bearing the priority of January 9, 1985
April 7, 1966 authorizingthe diversion of .28 cu. ft. per second of the waters of the Missouri River
for irrigation purposes, in Sully County.I have to report on the conditions of the same as follows: motor: Allis-Chalmers pump: Veni-line
S.N. 21-12647 S.N. N9976
M.N. 21000 with Randolph right-angle
Diesel, 6cyl drive.
150hp., M.N. F 150
S.N. 152215
A. Works used to divert the water: Booster station -
motor: General Electric pump: Cornell, 12 1/4 in. M.N. 4RBVMSO-4
M.N. 5K326 JN2521 S.N. E2327
50hp., 1770 rpmCenter Pivots: (3)
B. Works used to transport water to place of use:
pipeline: make Electrogator Electrogator Electrogator
size 12 in. 10 in. 10 in. # of towers 7 7 12
type PVC Aluminum PVC length 1,250 ft 1,250 ft 1,540 ft
length 4,300 ft 1,450 ft 6,740 ft pressure low low high
C. Works used to apply water to beneficial use:
psi 50 50 70
GPM 550 550 1200The system is in the following condition goodThe point of diversion is located Missouri River: 1770 ft. E and 430 ft. N from SW
corner of sec. 4 - T116N - R79WThe works are capable of diverting and conveying to the place of use 5.11
cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T116N - R79W

Acres		Acres		Acres		Acres	
SW 1/4 NW 1/4 sec 10	28.9	SE 1/4 SW 1/4 sec 10	22.2	SE 1/4 NE 1/4 sec 10	40.0	SE 1/4 SE 1/4 sec 10	3.5
SE 1/4 NW 1/4 "	20.6	NW 1/4 NE 1/4 "	19.9	NW 1/4 SE 1/4 "	25.6	NW 1/4 NW 1/4 sec 11	3.7
NW 1/4 SW 1/4 "	28.3	NE 1/4 NE 1/4 "	29.9	NE 1/4 SE 1/4 "	22.0	SW 1/4 NW 1/4 "	14.5
NE 1/4 SW 1/4 "	29.7	SW 1/4 NE 1/4 "	37.4	SW 1/4 SE 1/4 "	33.1	NW 1/4 SW 1/4 "	2.0

comprising a total of 361.3 acres of land and the license should be issued for 5.11 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No* Exceptions to compliance are: _____ Date April 17, 1984
Permit No. 1272-3 is incorporated into 1272A-3.
The lands in sec. 10 have a priority of Apr. 7, 1966;
the lands in sec. 11 have a priority of Jan. 9, 1985.
Ron Duvall
Signature

State of South Dakota
Water License No. 1272A-3

(1) John E. Sutton, Jr.
of RR#1, Box 13, Agar, South Dakota 57520
made Application No. 1272A-3, January 9, 1985 for a water permit to appropriate
0.28 cubic feet per second of water from the Missouri River
Sully County, South Dakota for irrigation purposes.
Permit No. 1272A-3, with a priority date of January 9, 1985
was approved May 15, 1985 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~

The applicable portions of Water Permit No. 1272-3 have been incorporated into this
Water License No. 1272A-3. The lands in Section 10, T116N, R79W (specified in #3 of
this license) and 4.83 cfs will retain a priority date of April 7, 1966 (Permit No.
1272-3). The lands in Section 11, T116N, R79W (Specified in #3) and 0.28 cfs (Permit
No. 1272A-3) will retain a January 9, 1985 priority date.

and

(2) It is certified that the application 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 5.11 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1770 ft E and 430 ft N from the SW Corner
of Section 4, T116N, R79W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T116N-R79W

Section 10	SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.9 Acres	(BC)	Section 10	NW $\frac{1}{4}$ SE $\frac{1}{4}$	25.6 Acres	(DB)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.6 Acres	(BD)		NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.0 Acres	(DA)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	28.3 Acres	(CB)		SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.1 Acres	(DC)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.7 Acres	(CA)		SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.5 Acres	(DD)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.2 Acres	(CD)	Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.7 Acres	(BB)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	19.9 Acres	(AB)		SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.5 Acres	(BC)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.9 Acres	(AA)		NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 Acres	(CB)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	37.4 Acres	(AC)		TOTAL	361.3	ACRES
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 Acres	(AD)				

(4) Pursuant to §46-5-30.1 John E. Sutton, Jr.

of RR 1, Box 13, Agar, SD 57520

the holder(s) and/or owner(s) of Water Permit No. 1272A-3 is issued a license to appropriate water, the right to use 5.11 cubic feet per second of water from the Missouri River with a priority date of 4.83 cfs from April 7, 1966 of 0.28 cfs from January 9, 1985 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1272A-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 1 1986

No. 1272A-3

 **Department of
Water & Natural Resources**
Joe Foss Building WATER RIGHTS DIVISION
523 East Capitol Phone (605) 773-3352
Pierre, South Dakota 57501

DEC 1 1986

John E. Sutton, Jr.
RR 1, Box 13
Agar, South Dakota 57520

Dear Mr. Sutton:

Enclosed herewith is, Water License No. 1272A-3. 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 a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

NOTE: Applicable portions of Water Permit No. 1272-3 have been incorporated into this Water License.

WNR-817 3/83
Transmittal of Water License

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

JOHN E SUTTON JR
RR #1 BOX 13
AGAR, SD 57520

NOTICE

Re: Violation of Water Permit No(s) 1272A-3 and 1987 Irrigation
Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1272A-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1272A-3 qualification:

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

The hearing will also be to determine if Permit No(s) 3200-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

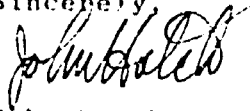
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 1272A-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 3200-3 also held by JOHN E SUTTON JR to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

Sincerely,

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

John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 10, 1988

1272A-3
3200-3

John E. Sutton, Jr.
RR 1, Box 13
Agar SD 57520

Dear Mr. Sutton:

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. 1272A-3 & 3200-3 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 has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "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.
February 1, 1991

JOHN E SUTTON JR
RR #1 BOX 13
AGAR SD 57520

NOTICE

RE: Violation of Water Permit No(s) 3200-3, 1272A-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3200-3, 1272A-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1272A-3 qualification:

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

The hearing will also be to determine if Permit No(s) 3200-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

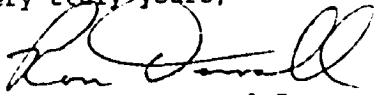
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1272A-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 3200-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 11, 1991

1272A-3

1272A-3
3200-3

John E. Sutton, Jr
RR #1 Box 12
Agar, SD 57520

Dear Mr. Sutton:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1272A-3 and 3200-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JOHN E "MATT" SUTTON JR, 17304 SUTTON BAY ROAD, AGAR, SD 57520 5100

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1272A-3, 3200-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3200-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1272A-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1272A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3200-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

1272A-3

JOHN E "MATT" SUTTON JR
17304 SUTTON BAY ROAD
AGAR SD 57520 5100

4a. Article Number

Z 179 157 1102

4b. Service Type

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

7. Date of Delivery

1-12-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X H. Sutton

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

Thank you for using Return Receipt Service.

1272A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

1272A-3
3200-3

John E "Matt" Sutton, Jr
17304 Sutton Bay Rd
Agar, SD 57520-5100

Dear Mr. Sutton:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1272A-3 and 3200-3.

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

Date: _____

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

NO 416862

Pierre, July 9, 20 01

RECEIVED OF Davenport, Evans, Hurwitz & Smith LLP, PO Box 1030, Sioux Falls, SD 57101

the following amount in fees for services rendered as provided for by law: Sutton Bay Golf LLC (John E Sutton Jr.)

Fee for Application for Permit No. _____ to Appropriate Water, to construct

and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future

Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

License No. _____

1272A-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Darlene E. Eide gm
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 2001

1272A-3
3200-3

Mark Amundson
Sutton Bay Golf, LLC
1601 Old Cheney Rd
Lincoln, NE 68517

Dear Mr. Amundson:

Thank you for following up on the ownership changes for Water Right Nos. 1272A-3 & 3200-3. The transfers have been completed. The water rights formerly listed in the name of John E Sutton, Jr., are now listed in the name of Sutton Bay Golf LLC.

The receipts for the filing fees are being forwarded to Davenport, Evans, Hurwitz & Smith in Sioux Falls, SD.

If I can answer any questions for you, please contact me.

Sincerely,

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

c: Davenport, Evans, Hurwitz & Smith, LLP
(with Receipt Nos. 416861 and 416862)

