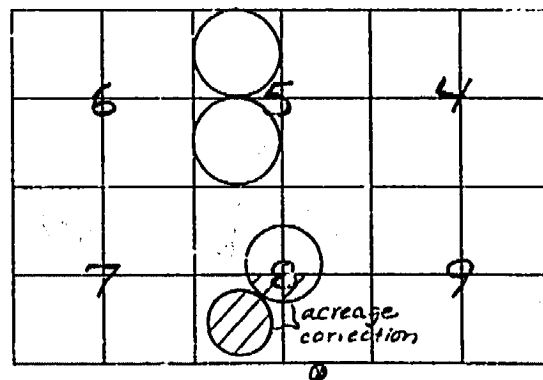


2115A-3

WATER PERMIT NO. 2115A-3Phone: 264-5324 or 258-2582Name of Applicant: John (Jack) GarrihanPost Office Address: HCR 37, Box 124, Pierre SD 57501Amount of Water Claimed: no add'l Total Acres: no add'lSource of Water Supply: Missouri RiverWater to be used for: irrigation County: SullyLocation: 30 miles southwest of OnidaPRIORITY Date Received: 7-13-1994 Fee: \$50Corrected Application Received: 7-13-94 Period of Annual Use: April 1 - Oct 31Remarks: Changes the location of 110 acres under permit No. 2115-3 from the N 1/2Sec 8 to S 1/2 Sec 8; T113N-R80WDiversion Point: NE 1/4 NE 1/4 Sec 17-T113N-R80WLand to be Irrigated: SW 1/4, NW 1/4 SE 1/4 Sec8-T113N-R80W

Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: Lynn Beck Reviewed and the NumberAssigned on: 7-14-94 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota

(type or print)

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

No. 2115A-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper The Onida Watchman, Box 205, Onida,
(office use only)



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

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2115-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Change in location of 110 acres from N 1/2 Sec. 8-T113-R80 to
S 1/2 Sec. 8-T113-R80

- Name of Applicant John (Jack) Garrigan Phone (605) 264-5324
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address HCR 37 Box 124 Pierre State SD 57501
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 110 CFS or 50 GPM 50 AF Total Acreage 110
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
At the Missouri River - 1055' W and 40' S of the SE corner Sec. 8-113-80.
(NE 1/4 NE 1/4 Sec. 17-T113N-R80W) County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used April 1 thru October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description
NW1/4 SW1/4 Sec. 8-113-80
NE1/4 " "
SW1/4 " "
SE1/4 " "

Acres
14
31
22
27

Land Description
NW1/4 SE1/4 Sec. 8-113-80

Acres
16

- Types of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): ☐
- Crops to be irrigated: ☐
- Give a description of the project. (Attach sheet if more space is needed)
change the location of from the N 1/2 of Sec. 8-113-80 to 224
This application is to add 110 acres to the S 1/2 of Sec. 8-113-80 and 50 acres to
of storage in a diversion dam located in the NW 1/2 of Sec. 8-113-80 to Permit No. 2115-3.

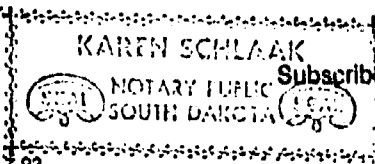
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA

County of Hughes

I, John Garrigan, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John Garrigan
Subscribed and sworn to before me this 9th day of June 19 93



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

Karen Schlaak
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2115A-3**

Date of first receipt of application July 13, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2115A-3 to John (Jack) Garrigan, HCR 37, Box 124, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2115A-3 specifies the correct location of the irrigated acreage. Water Permit No. 2115-3 appropriates 9.15 cubic feet of water per second (cfs) from the Missouri River located in the NE 1/4 NE 1/4 Section 17 to irrigate 640 acres located in the W 1/2 Section 5 and the N 1/2 Section 8; all in T113N-R80W. A regulating dam with a storage capacity of 20 acre-feet of water located in the NW 1/4 SW 1/4 and S 1/2 NW 1/4 Section 8-T113N-R80W is also authorized by Permit No. 2115-3. An inspection of Permit No. 2115-3 found the works capable of diverting 8.44 cfs from the Missouri River to the regulating dam. The works are capable of applying 5.78 cfs (2.00 cfs directly from the river and 3.78 cfs from the regulating dam) to the irrigated acreage. This permit corrects the location of 110 acre of the 422.5 acres being irrigated. The correct location of the 110 acres is the SW 1/4 and the NW 1/4 SE 1/4 Section 8-T113N-R80W. No increase in the diversion rate or number of acres being irrigated are authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is September 18, 1974.
4. The date of approval of Permit No. 2115A-3 is October 11, 1994.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

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

DEC 28 1994
date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2115A-3

(1) John (Jack) Garrigan of HCR 37, Box 124, Pierre SD 57501 made Application No. 2115A-3, July 13, 1994 for a water permit to specify the correct location of land developed for irrigation in Sully County, South Dakota. Permit No. 2115A-3, with a priority date of September 18, 1974 was approved October 11, 1994 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2115-3 specifies the correct location of acreage that was developed under Water Permit No. 2115-3. No. 2115A-3 did not allow for an increase in the diversion rate or number of acres being irrigated.

The applicable portions of Water Permit No. 2115-3 have been incorporated into this Water License No. 2115A-3.

(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 capable of diverting 8.44 cubic feet of water per second (cfs) from the Missouri River to the regulating dam (20 acre-feet storage capacity). The works are capable of applying 5.78 cfs (2.00 cfs directly from the river and 3.78 cfs from the regulating dam) for beneficial use. The location of the diversion points are: at the Missouri River - 1055 feet west and 40 feet south of the southeast corner Section 8-T113N-R80W (NE 1/4 NE 1/4 Section 17) and at the regulating dam - 945 feet east and 565 feet north of the west quarter corner (SW 1/4 NW 1/4) of Section 8-T113N-R80W.

(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:

All in T113N-R80W

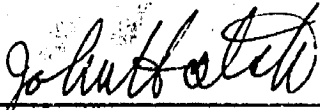
Section 5	NW 1/4 NW 1/4	30 acres	Section 8	NE 1/4 NW 1/4	1 acres
	NE 1/4 NW 1/4	31 acres		SE 1/4 NW 1/4	29 acres
	SW 1/4 NW 1/4	31 acres		NW 1/4 NE 1/4	1 acres
	SE 1/4 NW 1/4	30 acres		SW 1/4 NE 1/4	30 acres
	NW 1/4 SW 1/4	32 acres		NW 1/4 SW 1/4	14 acres
	NE 1/4 SW 1/4	32.5 acres		NE 1/4 SW 1/4	31 acres
	SW 1/4 SW 1/4	32.5 acres		SW 1/4 SW 1/4	22 acres
	SE 1/4 SW 1/4	32.5 acres		SE 1/4 SW 1/4	27 acres
				NW 1/4 SE 1/4	16 acres
				Total	422.5 acres

Water License No. 2115A-3

John (Jack) Garrigan

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 John (Jack) Garrigan of HCR 37, Box 124, Pierre SD 57501 the holder and/or owner of Incorporated Water Permit No. 2115A-3 is issued a license to appropriate water, the right to use 8.44 cubic feet of water per second (cfs) from the Missouri River to the regulating dam (20 acre-feet storage capacity). The works are capable of applying 5.78 cfs (2.00 cfs directly from the river and 3.78 cfs from the regulating dam) with a priority date of September 18, 1974 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2115A-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 6 1995

date

Report on Application No. 2115A-3
John (Jack) Garrigan
September 6, 1994

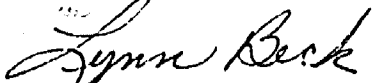
This application proposes to correct the specific location of the acreage being irrigated. Water Permit No. 2115-3 appropriates 9.15 cubic feet of water per second (cfs) from the Missouri River located in the NE 1/4 NE 1/4 Section 17 to irrigate 640 acres located in the W 1/2 Section 5 and the N 1/2 Section 8; all in T113N, R80W. A regulating dam with a storage capacity of 20 acre feet of water located in the NW 1/4 SW 1/4 and S 1/2 NW 1/4 Section 8, T113N, R80W is also authorized by Permit No. 2115-3.

An inspection of Permit No. 2115-3 found the works capable of diverting 8.44 cfs from the Missouri River to the regulating dam. The works are capable of applying 5.78 cfs (2.00 cfs directly from the river and 3.78 cfs from the storage dam) to the irrigated acreage. This application is to correct the location of 110 acres of the 422.5 acres being irrigated. The correct location of the 110 acres is the SW 1/4 and the NW 1/4 SE 1/4 Section 8, T113N, R80W. No increase in the diversion rate or number of acres being irrigated are authorized by this application.

This system has been in operation though it is currently in a farm program. Adverse impacts to existing water rights would not be expected.

Conclusions:

1. This application does not increase the diversion from the Missouri River or number of acres being irrigated.
2. The system has been in use without complaints.
3. Existing water rights will not be impaired.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2115A-3, John (Jack) Garrigan

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2115A-3, John (Jack) Garrigan, HCR 37 Box 124, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2115A-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in dark ink, appearing to read "John Hatch", is written above the printed name.

for JOHN HATCH, Chief Engineer
September 7, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 14, 1994

John (Jack) Garrigan
HCR 37 Box 124
Pierre, SD 57501

Dear Mr. Garrigan:

Water Permit Application No. 2115A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Onida Watchman printed at Onida, SD (Ph # 605-258-2724). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE:

If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 1994

The Onida Watchman
Box 205
Onida, SD 57564-0205

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2115A-3 to be published twice. Please publish the first notice on September 22, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John (Jack) Garrigan, HCR 37 Box 124, Pierre, SD 57501 (Ph # 605-264-5324 or 605-258-2582).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on September 22, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2115A-3
to Amend Water Permit No. 2115-3

Notice is given that John (Jack) Garrigan, HCR 37 Box 124, Pierre, SD 57501 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 2115-3 appropriated 9.15 cubic feet of water per second (cfs) from the Missouri River located in the NE 1/4 NE 1/4 Section 17 to irrigate 640 acres located in the W 1/2 Section 5 and the N 1/2 Section 8; all in T113N-R80W. A regulating dam with a storage capacity of 20 acre-feet of water located in the NW 1/4 SW 1/4 and S 1/2 NW 1/4 Section 8-T113N-R80W is also authorized by Permit No. 2115-3. An inspection of Permit No. 2115-3 found the works capable of diverting 8.44 cfs from the Missouri River to the regulating dam. The works are capable of applying 5.78 cfs (2.00 cfs directly from the river and 3.78 cfs from the storage dam) to the irrigated acreage. This application is to correction the location of 110 acres of the 422.5 acres being irrigated. The correct location of the 110 acres is the SW 1/4 and the NW 1/4 SE 1/4 Section 8-T113N-R80W. No increase in the diversion rate or number of acres being irrigated are authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2115A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 11, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Permit No. 2115-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by John (Jack) Garrigan of HCR Box 124, Pierre, SD 57501 holder of Permit No. 2115-3, bearing the priority of September 18, 1974 authorizing the diversion of 2.15 cu. ft. per second and/or the storage of 20 acre-feet of the waters of Missouri River for irrigation purposes, in Sully County.

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

A. Works used to divert the water:

At Missouri River - 2 Gould Century motors rated at 125 hp; Berkely pump model no. B5FPBM, 9 7/8 inch, 1900 gpm capacity each.

At diversion dam - 2 Gould Century motors rated at 100 hp; 2 Aurora pumps with a capacity of 1000 gpm each.

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

12,450 feet of 8 inch pvc pipe and 4,300 feet of 12 inch pvc pipe.

C. Works used to apply water to beneficial use:

2 Gifford Hill center pivots, 1240 feet long, 10 towers with an end gun, 850 gpm capacity each; 2 Gifford Hill center pivots, 1036 feet long, 6 towers one with an end gun, 450 gpm capacity each.

The system is in the following condition fair. The point of diversion is located at the Missouri River - 1055 feet W and 40 feet S of the SE corner of Section 8 and at the diversion dam - 945 feet E and 565 feet N of the W 1/4 corner of Section 8, all in T113N-R80W. The works are capable of diverting and conveying to the place of use 8.44 cfs from the Missouri River and 5.78 cfs through the center pivots cu. ft. per second of water and/or storing 20 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T113-R80W:

<u>NW 1/4 NW 1/4 Sec. 5</u>	<u>30 acres</u>
<u>NE 1/4 NW 1/4</u>	<u>31 acres</u>
<u>SW 1/4 NW 1/4</u>	<u>31 acres</u>
<u>SE 1/4 NW 1/4</u>	<u>30 acres</u>
<u>NW 1/4 SW 1/4</u>	<u>32 acres</u>
<u>NE 1/4 SW 1/4</u>	<u>32.5 acres</u>
<u>SW 1/4 SW 1/4</u>	<u>32.5 acres</u>
<u>SE 1/4 SW 1/4</u>	<u>32.5 acres</u>

<u>NE 1/4 NW 1/4 Sec. 8</u>	<u>1 acres</u>
<u>SE 1/4 NW 1/4</u>	<u>29 acres</u>
<u>NW 1/4 NE 1/4</u>	<u>1 acres</u>
<u>SW 1/4 NE 1/4</u>	<u>30 acres</u>
<u>NW 1/4 SW 1/4</u>	<u>14 acres</u>
<u>NE 1/4 SW 1/4</u>	<u>31 acres</u>
<u>SW 1/4 SW 1/4</u>	<u>22 acres</u>
<u>SE 1/4 SW 1/4</u>	<u>27 acres</u>
<u>NW 1/4 SE 1/4</u>	<u>16 acres</u>

comprising a total of 422.5 acres of land and the license should be issued for 8.44 cfs and/or 20 acre-feet of storage.

Applicable permit qualifications have been complied with: X Yes No

Exceptions to compliance are: none

Date: 7-28-92

Lynn Beck
Lynn Beck

Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2115-3

DATE 7-28-92

Other permit(s) associated with the project none

DIVERSION POINT LEGAL LOCATION: At the Missouri River - 1055' W and 40' S of the SE corner Sec 8-113-80.

- | | | |
|------------------------------------|---------|---------------------------------|
| | c) Pump | 1) make <u>Berkeley</u> |
| | | 2) model <u>B5FPBM</u> |
| | | 3) size <u>2 7/8</u> inches |
| e) Motor: | | 4) capacity <u>1900</u> GPM |
| 1) make <u>Gould Century</u> | | 5) turbine pump - No. of stages |
| 2) model No. | | 6) operating pressure PSI |
| 3) horsepower rating <u>125</u> hp | | |
| | c) Pump | 1) make <u>Berkeley</u> |
| | | 2) model <u>B8GPBM</u> |
| | | 3) size <u>11 15/16</u> inches |
| e) Motor: | | 4) capacity <u>1900</u> GPM |
| 1) make <u>Gould Century</u> | | 5) turbine pump - No. of stages |
| 2) model No. | | 6) operating pressure PSI |
| 3) horsepower rating <u>125</u> hp | | |

DIVERSION POINT LEGAL LOCATION: At the dam - 945' E and 565' N of the W 1/4 corner Sec. 8-113-80.

- | | | |
|------------------------------------|---------|---------------------------------|
| | c) Pump | 1) make <u>Aurora</u> |
| | | 2) model |
| | | 3) size inches |
| e) Motor: | | 4) capacity <u>1000</u> GPM |
| 1) make <u>Gould Century</u> | | 5) turbine pump - No. of stages |
| 2) model No. | | 6) operating pressure PSI |
| 3) horsepower rating <u>100</u> hp | | |
| | c) Pump | 1) make <u>Aurora</u> |
| | | 2) model |
| | | 3) size inches |
| e) Motor: | | 4) capacity <u>1000</u> GPM |
| 1) make <u>Gould Century</u> | | 5) turbine pump - No. of stages |
| 2) model No. | | 6) operating pressure PSI |
| 3) horsepower rating <u>100</u> hp | | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|------------------------------|
| a) type <u>pvc</u> | b) size <u>8</u> inches | c) length <u>12,450</u> feet |
| a) type <u>pvc</u> | b) size <u>12</u> inches | c) length <u>4,300</u> feet |

SYSTEM TYPE:

1) Center pivot:

- 1) make Gifford Hill
- 2) overall length 1240 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure
- 7) capacity 550 GPM

2) Center pivot:

- 1) make Gifford Hill
- 2) overall length 1240 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure
- 7) capacity 850 GPM

3) Center pivot:

- 1) make Gifford Hill
- 2) overall length 1036 feet
- 3) number of towers 6
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure
- 7) capacity 450 GPM

4) Center pivot:

- 1) make Gifford Hill
- 2) overall length 1036 feet
- 3) number of towers 6
- 4) distance between towers feet
- 5) end gun N (Y/N)
- 6) high or low pressure
- 7) capacity 450 GPM

DAM INFORMATION:

- | | |
|--|-------------------------------------|
| a) height to crest <u>20</u> feet | k) outlet tubes: |
| b) height to primary spillway feet | 1) diameter inches |
| c) height to secondary spillway <u>16</u> feet | 2) type |
| d) crest width <u>12</u> feet | 3) valved (Y/N) |
| e) crest length <u>400</u> feet | 4) valve type |
| f) spillway length feet | 5) location on structure |
| g) spillway width <u>30</u> feet | |
| h) approximate storage <u>70</u> ⁸⁰ ac-ft | |
| i) approximate storage to crest <u>90</u> ac-ft | |
| j) date constructed | l) category of dam (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: |

Comments: The dam is silted to approx. 5'-6' of depth.

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

* Comments: Lands in the S 1/2 of Sec. 8-113-80 are not covered by the permit. The permit was granted before it was required to have soil/water for surface water.

* Permit No. 2115A-3 corrects the location of the acreage.
Gm.

File No. 2115-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: John (Jack) Garrigan

ADDRESS: HCR 37 Box 124, Pierre, SD 57501 COUNTY: Sully

DATE: 3-5-93

TELEPHONE: (605) 264-5324 or

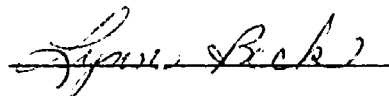
258-2582

RE:

COMMENTS:

Lands have been in the 0-92 farm program in 1988, 90 and 91 and will be in the 93 program. In 1992 rain was sufficient. Systems are in place except for the pumps and motors which are stored. Mr. Garrigan plans to irrigate when the river water level comes up.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 1993

John (Jack) Garrigan
HCR 37, Box 124
Pierre, SD 57501

Dear Mr. Garrigan:

Please find enclosed a partially completed application form and instruction sheet for 110 additional acres in the S 1/2 of Sec. 8-T113N-R80W and an additional 50 acre-feet of storage for the storage dam located in the W 1/2 of Sec. 8-T113W-R80W. You will not have to provide a map, as I have already prepared one. Also enclosed is a copy of your irrigation map.

The 110 acres are located as described on the application. Lands in the S 1/2 of Sec. 8-113-80 were not listed on Permit No. 2115-3 or any other permit. Permit No. 2115-3 allows for a total of 20 acre-feet of storage in two storage dams. The storage dam you use for irrigation has an estimated storage of 70 acre-feet at the spillway elevation; therefore, an additional 50 acre-feet needs to be applied for, along with the additional 110 acres. The fee for such application is \$225.00, as per number 6 of the instruction sheet.

After the application has been sent in and approved, the permit will be licensed with Permit No. 2115-3, as per number 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

File No. 2115-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: John (Jack) Garrigan

ADDRESS: HCR 37, Box 124, Pierre, SD 57501 COUNTY: Sully

DATE: 6-17-93 TELEPHONE: (605) 264-5324 or 258-2582

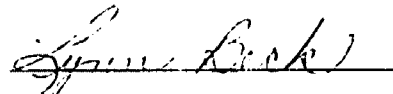
RE: Application for acres and acre-feet.

COMMENTS:

I spoke with Mr. Garrigan by phone. I told him that I would change his application to read "change the location of 110 acres" instead of "to add 110 acres". This alone, without adding the 50 acre-feet of storage, would result in a fee of \$50.00. If the additional 50 acre-feet of storage is on the application the fee would be \$150.00.

Mr. Garrigan said he wanted to use the dam, just let him know how much he owes for the change in acreage and the additional 50 acre-feet of storage. Mr. Garrigan said to make the changes to the application.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1993

John (Jack) Garrigan
HCR 37, Box 124
Pierre, SD 57501

Dear Mr. Garrigan:

Please find enclosed a copy of the corrected application. As per our telephone conversation of June 17, 1993, I have made changes to the application. You will not need to have a new application signed and notarized.

If you intend to use the dam it is necessary to be permitted for the entire storage capacity of the dam. The fee for the additional 50 acre-feet and the change in location of the lands being irrigated is \$150.00.

After the fee has been received by this office, the application can be processed. Upon approval of the application the permit will be licensed with Permit No. 2115-3, as per number 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Lynn Beck'.

Lynn Beck
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 28, 1994

John (Jack) Garrigan
HCR 37, Box 124
Pierre SD 57501

Dear Mr. Garrigan:

On June 9, 1993, you submitted an application (copy enclosed) for a permit to appropriate water based on an inspection of Water Permit No. 2115-3 by Lynn Beck, an engineer with this office. Before this application can be processed, an application fee of \$150.00 must be submitted.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 2115-3 can not be licensed until this application is processed. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Upon receipt of the \$150.00 application fee, further processing of this application will continue. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
Phone: (605) 773-3352

enclosure

Water Rights Division - DENR

File No. 2115-3

Conversation or File Documentation

NAME OF PERSON OR FILE: John (Jack) GarriganADDRESS: HCR 37, Box 124, Pierre, SD COUNTY, SullyDATE: 6-6-94 TELEPHONE: (605) 261-5324RE: Dam on Permit No. 2115-3.

COMMENTS:

Mr. Garrigan was sent a partially completed application to change the location of 110 acres and add 50 acre feet of storage in diversion dam. Mr. Garrigan stated that over the years the dam has silted in and is only 5 to 6 feet deep. at that depth the dam would hold approx. 20 ac. ft. The original permit provides for 20 ac. ft. therefore the application need only address the change in location of 110 acres. The fee will be \$50⁰⁰.

7-13-94

Jack Garrigan stopped in to make application for change in location of irrigated acres. we made the change on the application as stated above.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Lynn Becker



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 28 1994

John (Jack) Garrigan
HCR 37 Box 124
Pierre, SD 57501

Dear Mr. Garrigan:

Enclosed is Water Permit No. 2115A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414379

Pierre, _____ January 25, 19 95

RECEIVED OF Vicki Garrigan, HCR 37 Box 124, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to App: ropriate 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. <u>2115A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. Hulse
Chief Engineer



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

SEP 6 1995

2115A-3

John (Jack) Garrigan
HCR 37, Box 124
Pierre, SD 57501

Dear Mr. Garrigan:

Enclosed is Water License No. 2115A-3 and Receipt No. 414379 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2115A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2115-3 have been incorporated into this Water License No. 2115A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2115A-3
414216

Pierre, _____ July 13, 19 94

RECEIVED OF John (Jack) Garrigan, HCR 37 Box 124, Pierre, SD 57501

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

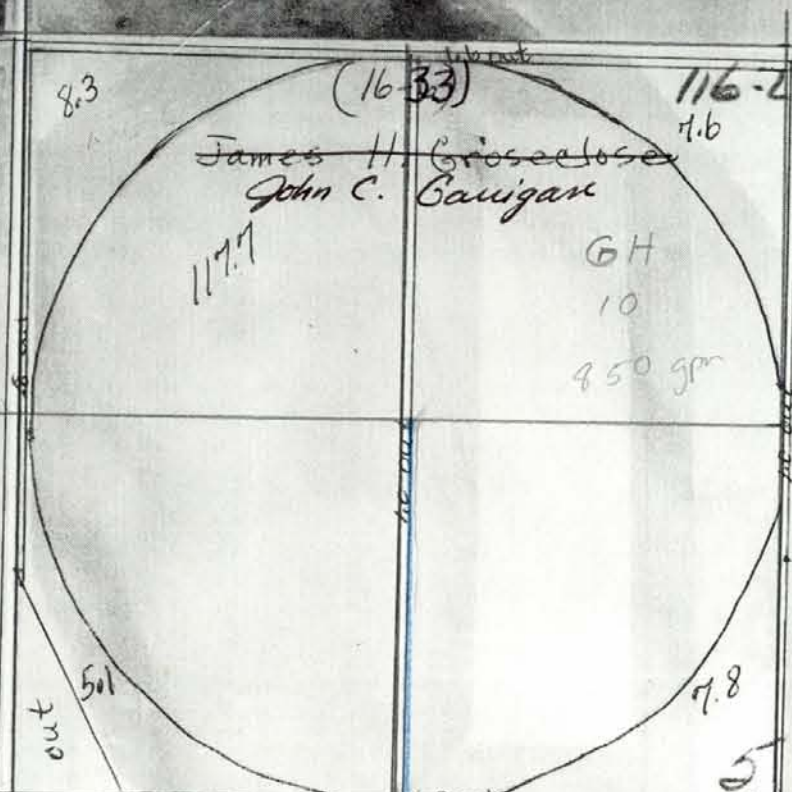
Fee for Application for Permit No. <u>2115A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	50	00

By John H. Hatch
Chief Engineer

NOT TO SCALE

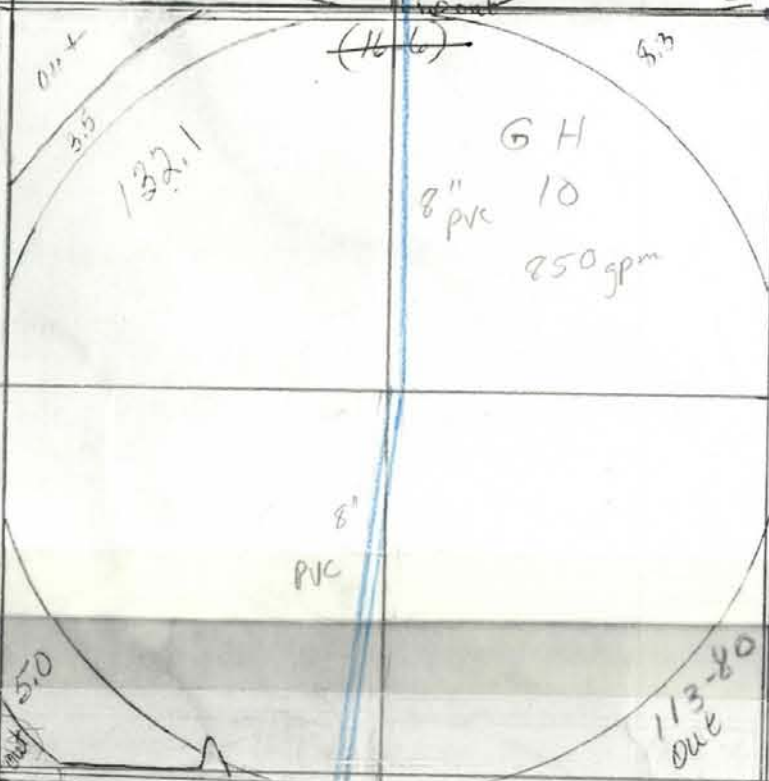
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Glen E. Garrett



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(11-86)

James H. Groseclose

(16-33)

John C. Canigan

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2009

2115A-3

John Garrigan
19156 281st Ave
Pierre SD 57501

Dear Mr. Garrigan:

I am contacting you in regard to your Water Right No. 2115A-3 (copy enclosed).

Each year in October we mail out annual irrigation questionnaires for water right holders to complete with information on how much water was used during that specific crop year. We have held up mailing irrigation questionnaires to you because your land was in CRP. Our records show the land came out of CRP last season and should be eligible for irrigation starting in 2009.

Prior to the fall mailing I wanted to touch base with you to see if you still own the land and if any changes need to be made to the water rights. If there are any changes to the water right or if you have re-enrolled the land in CRP, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 2009

2115A-3

Jack Garrigan
HC 83 Box 12
Dupree SD 57623-9610

Dear Mr. Garrigan:

Enclosed is a letter dated June 30th concerning your water right. The letter was originally mailed to 19156 281st Ave, Pierre SD. The post office notified us that your address has changed and I will update our records accordingly.

If you no longer own the land described in the water right, please let us know the name and mailing address of the new owner. Thank you in advance for your help.

Sincerely,

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

enclosures

McMath, Genny

2115A-3

From: Karen Wilcox [sullyequal@venturecomm.net]
Sent: Wednesday, September 01, 2010 9:29 AM
To: McMath, Genny
Subject: RE: Land ownership in Sully County

Genny:

I've attached the information you requested. Portions of Section 8 have been subdivided into Garrigan Landing Additions 1-4, so the legals don't match exactly as you have them.
Please let me know if you need further information.

Karen Wilcox
Director of Equalization

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Tuesday, August 31, 2010 8:22 AM
To: sullyequal@venturecomm.net
Subject: Land ownership in Sully County

Ms. Wilcox,

I am currently reviewing a water right we have on file for John Garrigan. He told us on his 2009 irrigation questionnaire that he sold the land. Would you be able to provide names and mailing addresses for the new land ownership?

The land described in the Water right is as follows:

SW 1/4 Section 8, T113N, R80W
NW 1/4 SE 1/4 Section 8, T113N, R80W
E 1/2 NW 1/4 Section 8, T113N, R80W
W 1/2 NE 1/4 Section 8, T113N, R80W

NW 1/4 Section 5, T113N, R80W
SW 1/4 Section 5, T113N, R80W

Thank you in advance for your help. I do not need copies of anything, just new ownership w/addresses so I can call them and find out their intent towards any irrigation on the property.

Genny McMath
DENR
Water Rights Program
phone: 605 773-5455
fax: 605 773-4068

_____ NOD32 5412 (20100831) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

09/01/2010

WATER RIGHTS PROGRAM
FILE DOCUMENTATION

September 1, 2010:

Spoke with Kara Baumann concerning land described in Water Right No. 2115A-3. The corporation formed for the land they purchased is Plum Creek Farms Inc and consists of Jed and Kara Baumann and Tanya and Josh Lieberman. They own the entire W ½ of Section 8, T113N, R80W. She indicated the land they purchased was not being irrigated and they do not intend to irrigate. She agreed their portion could be cancelled. She asked about the lines that were in place to use for irrigation and wondered if they would be responsible for them. I told her that probably is an issue to take up with the Corps of Engineers.

Send notification to: Plum Creek Farms Inc., PO Box 910, Ft. Pierre SD 57532

Spoke with Wyman Johnson concerning the land he owns as described in Water Right No. 2115A-3. He said he has always owned that land and it is not irrigated. He was agreeable to cancellation of the portion of the water right on his land in the NE ¼ Section 8, T113N, R80W.

Send notification to Wyman Johnson, 17806 Quantum Place, Pierre SD 57501

Jack Garrigan reported on his 2009 irrigation questionnaire that the use had been abandoned and he sold the land. The assessor's office still has him owning a portion of the land. He owns the SE 8-113-80 less Okobojo Estates, Garrigan's Landing First, Second & Third Additions.

Send notification to Jack Garrigan, HC 83, Box 12, Dupree SD 57623

September 2, 2010:

In the absence of phone numbers, the other two land owners were sent a letter requesting information as to whether or not the land they owned is being irrigated.

- NW 5-113-80 James B MacDougall, 38608 128th St, Aberdeen, SD 57401
- SW 5-113-80 Sam J Braun, PO Box 361, Warner, SD 57479-0361

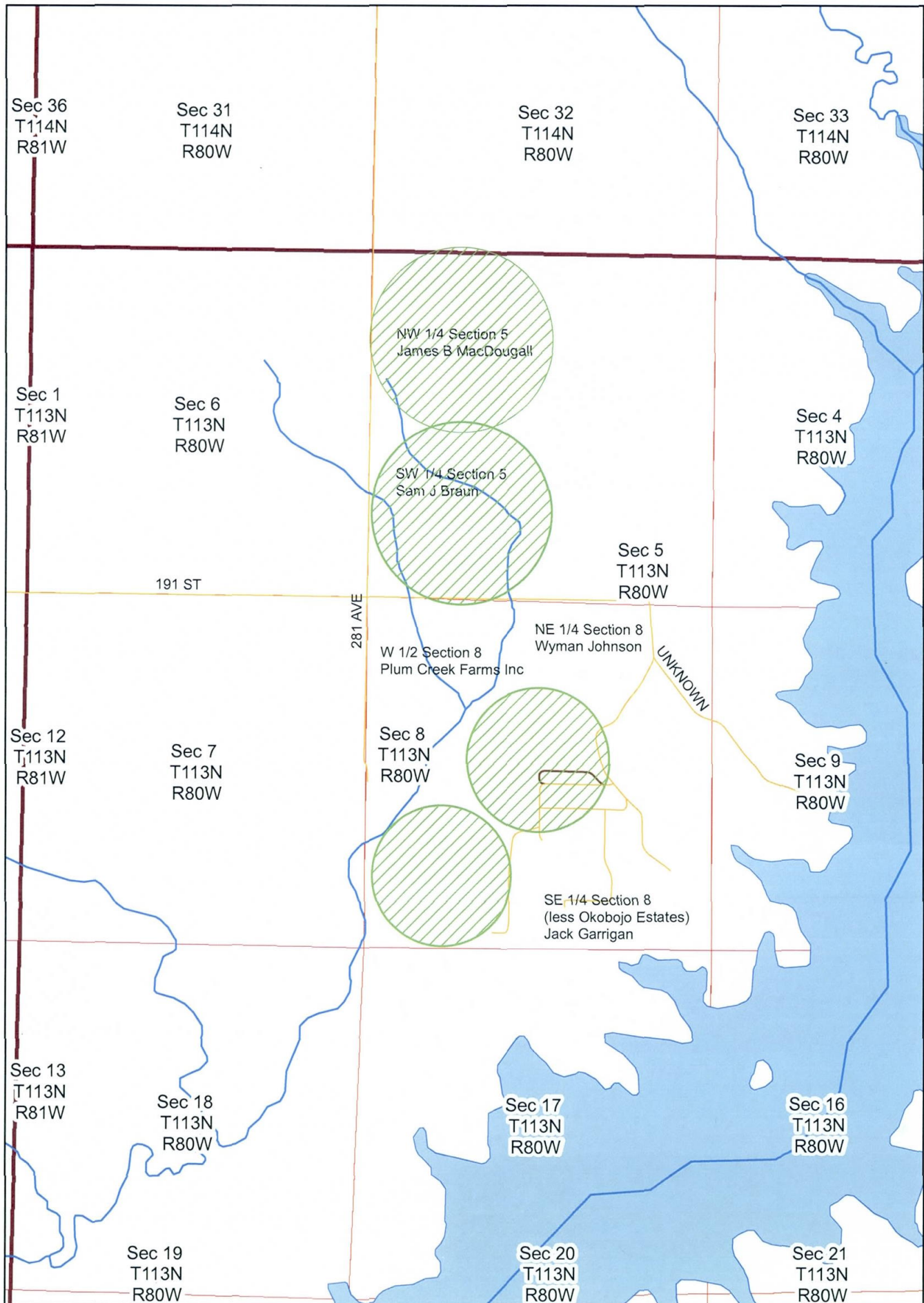

Genny McMath

Water Rights Program

Water Right No. 2115A-3
John Garrigan

(Ownership information received from the Sully County Director of Equalization –
see email dated September 1, 2010)

SW 8-113-80	Joshua & Tanya Lieberman and Jedrey & Kara Bauman 18156 281 st Ave Pierre, SD 57501-7400
NW/SE 8-113-80	Jack Garrigan owns SE 8-113-80 less Okobojo Estates, Garrigan's Landing First, Second & Third Additions HC 83 Box 12 Dupree, SD 57623
E1/2NW 8-113-80	Joshua & Tanya Lieberman and Jedrey & Kara Bauman Own the entire NW 8-113-80
W1/2NE 8-113-80	Wyman Johnson owns NE 8-113-80 less a portion of Garrigan's Landing Fourth Addition 17806 Quantum Place Pierre, SD 57501
NW 5-113-80	James B MacDougall 38608 128 th St Aberdeen, SD 57401
SW 5-113-80	Sam J Braun PO Box 361 Warner, SD 57479-0361





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

August 23, 2012

NOTICE OF CANCELLATION

TO: Plum Creek Farms Inc., PO Box 910, Ft Pierre SD 57532
Wyman Johnson, 17806 Quantum Place, Pierre SD 57501
Jack Garrigan, HC 83 Box 12, Dupree SD 57623

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

SUBJECT: Cancellation of Water Right No. 2115A-3

Water Right No. 2115A-3 authorizes diversion of water from the Missouri River to irrigate portions of land in Section 8, T113N, R80W. In September, 2010, Genny McMath with our program spoke with each of you regarding use of water for irrigation purposes on the land you own in Section 8. The land was no longer irrigated and the irrigation systems had been removed from the land. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2115A-3 due to abandonment.

The Water Management Board will consider cancellation of Water Right No. 2115A-3 at 10:00 a.m., October 3, 2012 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 2115A-3 based upon facts presented at the public hearing. Our records show you to be the owners of land in Section 8, T113N, R80W covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 21, 2012. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

August 23, 2012
Plum Creek Farms
Wyman Johnson
Jack Garrigan
Page 2

This hearing is an adversarial 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 21, 2012.

Prior to September 21, 2012, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 21, 2012.

CERTIFICATION

I hereby certify that on August 23, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 23, 2012 regarding cancellations addressed as stated below:

Water Right No. 2115A-3

Plum Creek Farms Inc., PO Box 910, Ft Pierre SD 57532-0910

Wyman Johnson, 17806 Quantum Place, Pierre SD 57501

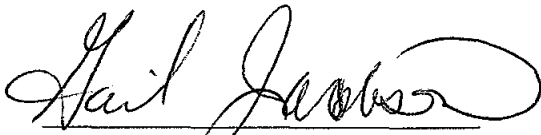
Jack Garrigan, HC 83 Box 12, Dupree SD 57623

Water Permit No. 2581-2

Joe Anderson, Mgr., Hellman's Quiet Creek Ranch LLC, 31150 296th St, Winner SD 57580

Water Permit No. 6653-3

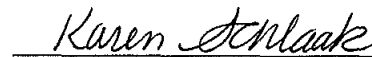
John Fillaus, 28911 420th Ave, Scotland SD 57059



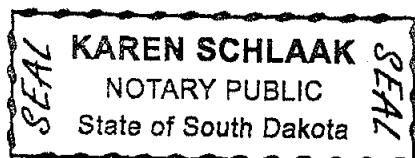
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of August, 20 12.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 2115A-3, JACK GARRIGAN

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning land in Section 8, T113N, R80W authorized under Water Right No. 2115A-3 now owned by Plum Creek Farms Inc., Jack Garrigan and Wyman Johnson.

The Chief Engineer is recommending cancellation of the above water right due to abandonment.

The originating water right authorized irrigation of land in Section 5 and Section 8, T113N, R80W. The land in Section 5 is irrigated and has been transferred to separate ownership and reissued under Water Right Nos. 2115B-3 and 2115C-3. Phone conversations with the owners of land in Section 8 found the land was no longer irrigated and all irrigation equipment had been sold.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
August 23, 2012

Note:

Cancellation of the water right does not prohibit a new application for future irrigation.

RECEIVED

SEP 17 2012

WATER RIGHTS
PROGRAM

September 14, 2012

Department of Environment and Natural Resources
Joe Foss Building
PMB 2020
523 East Capitol
Pierre, SD 57501-3182

RE: Water Rights No. 2115A-3

Dear Mr. Ron Duvall,

We are in receipt of the August 23, 2012 letter in regards to the cancellation of water right No. 2115A-3 and the recommendation that the water right be cancelled due to abandonment.

The letter refers that Genny Mcmath spoke to us in September 2010 in regards to the irrigation systems on the property. Genny may have talked to the previous landowner Jack Garrigan, however I do not recall speaking to Genny myself in regards to the irrigation systems.

Plum Creek Farms, Inc. took ownership of the land in 2009 and we have removed the actual surface pivots on the property in the Spring of 2012. The pivots were removed because of poor quality and wrong position in the fields. All subsurface elements, electrical, and pumps remain in place. At this time we will be doing a cost analysis of bringing the irrigation system back online for our irrigation needs.

Furthermore we request that the Water Management board take no action on Water Right No. 2115A-3.

Sincerely,



Jedrey Baumann
Member
Plum Creek Farms, Inc.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 18, 2012

NOTICE

TO: Plum Creek Farms Inc., PO Box 910, Ft Pierre SD 57532
Wyman Johnson, 17806 Quantum Place, Pierre SD 57501
Jack Garrigan, HC 83 Box 12, Dupree SD 57623

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

SUBJECT: Automatic Continuance for Cancellation Consideration of Water Right No. 2115A-3

Pursuant to a request filed by Jedrey Baumann with Plum Creek Farms Inc., cancellation consideration of Water Right No. 2115A-3 originally scheduled for October 3, 2012 has been automatically delayed and will not be considered at that hearing.

Water Right No. 2115A-3 was scheduled for cancellation consideration based on the information available to us. In 2009, Mr. Garrigan returned his annual irrigation questionnaire indicating the land had been sold and the use abandoned. On September 1, 2010, based on ownership records obtained from the Sully County Director of Equalization, Genny McMath with our program spoke with Kara Baumann, and Wyman Johnson. Mr. Johnson indicated that despite what the water right stated, he had always owned a portion of the land and it was not irrigated. Mrs. Baumann stated the portion of land now owned by Plum Creek Farms was not being irrigated and there was no intent to irrigate. She also asked about the irrigation lines in place and who would be responsible for them.

With information obtained from Wyman Johnson, Kara Baumann and the irrigation questionnaire filed by Jack Garrigan indicating the use had been abandoned; Water Right No 2115A-3 was scheduled for cancellation consideration due to abandonment. Irrigation questionnaires submitted for this property indicate no irrigation has taken place since 1994. The years 1998 thru 2008 show the land was in CRP which falls under legal excuse for not irrigating. If you can supply additional information on why the water right should not be cancelled, please contact us. If just cause is shown not to cancel a portion of the water right, it can be split based on land ownership with cancellation proceeding on those acres subject to abandonment and/or forfeiture.

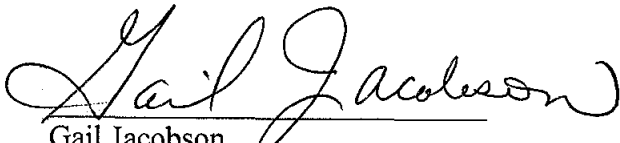
The Water Management Board will consider cancellation of Water Right No. 2115A-3 at the December 5th & 6th Water Management Board meeting. You will be notified of the time, exact date and place once the item is scheduled.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on September 18, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated September 18, 2012 regarding cancellation of Water Right No. 2115A-3. Board Hearing addressed as stated below:

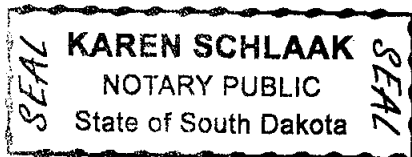
Plum Creek Farms Inc., PO Box 910, Fort Pierre SD 57532
Wyman Johnson, 17806 Quantum Place, Pierre SD 57501
Jack Garrigan, HC 83 Box 12, Dupree SD 57623
Diane Best, Asst. Attorney General, 317 N Main, Sioux Falls SD 57104


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of September, 2012.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 7, 2012

NOTICE

TO: Plum Creek Farms Inc., PO Box 910, Ft Pierre SD 57532
Wyman Johnson, 17806 Quantum Place, Pierre SD 57501
Jack Garrigan, HC 83 Box 12, Dupree SD 57623

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

SUBJECT: Cancellation Consideration of Water Right No. 2115A-3

The Water Rights Program received a petition opposing the Chief Engineer's recommendation for cancellation of Water Right No. 2115A-3. The petition, filed by Jedrey Baumann with Plum Creek Farms Inc., requested an automatic delay of the hearing scheduled for October 3, 2012. The hearing was postponed and is now being scheduled for the Water Management Board's December 6, 2012 meeting.

The Water Management Board will conduct a hearing to consider the cancellation of Water Right No. 2115A-3 at 10:00 AM (Central Time) on **Thursday, December 6, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

Applicable provisions of the Notice of Cancellation dated August 23, 2012 and the September 18, 2012 Notice of Automatic Continuance will still apply at this hearing.

Enclosed are the August 23rd and September 18th notices, the Chief Engineer's recommendation and petition filed by Jedrey Baumann. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

Please contact Eric Gronlund at (605) 773-552 or eric.gronlund@state.sd.us if you have any questions.

c: Diane Best, Assistant Attorney General

CERTIFICATION

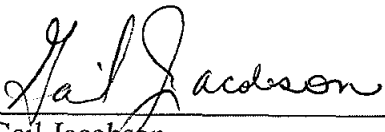
I hereby certify that on November 7, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated November 7, 2012 regarding notice of hearing on 2115A-3 addressed as stated below:

Plum Creek Farms, PO Box 910, Fort Pierre SD 57532

Wyman Johnson, 17806 Quantum Pl., Pierre SD 57501

Jack Garrigan, HC 83, Box 12, Dupree SD 57623

Diane Best, Asst. Attorney General, 317 N Main, Sioux Falls SD 57104



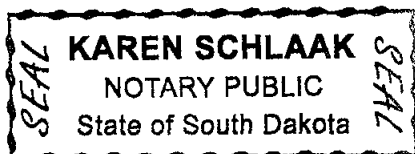
Gail Jacobson
Secretary/Water Rights

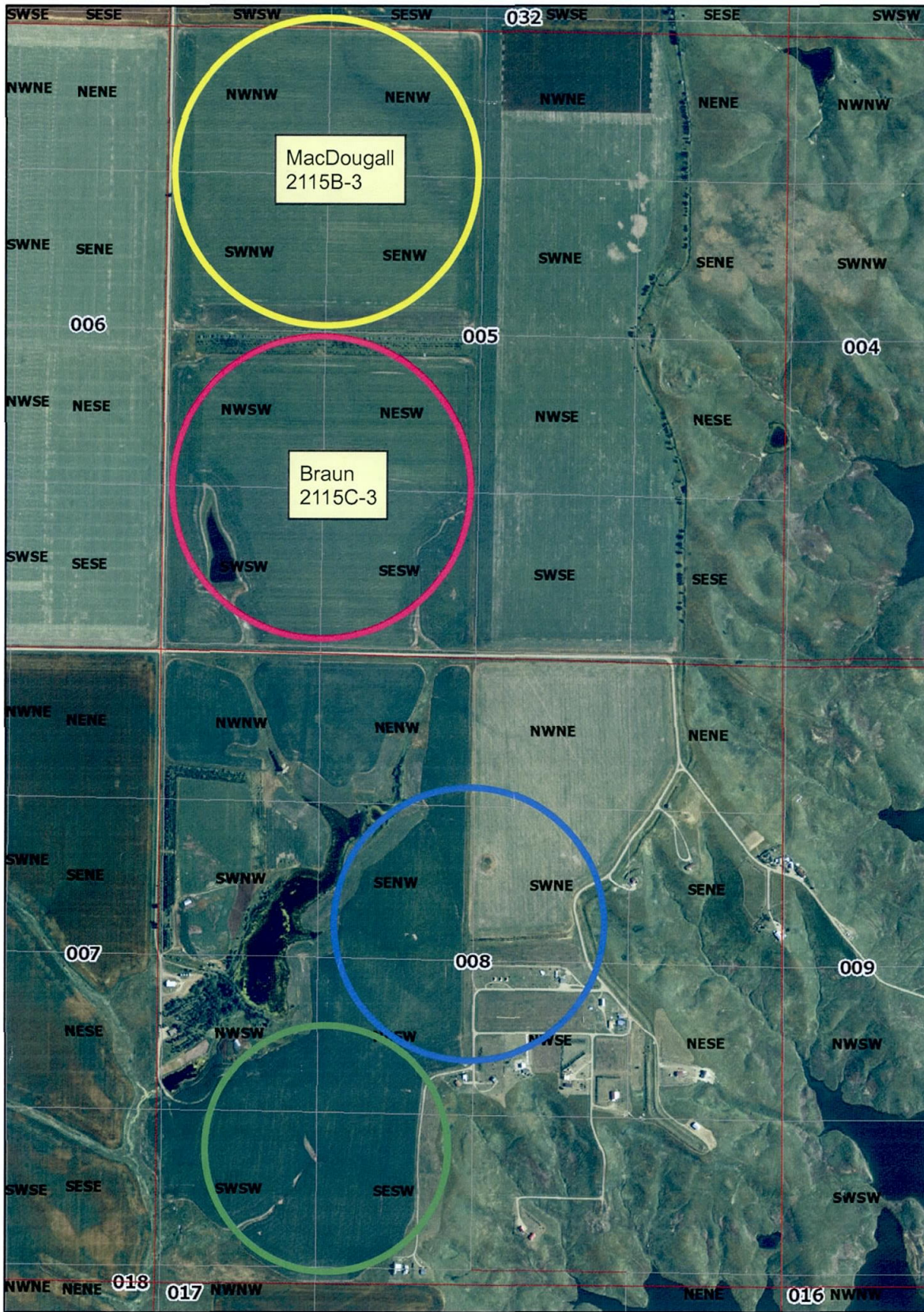
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of November, 20 12



Karen Schlaak
Notary Public
My Commission expires April 1, 2013

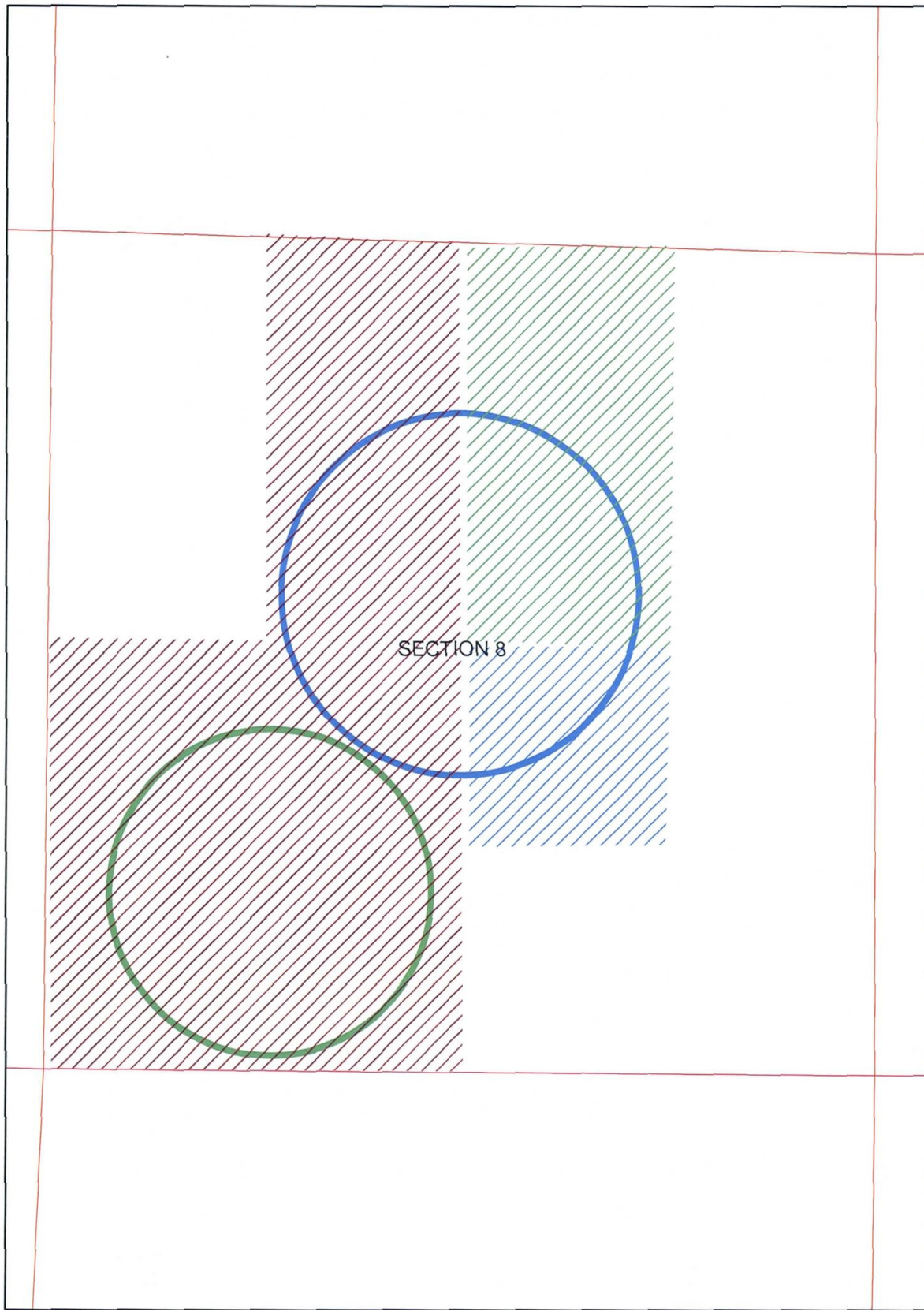




2,000 1,000 0 2,000 Feet



Land Ownership for Areas under Water Right No. 2115A-3
based on Sully County Director of Equalization



1,600 800 0 1,600 Feet



Lieberman/Baumann



Wyman Johnson



Jack Garrigan - less Okobojo Estates





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 2012

2115A-3

NOTICE

Jack Garrigan
HC 83 Box 12
Dupree SD 57623

Wyman Johnson
17806 Quantum Place
Pierre SD 57501

Dear Sirs:

This will notify you that the Water Management Board cancelled the abandoned portions of Water Right No. 2115A-3 on December 6, 2012. The land included in the Board's action is located in the E ½ Section 8, T113N, R80W.

This action was taken under the conditions outlined in our notice to you dated August 23, 2012. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 12, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 12, 2012 regarding cancellation addressed as stated below:

Water Right No. 2115A-3 Jack Garrigan, HC 83 Box 12, Dupree SD 57623
Wyman Johnson, 17806 Quantum Place, Pierre SD 57501

Paul Jacobson

Gail Jacobson
Secretary/Water Rights

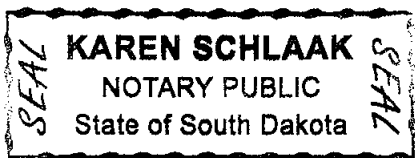
[illegible]

Sworn to, before me, this 12th day of December, 2012.

Karen Anlaak

Karen Schlaak
Notary Public

My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 2012

2115A-3

Jedrey Baumann
Plum Creek Farms Inc
PO Box 910
Ft Pierre SD 57532

Dear Mr. Baumann:

On December 6, 2012, the Water Management Board cancelled the abandoned portions of Water Right No. 2115A-3 located in the E ½ Section 8, T113N, R80W. The Board allowed the remaining portions of the Water Right owned by Plum Creek Farms located in the E ½ NW ¼ and SW ¼ Section 8, T113N, R80W to remain in effect.

The Board's action included direction to Plum Creek Farms to file an ownership change for the portion of land they own and allowed a two year window for development of the irrigation system and placement of water to beneficial use. If the land is not irrigated within the next two years, the water right may again be subject to cancellation due to abandonment and/or forfeiture for nonuse.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

The transfer form includes the legal description of the acreage owned by Plum Creek Farms as supplied by the Sully County Director of Equalization. The number of acres specified within that description is taken from the current water license (copy enclosed). Once you complete and file the ownership change, Water License No. 2115A-3 will be reissued for the 124 acres associated with the land owned by Plum Creek Farms.

If you have any questions or feel the acreage to be licensed is in error, please stop by the office to visit with staff.

Sincerely,

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

enclosures

1-18-2013

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2115A-3

Date: 12-26-12

I/We request that Water Right No. 2115A-3

formerly owned by: Jack Garrigan

be transferred to: (name & address) PLUM CREEK RANCH, LLC

PO BOX 910 1223 SABLEBARN ROAD FORT PIERRE, SD 57532

Telephone No. 605-223-9762

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

124 acres: E 1/2 NW 1/4 Section 8 (30 acres) and SW 1/4 Section 8 (94 acres), T113N, R80W

I/We understand that the validity of Water Right No. 2115A-3 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 Fifty Dollars (\$50.00) 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 PLUM CREEK RANCH, LLC, the new owner, certify that the above information is true and correct.

PLUM CREEK RANCH, LLC.
BY: JEDREY ADAMANN, MEMBER
(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 1/18, 20 13

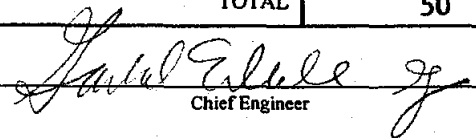
RECEIVED OF Plum Creek LLC 19156 281st Ave Pierre SD 57501

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2115A-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05975**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 10 2013

2115A-3

Jedrey Baumann
Plum Creek Ranch LLC
PO Box 910
Ft Pierre SD 57532 0910

Dear Mr. Baumann:

Enclosed is Reissued Water License No. 2115A-3.

At their December 6, 2012, meeting, the Water Management Board cancelled portions of Water Right No. 2115A-3 located in the E ½ Section 8, T113N, R80W due to abandonment and/or forfeiture. The Board determined the remaining portions of the water right located in the W ½ Section 8, T113N, R80W were not abandoned or forfeited and allowed them to remain in effect.

Based on the Board's decision, Water Right No. 2115A-3, now held by Plum Creek Ranch LLC, has been reissued to authorize diversion of water from the Missouri River for irrigation of 124 acres in the W ½ Section 8, T113N, R80W.

At the December, 2012 hearing, the Board found legal excuse existed for the years of nonuse up through 2011. Please be aware that under SD Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. With no irrigation taking place in 2012, you have 2013 and 2014 to irrigate the land or the water right may again be subject to cancellation consideration.

It is our understanding you may wish to change or increase the current water right. Included with this correspondence is a set of water permit application forms and an instruction sheet. If you have any questions concerning the enclosed water license or with the procedure for filing a permit application, please contact Eric Gronlund with our program at 605 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2115A-3

(1) Jack Garrigan was issued Water License No. 2115A-3, September 6, 1995 for a water right to divert 8.44 cubic feet of water per second (cfs) from the Missouri River to a 20 acre-feet regulating dam, in Sully County, South Dakota for irrigation purposes. The water right also authorized application of water directly from the river at a rate of 5.78 cubic feet of water per second (cfs) or from the regulating dam at a rate of 3.78 cfs. Water License No. 2115A-3, with a priority date of September 18, 1974 was issued to the permit holder for diversion of water with construction of the described water supply system and application of water to beneficial use completed.

Water Right No. 2115A-3 authorizes irrigation of 422.5 acres in portions of Section 5 and Section 8, T113N, R80W. The land in Section 5 was reissued under Nos. 2115B-3 and 2115C-3 to reflect separate ownership. The land in the E ½ Section 8 had been abandoned and was cancelled by the Water Management Board on December 6, 2012.

The Board allowed the remaining portions of the water right located in the E ½ NW ¼ and SW ¼ Section 8, T113N, R80W, owned by Plum Creek Farms to remain in effect. Water License No. 2115A-3 is being reissued for the land the Board determined was not abandoned or forfeited. On January 13, 2013, No. 2115A-3 was transferred to Plum Creek Ranch, LLC, % Jedrey Baumann.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.70 cubic feet of water per second for beneficial use.

The location of the diversion point on the Missouri River – is 1,055 feet west and 40 feet south of the SE corner Section 8, T113N, R80W (NE ¼ NE ¼ Section 17). The regulating dam (20 acre-feet storage capacity) is located 945 feet east and 565 feet north of the W ¼ corner (SW ¼ NW ¼) Section 8, T113N, R80W.

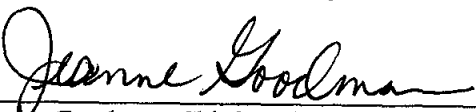
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land (*acreage breakdown taken from original water right*):

Section 8, T113N, R80W			
NE ¼ NW ¼	1 acre	NW ¼ SW ¼	14 acres
SE ¼ NW ¼	29 acres	NE ¼ SW ¼	31 acres
		SW ¼ SW ¼	22 acres
		SE ¼ SW ¼	27 acres
Total - 124 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Plum Creek Ranch LLC, PO Box 910, 1223 Sale Barn Rd., Fort Pierre SD 57532 the holder and/or owner of Water Right No. 2115A-3 is issued a license to appropriate water, the right to divert 8.44 cfs from the Missouri River to the regulating dam with diversion of 1.70 cubic feet of water per second from the Missouri River or the regulating dam to the irrigated acres. No. 2115A-3 carries a priority date of September 18, 1974.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2115A-3 and subject to the following qualification:

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


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

APR 10 2013

date



Plum Creek Ranch, LLC
P.O. Box 633
Fort Pierre, SD 57532
April 2, 2013

RECEIVED

APR 10 2013

SURFACE WATER PROGRAM

Department of Environment & Natural Resources
Joe Foss Building 523 E. Capital Ave.
Pierre SD, 57501

To whom it may concern;

This letter is to inform you that we have a new mailing address. Please update your records to replace our previous address with the following **new** address:

Plum Creek Ranch, LLC
P.O. Box 633
Fort Pierre, SD 57532

Thank you for your prompt attention to this matter.

Sincerely,

Plum Creek Ranch, LLC



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 11, 2013

2115A-3

Plum Creek Ranch LLC
PO Box 633
Ft Pierre SD 57532 -0633

Dear Sir:

Thank you for letting us know your mailing address had changed.

The enclosed license was issued prior to the address change however I'll go ahead and change our records accordingly to ensure future mailings are directed to PO Box 633.

If you have any questions, please contact us.

Sincerely,

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