

1. Considered MAY 22, 1976 2673-3
2. Name of Applicant ORRIS SWAYZE
3. Post Office Address WILMOT
4. Amount of water claimed 3.36
5. Source of water supply SPRINGS & RUNOFF (19.9 AC FT
5 CFS SPRING)
6. Water to be used for IRRIGATION
- Acres to be irrigated 235
7. Water to be diverted and used in ROBERTS county
about 6S, 3W miles of PEEVER
8. Proof of Publication Received 5-7-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2673-3Map No. 1493-3 Water Division No. 3 WHETSTONE CREEK District
(Blanks to be Filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

ORIGINAL APPL
REC'D 3-16-76 @ 8:30
am.

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Orris Swayze
Postoffice address Wilmot State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Irrigation Storage Reservoir
4. Amount of water claimed (cubic feet per second) 3.36
5. Source of water supply 19.9 ac.ft. storage dam and 0.5 c.f.s. Spring flows
6. Location of point of diversion Dam site - (SE $\frac{1}{4}$ SE $\frac{1}{4}$) 750 feet North, 200 feet West of
SE Corner, Section 11, T123N, R51W
- County Roberts
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, conservation
9. For irrigation use, Total number of acres to be irrigated 235

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.
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11-T123N, R51W	35	NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13-T123N, R51W	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T123N, R51W	40	NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T123N, R51W	40
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T123N, R51W	40		
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T123N, R51W	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of intent to Appropriate Water publication Wilmot Enterprise, Wilmot, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Irrigation storage Reservoir

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

Irrigation pipe

C. Works proposed to apply water to beneficial use.

Big Gun sprinkler

Estimated Total Cost \$ 25,000.00Attachments: 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 RobertsI, Orris Swayze, 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

Subscribed and sworn to before me this 31 day of March, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2673-3ORRIS SWAYZE

(Applicant)

WILMOT

(Post Office Address)

SOUTH DAKOTA 57279

(State)

With the following modifications:

APPROVAL OF THIS PERMIT CANCELS PERMIT NO 2093.3

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

Date of first receipt of application APRIL 1, 19 76Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved MAY 20, 19 76, Recorded in Book 15 Page 123WATER RIGHT PERMIT NO. 2673-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 2673-3 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 1.3 CFS FROM JUNE 13, 1974
2.06 CFS FROM APRIL 1, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1978
3. The whole of said work is to be completed on or before MAY 20, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1985
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 3.36 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 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 20, 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 8TH day of JUNE, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive OfficerCertificate of Construction Issued —, 19 —Water License Issued —, 19 —

12 Principal Features of the Proposed Water Supply System (continued.)

D Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering well:

On same owner's property _____ rds. On property owned by others _____ rds.

G Water Storage Dams

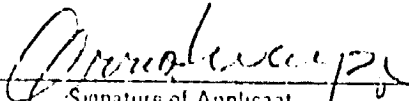
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height - 22'

16' Water Depth

Surface Area 3.6 acres

Storage cap - 19.9 + 4.6 From DAM EXCAVATION


Signature of Applicant

2673-3

Publish first publication, on or before May 6, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 22, 1976

Notice is hereby given that Orris Swayze

whose post office address is Willmot, 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

3.36 cubic feet of water per second of time from the springs and runoff through the Swayze Storage Reservoir, the point of diversion of which is to be located in the

SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 11, Twp. 123N, Range 51W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11; N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12,
N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 13, T123N, R51W

This application No. 2673-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Orris Swayze, Willmot, S.D. 57279

What

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Bernice J. Smith hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Wilmot Enterprise

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

Wilmot of _____

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

April 29, 1976

May 6, 1976

Bernice J. Smith
(Signature)

Publisher

(Title)

May 6, 1976

(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

No. 2673 3
Pierre, South Dakota 57501
April 22, 1976

Notice is hereby given that
Orris Swayze, whose post office
address is Wilmot, South Da-
kota, has made an application in
accordance with the provisions
of the water laws of South Da-
kota for a permit to appropriate
for beneficial use 3.38 cubic feet
of water per second of time
from springs and runoff through
the Swayze Storage Reservoir,
the point of diversion of which
is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 11, Twp. 123N, Range
51W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11; N $\frac{1}{2}$ -
SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12;
N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 13, T123N,
R51W.

This application No. 2673-3 will
be considered by the Water
Rights Commission at their
office at Pierre upon the 20th,
day of May, 1976, at 1:00 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
(April 29 & May 6)





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

June 8, 1976

Orris Swayze
Wilmot
South Dakota 57279

Dear Mr. Swayze:

Enclosed herewith is your Water Right Permit No. 2673-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2673-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. You will note that Permit No. 2093-3 was cancelled upon approval of this Permit.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

March 25, 1976

Orris Swayze
Wilmot
South Dakota 57279

Dear Mr. Swayze:

We have made some changes on your application. If satisfactory please sign and have notarized the new application forms we have prepared and return for processing.

This application will:

1. Increase the acreage authorized by Permit No. 2093-3 from 100 acres each year to 235 acres each year.
2. Change the use period from May thru August to April thru October.
3. Retain the 19.9 A.F. of storage and increase authorized spring flows from 0.3 f.f.s. to 0.5 c.f.s.
4. Increase the authorized diversion from 1.3 c.f.s. to 3.36 c.f.s.

When this application is approved by the Water Rights Commission then your original Permit No. 2093-3 will be cancelled and incorporated into the new permit. You will retain the original priorities established by Permit No. 2093-3. Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/Lw
Encl: As stated

Copy this letter filed in 2093-3 also.



2673-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

ORRIS & MILTON SWAYZE
RR #2
WILMOT SD 57279

NOTICE

RE: Violation of Water Permit No(s) 2673-3 & 3599-3, 4610-3 & 4862-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2673-3 & 3599-3, 4610-3 & 4862-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2673-3 & 3599-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4610-3 & 4862-3 qualification:

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

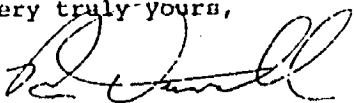
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4610-3 & 4862-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2673-3 & 3599-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


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



2673-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1994

2673-3

3599-3

4610-3

4862-3

Orris & Milton Swayze
RR #2
Wilmot, SD 57279

Dear Sirs:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 2673-3, 3599-3, 4610-3 and 4862-3 and the 1993 Irrigation Questionnaire Requirements.

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 30, 1996

2673-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ORRIS & MILTON SWAYZE, RT 2, WILMOT, SD 57279

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

SUBJECT: Violation of Water Permit No(s) 4862-3 & 4610-3, 2673-3 & 3599-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4862-3 & 4610-3, 2673-3 & 3599-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2673-3 & 3599-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4862-3 & 4610-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCI 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCI 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4862-3 & 4610-3 in accordance with applicable provisions of SDCI 46-1-12;
2. Amend Permit No(s) 2673-3 & 3599-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

2673-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1996

Orris & Milton Swayze
RR 2
Wilmot, SD 57279

RE: Water Permit Nos. 2673-3, 3599-3, 4610-3 & 1862-3

Dear Sirs:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit and Violation of the Requirement to Submit the 1995 irrigation questionnaires.

Questionnaires were completed for you based on your February 9, 1996 telephone conversation with Barry McLaury. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath

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



2673-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

4862-3

Orris & Milton Swayze
RR 2, Box 18
Wilmot, SD 57279

Dear Sirs:

Enclosed is Water License No. 4862-3 and Receipt No. 414344 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 4862-3 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

gm
enclosures

NOTE: The applicable portions of Water Permit Nos. (2673-3), 3599-3 and 4610-3 are being incorporated into this Water License No. 4862-3.