

2217-3

1. Considered 3-19-75
2. Name of Applicant CLEO I. MEYER
3. Post Office Address MOBRIDGE
4. Amount of water claimed 10.9
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 785
7. Water to be diverted and used in CAMPBELL county  
about 2N, 5W miles of POLLOCK
8. Proof of Publication Received 3-14-75  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

SEE 896-3

No. 2219-3

Map No. 1015-3 Water Division No. 3 MISSOURI RIVER  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

STATE WATER RIGHTS

DIVISION, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

Cleo I. Meyer

1. Name of Applicant \_\_\_\_\_  
 Postoffice address 1006 1st Ave. West, Mobridge, State South Dakota 57601  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_
3. Name of diversion work Cleo Meyer #1
4. Amount of water claimed (cubic feet per second) 10.9
5. Source of water supply Missouri River
6. Location of point of diversion Between two points in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 9, T128N, R79W

County Campbell

7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, \_\_\_\_\_ Total number of acres to be irrigated 785

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. |
|----------------------------------------------------------------------|----------------|-------------------------------|----------------|
| N $\frac{1}{2}$ , Sec. 10                                            | 320            | SE $\frac{1}{4}$ , Section 9  | 150            |
| N $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 120            | NW $\frac{1}{4}$ , Section 16 | 35             |
| N $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 9                         | 80             | s11 in T128N, R79W            |                |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 9                           | 40             |                               |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Four years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pollock Pioneer, Pollock, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumps, Motors

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler systems

Estimated Total Cost \$ 175,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Hughes

I, Cleo I. Meyer by S.G. Meyer the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Cleo I. Meyer by S.G. MeyerSubscribed and sworn to before me this 3rd day of March, 19 75

Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

172

wheat 43A

20th

3.20.9

43

Flower

H. 310. B.

124.9

4/9  
THIS AREA  
COVERED UNDER  
1281-3

Field Cont.

9

132.6

Wheat

27.5

128-79

128-79

See May  
No 869

16

128-29

WILLOWORTH SEN CENS DIST

Mar 10/16/15-3 (Apr 10/22/19-3)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2219-3

CLEO I. MEYER

(Applicant)

1006 1<sup>ST</sup> AVE, WEST, MORRIDGE

(Post Office Address)

SOUTH DAKOTA 57601

(State)

With the following modifications:

Date of first receipt of application

MARCH 3 19 75

Date of return to applicant for correction, amendments or changes required

Date of receipt of corrected application

Approved

MARCH 20

19 75

Recorded in Book

13

Page

234

WATER RIGHT PERMIT NO.

2219-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2219-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is

MARCH 3 19 75

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

SEPTEMBER 20 19 77

3. The whole of said work is to be completed on or before

MARCH 20 19 80

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is

MARCH 20 19 84

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 injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed

10.9

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, and if for the irrigation purposes said appropriation must be limited to not more than 3 cubic 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

MARCH 20 19 84

following described annual period:

APRIL THRU OCTOBER

Witness my hand this

24<sup>TH</sup>

day of

MARCH

19 75

WATER RIGHTS COMMISSION

By:

Donald D. Driscoll

Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

Form G - Notice of Intent to Appropriate Water

No. 2219-3

Publish first publication, on or before March 6, 1975

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 3, 1975

Notice is hereby given that Cleo I. Hayer

whose post office address is Hobridge, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

10.9 cubic feet of water per second of time from the Missouri River through the

Cleo Hayer #1, the point of diversion of which is to be located in the

SW $\frac{1}{4}$  SW $\frac{1}{4}$

of Section 9, Twp. 128N, Range 79W. Said water to be used for the purpose of providing irrigation on the following described land:

portions of  
N $\frac{1}{2}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 9, N $\frac{1}{2}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 10;

NW $\frac{1}{4}$ , Section 16, all in T128N, R79W

This application No. 2219-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw

cc: S.G. Hayer, 1006 1st Ave. West, Hobridge, S.D. 57601

No. 2219-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Pamphill ) ss.

I, E. MacKay hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Pollack Pioneer

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

Town of Pollack

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

March 6, 1975  
" 13, 1975

E. MacKay  
(Signature)

Owner  
(Title)

March 13/75  
(Date Signed)

NOTICE  
INTENT TO  
APPROPRIATE WATER  
Pierre, South Dakota 57501  
March 3, 1975

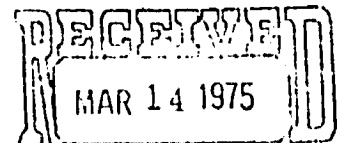
Notice is hereby given that Cleo  
I. Meyer whose post office address  
is Mobridge, South Dakota, has  
made application in accordance  
with the provisions of the water  
laws of South Dakota for a permit  
to appropriate for beneficial use  
10.9 cubic feet of water per sec-  
ond from the Missouri River  
through the Cleo Meyer No. 1,  
to point of diversion of which is  
to be located in the SW 1/4, SW  
1/4 of Section 9, Twp. 128N, Range  
79W. Said water to be used for  
the purpose of providing irrigation  
on portions of the following des-  
cribed land:

N 1/2 NE 1/4, NE 1/4 NW 1/4,  
SE 1/4, Section 9, N 1/2, N 1/2  
SW 1/4, SW 1/4 SW 1/4, Section  
10; NW 1/4, Section 16, all in  
T128N, R79W.

This application, No. 2219-3 will  
be considered by the Water Rights  
Commission at its office at Pierre  
upon the 19th day of March, 1975,  
at 2:30 p. m. All interested per-  
sons may appear and be heard.

WATER RIGHTS COM-  
MISSION

BURTON F. JONES  
2:32 Water Rights Specialist



STATE WATER RIGHTS COM-  
MISSION  
PIERRE, SOUTH DAKOTA

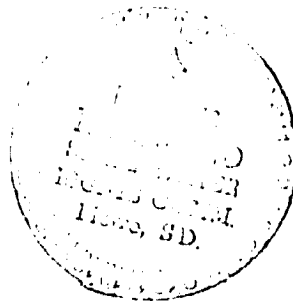


DEPARTMENT OF THE ARMY  
OMAHA DISTRICT, CORPS OF ENGINEERS  
3014 U.S. POST OFFICE AND COURT HOUSE  
OMAHA, NEBRASKA 68102

MROOP-II

23 March 1976

S. D. Water Resources Commission  
Attn: Chief Engineer  
State Office Building 2  
Pierre, South Dakota 57501



Gentlemen:

This office received an application dated 11 March 1976 for a proposed water intake project for irrigation purposes from Cleo I. Meyers, application No: SD 2SB OXT 1 000688.

This office has received information that the applicant has proceeded with this project even though it has not been authorized by a Department of the Army permit. This is a violation of Section 10 of the River and Harbor Act of 1899. As a result, the applicant has been informed, by letter dated 22 March 1976 (copy inclosed), that such activity is illegal and to cease and desist from any further work on this project.

Herewith is a set of plans and related correspondence regarding the violation.

In accordance with regulations published in the Federal Register on 3 April 1974 covering permits for activities in navigable waters or ocean waters, we are required to solicit the views of appropriate Federal, State, and local agencies. This information will be used in determining the appropriate administrative and/or legal action to be taken.

Accordingly, we request your comments on or before 22 April 1976.

If further information on this matter is needed, contact this office at the above address or telephone (402) 221-4129.

Sincerely yours,

*Russell L. Bywater*

RUSSELL L. BYWATER  
Chief, Operations Division

Incls  
as



MR00P-1.

23 March 1976

S. D. Water Resources Commission  
Attn: Chief Engineer  
State Office Building 2  
Pierre, South Dakota 57501

Gentlemen:

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This office has received information that the applicant has proceeded with this project even though it has not been authorized by a Department of the Army permit. This is a violation of Section 10 of the River and Harbor Act of 1899. As a result, the applicant has been informed, by letter dated 22 March 1976 (copy inclosed), that such activity is illegal and to cease and desist from any further work on this project.

Herewith is a set of plans and related correspondence regarding the violation.

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Accordingly, we request your comments on or before 22 April 1976.

If further information on this matter is needed, contact this office at the above address or telephone (402) 221-4129.

Sincerely yours,

Incls  
as

RUSSELL L. BYWATER  
Chief, Operations Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NR00P-N

22 March 1976

Mr. Cleo I. Meyer  
1006 1st Avenue W.  
Mobridge SD 57601

345-1132

Dear Mr. Meyer:

It has come to my attention that you have performed work in the Missouri River in the form of constructing a permanent water intake structure including the excavation of a trench for the intake pipe. Since the Missouri River is a navigable water of the United States, any construction activity below the ordinary high water mark is a violation of Section 10 of the River and Harbor Act of 1899, unless permitted by the Corps of Engineers. Accordingly, you are hereby directed to cease and desist any further work.

In cases such as this, I am required to consult with interested Federal, State, and local agencies to determine what, if any, further legal action is appropriate.

This cease and desist order shall remain in effect until you are otherwise notified by this office. In the meantime, no further action will be taken by this office relative to processing your application for a Section 10 permit.

Sincerely yours,

RUSSELL A. GLENN  
Colonel, Corps of Engineers  
District Engineer

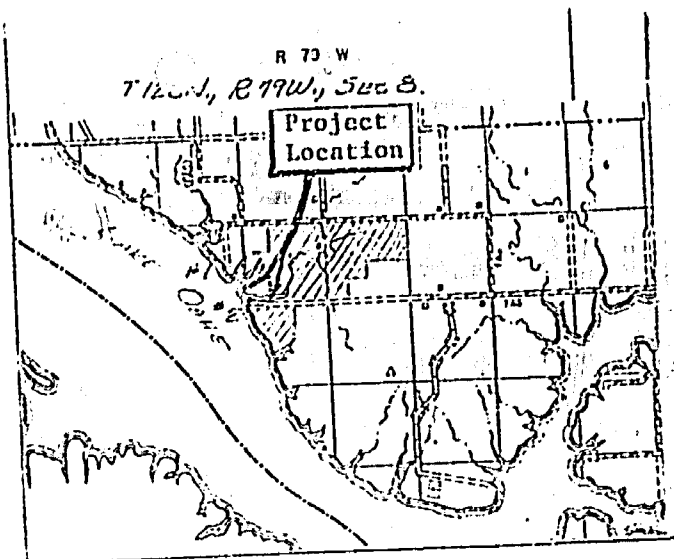
Note:

Site Utilizes 2-365 H.P. Pumps  
to irrigate 629 Acres.

Water Withdrawal rate - 2900 GPM

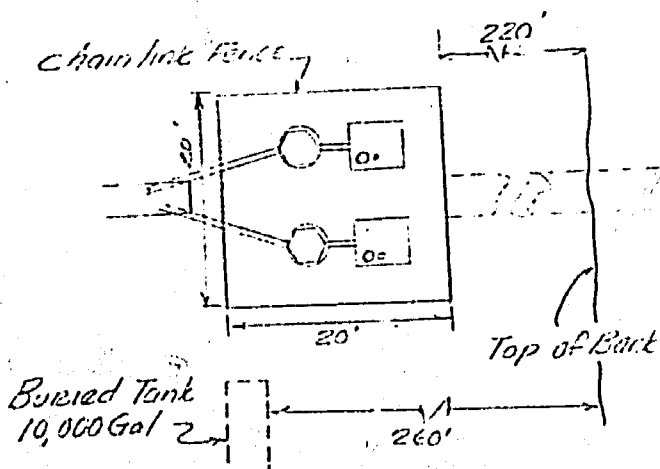
Screened intake is made of  $\frac{3}{8}$ " x  $\frac{1}{4}$ "  
Mesh. Total Screened area, less pipe  
and wire of screen - 33.3 sq ft.

Pumps and engines to be enclosed  
in suitable metal Building.

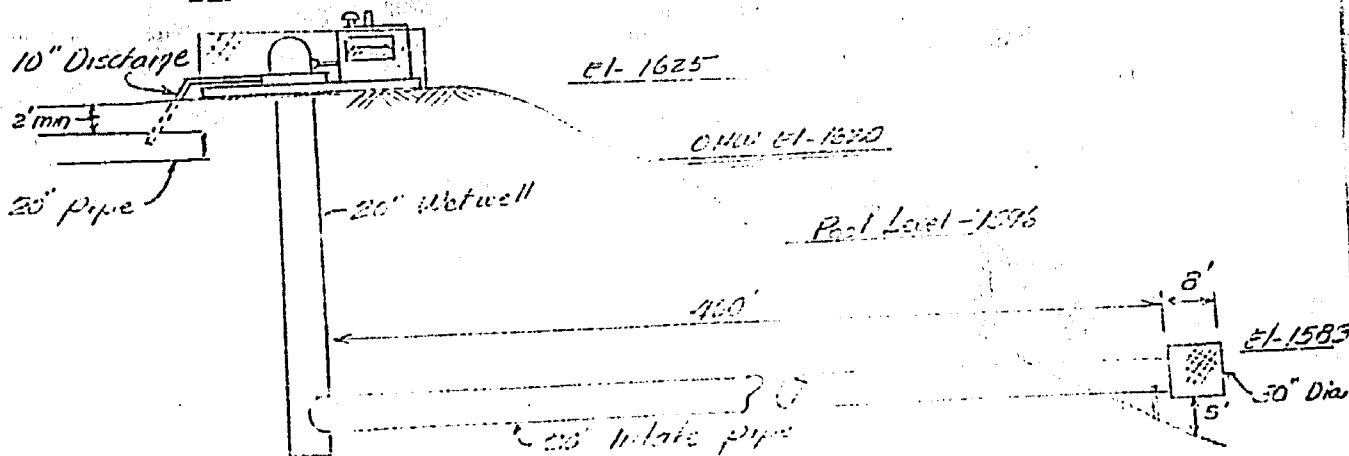


Denotes area to be irrigated

Missouri River  
T. 20N



PLAN (1/4 Scale)



SECTION (1/4 Scale)

PURPOSE: Water Intake, Irrigation

DATUM: MSL

ADJACENT PROPERTY OWNERS:

① Everett Beck

② Peter C Meyer

IN Missouri River

AT Mile 1225.252

COUNTY OF Campbell STATE S. Dak

APPLICATION BY Cleo I. Meyer

SHEET 1 OF 2 DATE Mar 3, 74

# Pumping Site '2

6" PVC pipe Buried a min 2'

115 HP pump

6" Intake pipe

OHW 41-1620

Pont graded to accommodate trailer

SECTION

Material spread evenly around area & reseeded to native grasses

3.6" Screened Bell 3/8" mesh

7

OHW

LAKE CHASE

Pont 1620

PLAN

PURPOSE: Water Intake, Irrigation  
 DATUM MSL  
 ADJACENT PROPERTY OWNERS:  
 ① US Govt  
 ②

IN Missouri River  
 AT Mile 1228.25L  
 COUNTY OF Campbell STATE S.Dak.  
 APPLICATION BY Cleo L. Meyer  
 SHEET 2 OF 2 DATE Mar 3, 75

April 19, 1976

Russell L. Bywater, Chief  
Operations Division  
USA Corps of Engineers  
6014 U. S. Post Office and Court House  
Omaha, Nebraska 68102

Dear Mr. Bywater:

This letter is in reference to application No. SD2SB OXT 1 000688 dated March 11, 1976 for a proposed water intake project for irrigation purposes from Cleo I. Meyer, concerning whether administrative or legal action is to be taken. It is our recommendation that no legal action be taken against the applicant.

Mrs. Meyer's Water Right Application No. 2219-3 to the South Dakota Water Rights Commission for a right to appropriate 10.9 cfs from the Missouri River to irrigate 785 acres in Campbell County was advertised in the Pollock Pioneer March 6, 1975, and March 13, 1975 and approved by the South Dakota Water Rights Commission on March 20, 1975 without any opposition.

We believe there is some question as to whether Mrs. Meyer needs a Section 10 Permit as the proposal contained within application No. SD2SB OXT 1 000688 does not appear to obstruct or alter the Missouri River nor to affect the course, location, condition or capacity of the Missouri River, a navigable water of the United States.

Also delays at this time can result in Mrs. Meyer not being able to irrigate when necessary this irrigation season and thus result in the applicant not being able to exercise her State authorized right to use Missouri River water.

Very truly yours,

Vern W. Butler, Secretary  
DNRD

VWB:nlm

Post Office 1006 1st and W

Date 12-27-77

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2219-3

Water Right Permit No. 2219-3 states that the diversion system is to be constructed by 3-3, 1980 and that the water is to be put to beneficial use by 3-3, 1980.

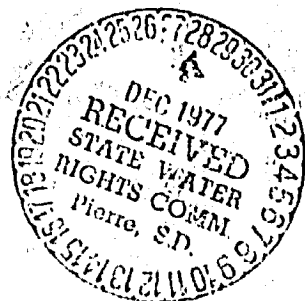
The diversion system was completed on July - 10, 1977. Applying the water to beneficial use was completed on July - 10, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

the Certificate of Construction and/or the Water License may be  
right.

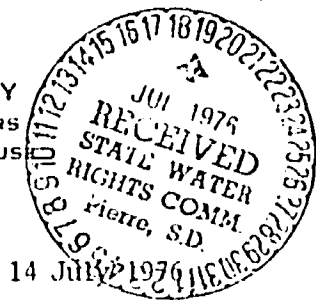
*Cleo L. Meyer*

By *S. H. Meyer* Husband  
(Signature)





DEPARTMENT OF THE ARMY  
OMAHA DISTRICT, CORPS OF ENGINEERS  
6014 U.S. POST OFFICE AND COURT HOUSE  
OMAHA, NEBRASKA 68102



MROOP-N  
SD 2SB OXF 1 000688  
Irrigation Intake Structures  
Cleo I. Meyer  
Missouri River Mile 1228.25L (1960 Mileage)

NOTICE OF PERMIT PENDING

The application of Cleo I. Meyer, 1006 1st Avenue West, Mobridge, South Dakota 57601 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests after-the-fact authorization for two irrigation pumping facilities, one permanent and one portable, on the Missouri River (Lake Oahe), located in Section 8, Township 128 North, Range 79 West, Campbell County, South Dakota.

The permanent facility involved excavating a trench approximately 440 feet long, with a maximum depth of 37 feet, and side slopes the natural angle of repose to install the 20 inch diameter intake pipe and screened intake, (see Sheet 1 of 3). The wet well provides water for two, 365 h.p. pumps with a withdrawal rate of 4900 g.p.m. The pumps are mounted on a 20 foot square concrete foundation and the fuel tank is buried; the backfilled trench will be regraded and prepared for fall seeding. The portable intake facility involved some minor grading above the ordinary high water mark to accommodate a trailer-mounted pump and motor. The pump has a rated capacity of 500 g.p.m. and is powered by a 45 h.p. propane motor. The disturbed area will be seeded with compatible grasses. The purpose of the project is to provide irrigation to 785 acres of cropland.

An environmental assessment of the proposed activity has been made and is on file in this office. The assessment indicates that no significant adverse impacts on the human environment will occur. Based on this finding, a preliminary determination has been made that an environmental impact statement will not be required.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its



reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, and in general the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

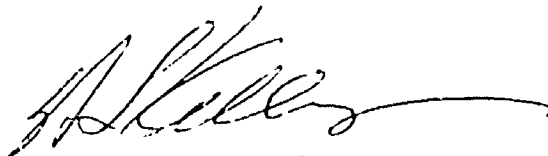
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 12 August 1976. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 USC 403).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachment  
As stated

A handwritten signature in dark ink, appearing to read 'W. F. Kellenberger', with a long, sweeping horizontal line extending to the right.

W. F. KELLENBERGER  
LTC, Corps of Engineers  
Deputy District Engineer

**Note:**

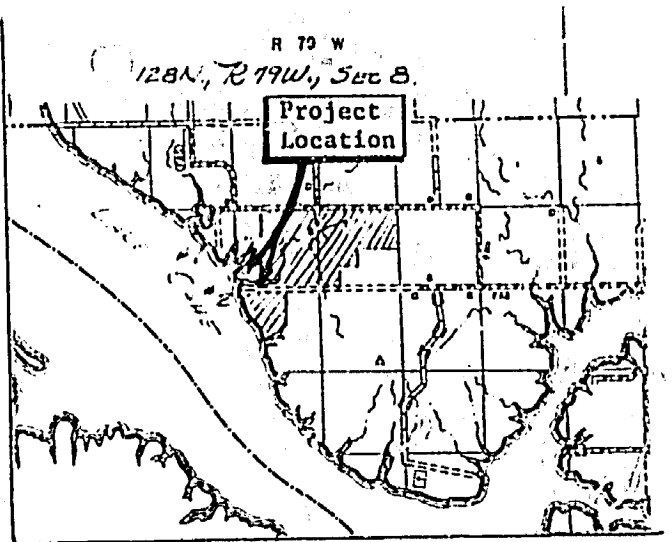
Site utilizes 2-365 HP Pumps to irrigate 629 Acres.

Water Withdrawal rate 4900 GPM

Screened intake is made of 1/4" steel mesh. Total screened area less pipe and cone of screen 35.3 sq ft.

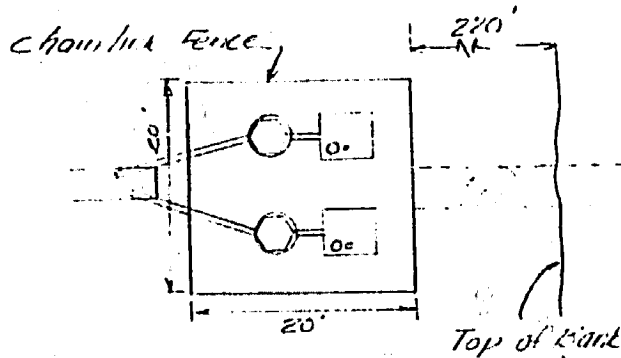
Pumps and engines to be enclosed in portable metal building.

Intake Velocity 0.33 f.p.s.



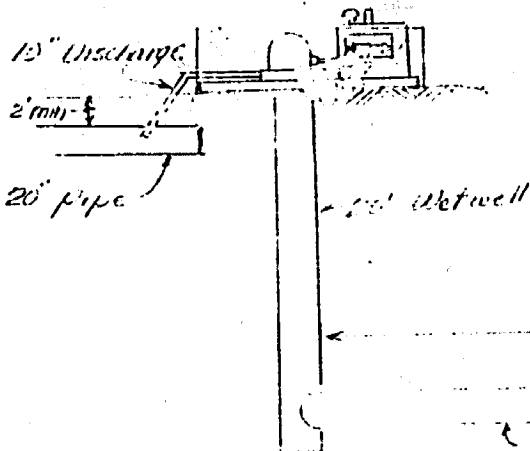
Denotes area to be irrigated

Missouri River  
Flow



Bored Tank  
10,000 Gal

PLAN (No Scale)



EL. 1625

OHW EL-1620

Pool Level - 1596

See 71021 (No Scale)

PURPOSE: Water Intake, Irrigation

DATUM MSL

ADJACENT PROPERTY OWNERS:

- ① Everett Beck
- ② Peter C Meyer

IN Missouri River  
AT Mile 1228.25L  
COUNTY OF Campbell STATE S. Dak  
APPLICATION BY Cko I. Meyer  
SHEET 1 OF 3 DATE Mar 3, 76

# Pumping Site #2

6" PVC pipe Buried a min 2'

45 HP pump (propane)

500 GPM

6" Intake pipe

Bank graded to accommodate trailer

OHW E1-1620

SECTION

Material spread evenly around area & reseeded to native grasses

Screened Intake

OHW

N

Lake Oahe

Port E1-1625

PLAN

PURPOSE: Water Intake, Irrigation

DATUM MSL

ADJACENT PROPERTY OWNERS:

① US Govt

②

IN Missouri River

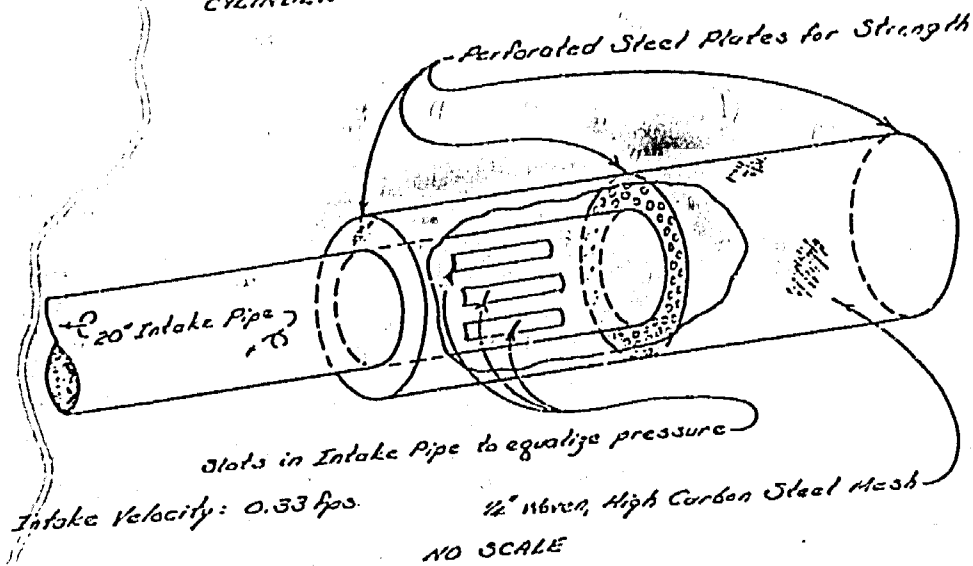
AT Mile 122.25L

COUNTY OF Campbell STATE S.Dak

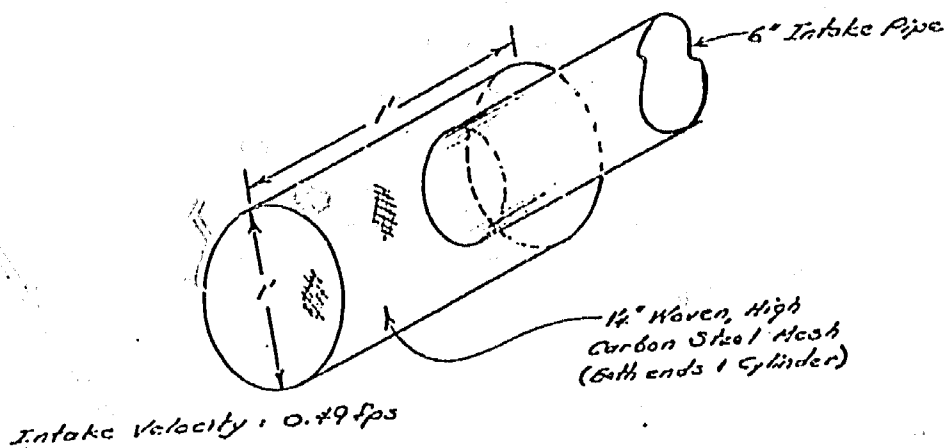
APPLICATION BY Leo I. Meyer

SHEET 2 OF 3 DATE Apr 3, 75

# Screen for Permanent Structure CYLINDER: 30" Outside Diameter, 8' Long.



## Screen for Portable Pump NO SCALE

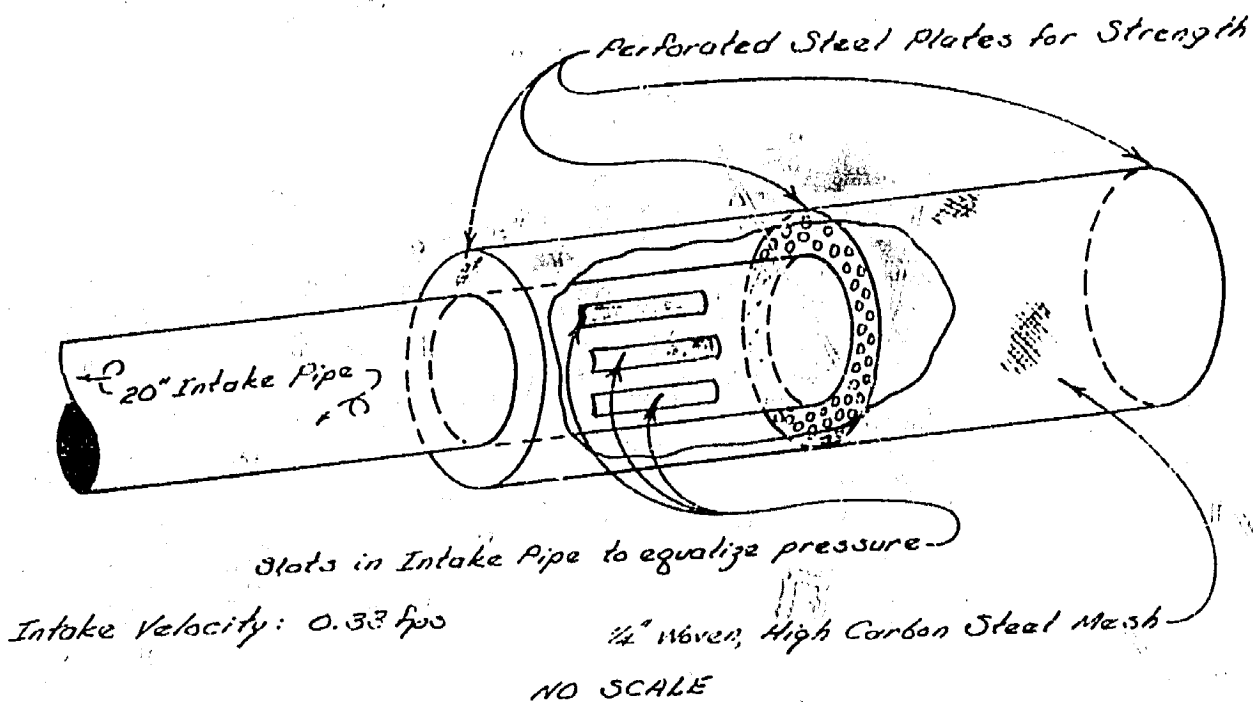


PURPOSE: Water Intake, Irrigation  
DATUM: MSL  
ADJACENT PROPERTY OWNERS:  
1 Everett Beck  
2 Peter C Meyer

IN Missouri River  
AT Mile 1228.25L  
COUNTY OF Campbell STATE S. Dak  
APPLICATION BY Cleo I. Meyer  
SHEET 3 OF 3 DATE Mar 3, 76

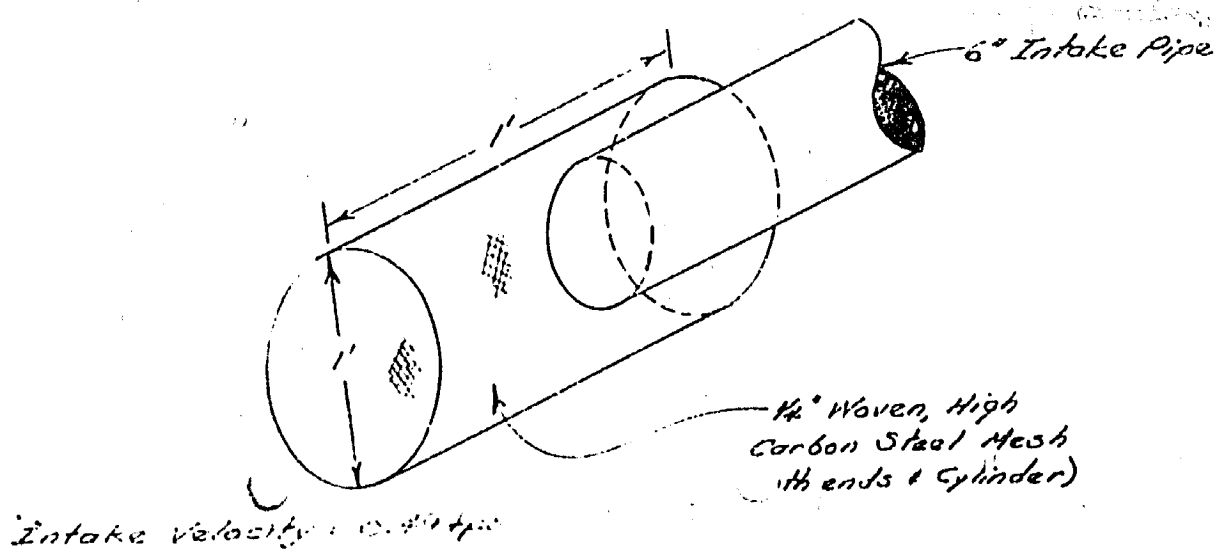
# Screen for Permanent Structure

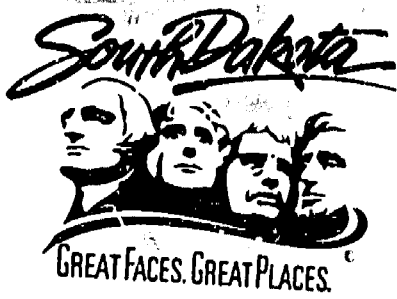
CYLINDER: 30" Outside Diameter, 8' long.



## Screen for Portable Pump

NO SCALE





2219-3

APR 4 1990

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Cleo I. Meyer  
1006 1st Ave. West  
Mobridge, SD 57601

2219A-3

Dear Mrs. Meyer:

Enclosed is Water License No. 2219A-3 and Receipt No. 414723 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2219A-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

ks  
enclosures

**NOTE:** The applicable portions of Water Permit No. 2219-3 and Water Right No. 1281-3 have been incorporated into this Water License No. 2219A-3.

Appl. # 2219-3

- see also Appl. # 1281-3