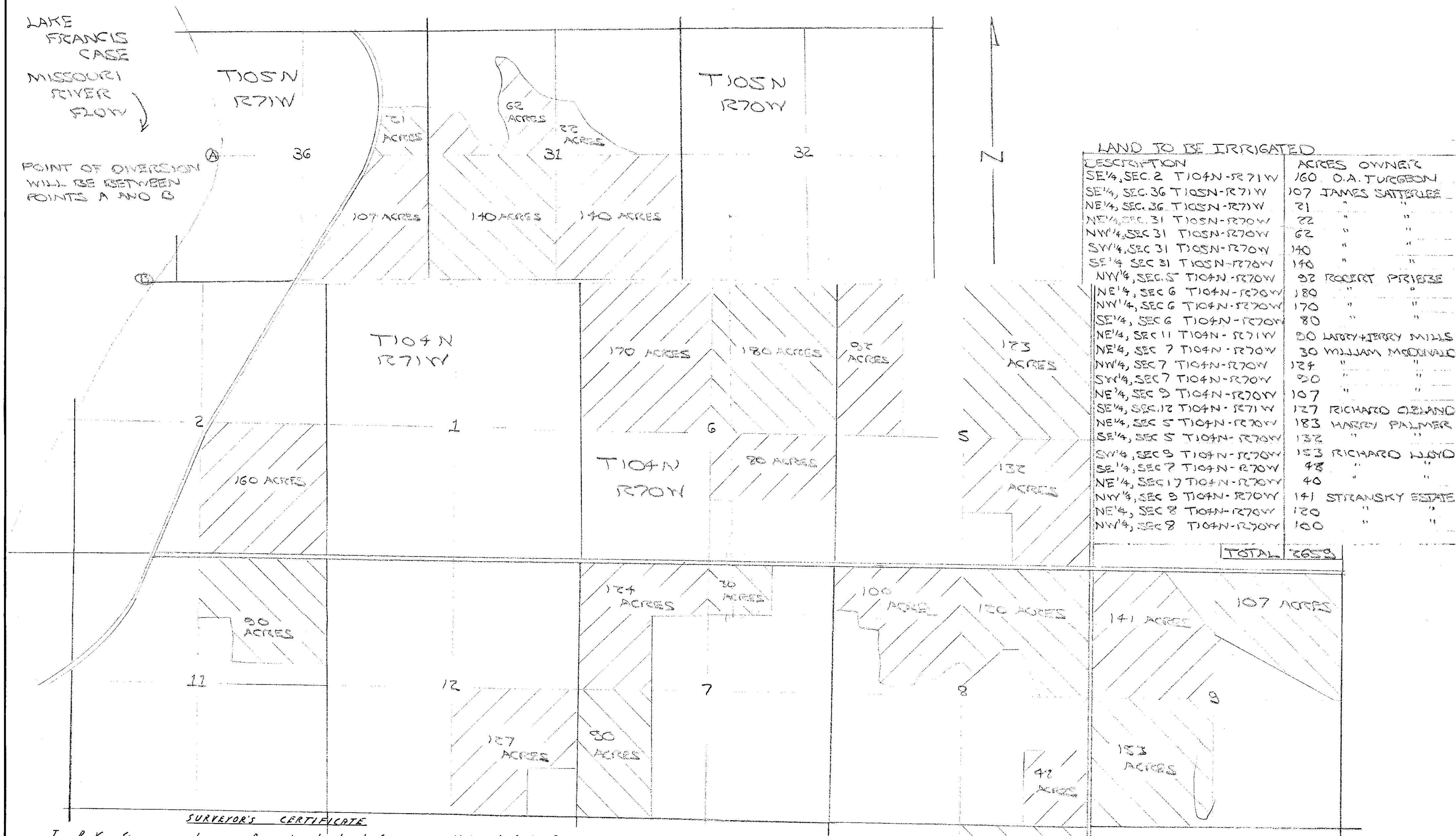


1. Considered MAY 20, 1976 2704-3
2. Name of Applicant HILLTOP IRRIGATION DISTRICT
3. Post Office Address CHAMBERLAIN
4. Amount of water claimed 30.0
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 2659
7. Water to be diverted and used in BRULE county
about 3W, 3N miles of CHAMBERLAIN
8. Proof of Publication Received 5-14-76
Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

HILLTOP IRRIGATION DISTRICT

LAKE
FRANCIS
CASE
MISSOURI
RIVER
FLOW

POINT OF DIVERSION
WILL BE BETWEEN
POINTS A AND B



SURVEYOR'S CERTIFICATE

I, R.V. Summerside, Registered Land Surveyor, State of South Dakota,
do hereby certify that, at the direction of Hilltop Irrigation District, I have
surveyed the tract of land as shown, and that the above drawn
Plot is a reasonably accurate description of the land of the
proposed irrigation project. In witness whereof I have set
my hand and seal this 27th day of April, 1976, A.D.

R.V. Summerside
REGISTERED LAND SURVEYOR

WATER APPROPRIATION MAP

SCALE: 1"=1320' APPROVED BY: DRAWN BY:
DATE: 21 APR 76 REVISED:

HILLTOP IRRIGATION DISTRICT

CHAMBERLAIN, SOUTH DAKOTA DRAWING NUMBER

MAP NO 2066-3 APPL NO 2704-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2704-3HILLTOP IRRIGATION DISTRICT
(Applicant)STAR ROUTE, CHAMBERLAIN
(Post Office Address)SOUTH DAKOTA 57325 With the following modifications:
(State)Date of first receipt of application APRIL 29 19 76

Date 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 149WATER RIGHT PERMIT NO. 2704-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 2704-3 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 APRIL 29 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 85
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 38.0 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 19 85; 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 Hartsh
Chief Engineer, Executive Office

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

O.A. Turgeon	SE $\frac{1}{4}$ Sec. 2, T104N-R71W	160
James Satterlee	SE $\frac{1}{4}$ Sec. 36, T105N-R71W	107
	NE $\frac{1}{4}$ Sec. 36, T105N-R71W	21
	NE $\frac{1}{4}$ Sec. 31, T105N-R70W	22
	NW $\frac{1}{4}$ Sec. 31, T105N-R70W	62
	SW $\frac{1}{4}$ Sec. 31, T105N-R70W	140
	SE $\frac{1}{4}$ Sec. 31, T105N-R70W	140
Robert Priebe	N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 5, T104N-R70W	92
	NE $\frac{1}{4}$ Sec. 6, T104N-R70W	180
	NW $\frac{1}{4}$ Sec. 6, T104N-R70W	170
	SE $\frac{1}{4}$ Sec. 6, T104N-R70W	80
Larry & Jerry Mills	NE $\frac{1}{4}$ Sec. 11, T104N-R71W	90
William McDonald	NE $\frac{1}{4}$ Sec. 7, T104N-R70W	30
	NW $\frac{1}{4}$ Sec. 7, T104N-R70W	124
	SW $\frac{1}{4}$ Sec. 7, T104N-R70W	90
	NE $\frac{1}{4}$ Sec. 9, T104N-R70W	107
Richard Cleland	SE $\frac{1}{4}$ Sec. 12, T104N-R71W	127
Harry Palmer	NE $\frac{1}{4}$ Sec. 5, T104N-R70W	183
	SE $\frac{1}{4}$ Sec. 5, T104N-R70W	132
Richard Lloyd	SW $\frac{1}{4}$ Sec. 9, T104N-R70W	153
	SE $\frac{1}{4}$ Sec. 8, T104N-R70W	48
	NE $\frac{1}{4}$ Sec. 17, T104N-R70W	40
Stransky Estate	NW $\frac{1}{4}$ Sec. 9, T104N-R70W	141
	NE $\frac{1}{4}$ Sec. 8, T104N-R70W	120
	NW $\frac{1}{4}$ Sec. 8, T104N-R70W	100

Publish first publication, on or before May 6, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 30, 1976

Notice is hereby given that Hill Top Irrigation District
whose post office address is Chamberlain, 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
36.0 cubic feet of water per second of time from the Missouri River through the
Hill Top Irrigation Project, the point of diversion of which is to be located in the XXXX

between points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 36, Twp. 105N, Range 71W. Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T105N, R71W; Section 31, T105N, R70W;
SE $\frac{1}{4}$, Section 2; NE $\frac{1}{4}$, Section 11; SE $\frac{1}{4}$, Section 12, T104N, R71W;
E $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5; N $\frac{1}{2}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6; N $\frac{1}{4}$, SW $\frac{1}{4}$, Section 7;
N $\frac{1}{4}$, SE $\frac{1}{4}$, Section 8; N $\frac{1}{4}$, SW $\frac{1}{4}$, Section 9; N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, T104N, R70W.

This application No 2704-3 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

BJJ/bw

cc: Hill Top Irrigation District, Star Route, Chamberlain, SD 57325

No. 5704-3

PROOF OF PUBLICATION:

STATE OF SOUTH DAKOTA)
County Bruce) ss.

I, E. J. Bruckner, Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Chamberlain Register

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

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

May 6, 1976

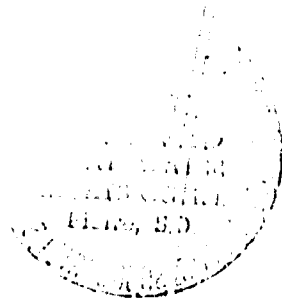
May 13, 1976

E. J. Bruckner, Jr.
(Signature)

Publisher
(Title)

May 13, 1976
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
April 30, 1976
Notice is hereby given that
Hill Top Irrigation District
whose post office address is
Chamberlain, 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 320 cubic feet of
water per second of time from
the Missouri River through the
Hill Top Irrigation Project, the
point of diversion of which is to
be located between points in the
SE1/4 SE1/4, Section 35, and
the NW1/4 SW1/4 of Section 76,
Twp. 105N, Range 71W. Said
water to be used for the purpose
of providing irrigation on
portions of the following
described land:
SE1/4, SE1/4 NE1/4, Section
36, T105N, R71W; Section 31,
T105N, R70W; SE1/4, Section 2,
NE1/4, Section 11; SE1/4,
Section 12, T104N, R71W; E1/2,
W1/2 NW1/4, Section 5; N1/2,
N1/2 SE1/4, Section 6; N1/2,
SW1/4, Section 7; N1/2 SE1/4,
Section 8; N1/2, SW1/4, Section
9; N1/2 NE1/4, Section 17,
T104N, R70W.
This application No. 3704-3
will be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1 p.m. All
interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JOHNS
Water Rights Specialist
(May 6 - 11)





2704-3

DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
8014 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

23 October 1976

MRXOP-N
SD 2SB OXT 3 000821
Hilltop Irrigation District
Irrigation Intake Structure/Fill
Missouri River Mile 970.28L (1960 Mileage)

NOTICE OF PERMIT PENDING

The application of Hilltop Irrigation District, Chamberlain, South Dakota 57325 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 permission to install a permanent irrigation structure into the Missouri River at mile 970.28, left bank, in Section 36, Township 105 North, Range 71 West, Brule County, South Dakota.

The project will consist of installing eight, 150 horsepower, electric, 950 gallon per minute pumps and two spare wells for future expansion. The applicant proposes to excavate a trench with an 8 foot bottom width to elevation 1,324 and install a 72 inch, corrugated metal pipe (c.m.p.) and a 96 inch diameter screening device. To provide access to the wet well, ten, 24 inch c.m.p.'s will be installed as shown on the drawing. An estimated 1800 cubic yards of material will be excavated from the trench and stockpiled above the ordinary high water. The excavated material will be used as backfill during and after the installation of the intake riser and piping. Approximately 200 cubic yards of additional fill material will be placed below the ordinary high water to attain a site elevation equal to the maximum high water. A 10 foot by 24 foot by 1 foot concrete pad will be poured on the previously compacted fill and around the ten, 24 inch c.m.p.'s to provide a suitable base to mount the pumps. The purpose of the project is to irrigate approximately 1600 acres of cropland.

The applicant has received certification from the Environmental Protection Agency, Region VIII, that if reasonable precautions are taken, the applicable water quality standards will not be violated.

A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, 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 whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That 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. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

Any person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments, or objections on or before 29 November 1976.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500).

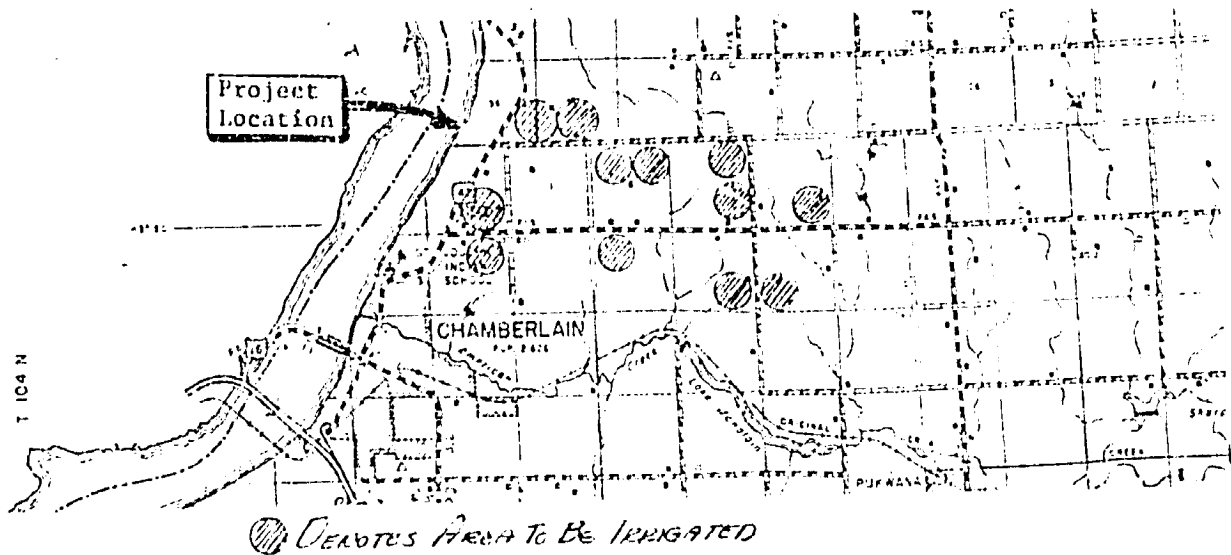
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

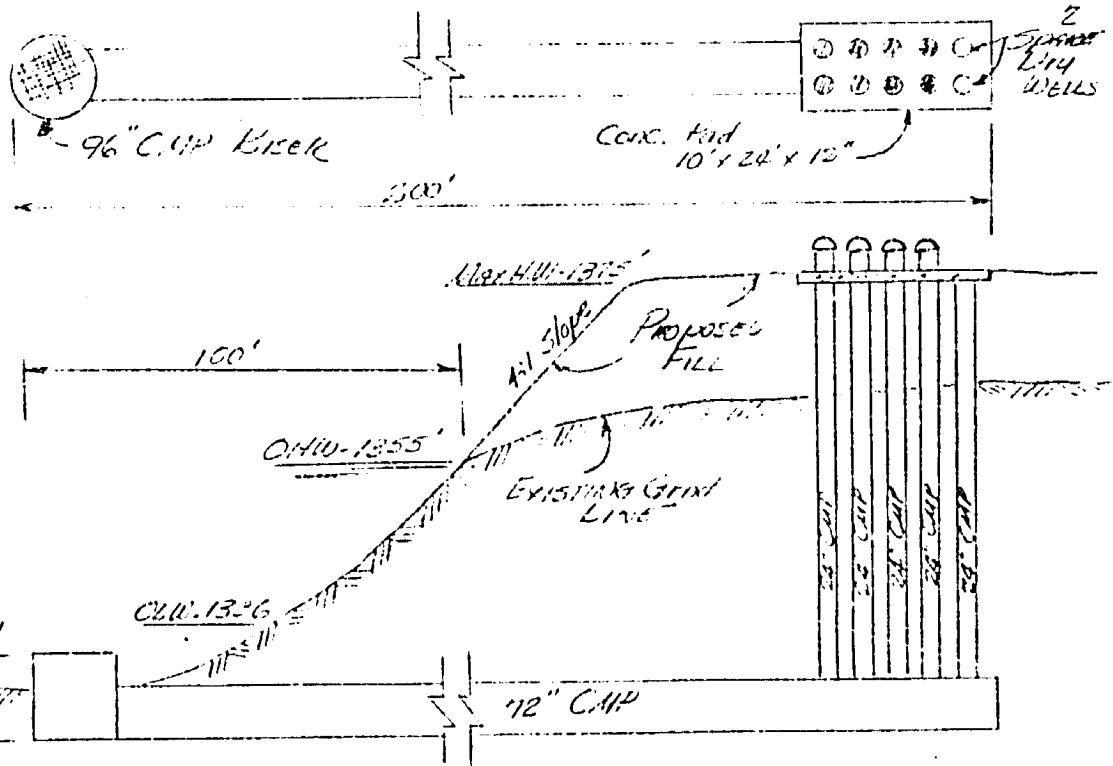


KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works

Attachment
As stated



8-150HP Elect Pumps
950 GPM Capable each



PURPOSE: Water Intake, Irrigation
DATUM: MSL
ADJACENT PROPERTY OWNERS:
1. J. T. TUGGERS
2. S. D. FISH & SONS

T105N, R91W, SEC 36
IN MICHIGAN ESTATE
AT MCE 970.28 L
COUNTY OF BROWN STATE So. Dak.
APPLICATION BY Hilltop Irrigation Dist.

SHEET 1 OF 1 DATE 25 May 76

ANNUAL SECRETARY'S REPORT OF HILLTOP IRRIGATION DISTRICT 1986

The District members met for 12 regular meetings and 2 special meetings. They were held the first 6 months at Bob Priebe's and the last 6 months at Lloyds. Officers of the District retained their offices as follows:

President	Robert Priebe
Vice President	Dick Lloyd
Secretary	Dixie Lloyd
Treasurer	Mary Ann Healy
Director	Bob Priebe
Director	Dick Lloyd
Director	Jim Satterlee



At the February meeting the Board decided to hire Bruce Blake, a bankruptcy Attorney from Sioux Falls to explore possibilities of a Chapter 9 bankruptcy and to see if he could arrange negotiations with FICA. He also represented the District in the Karlen Bankruptcy. None of the above were successful.

Dick Lloyd met with the Lower Missouri Development District in April with a proposal asking for grant money to help the District defray expenses in the pursuit of Federal Legislation for the District. A request was made for \$5960.00 and \$2500.00 was approved for this year.

Lloyd Priebe completed the new roadcrossing at the Triplex just prior to start up in June. Plastic pipe was used to replace the steel which had caused considerable problems in the past.

In July a special meeting was held to consider a request from Bill McDonald for about 600 GPM of water to save his corn crop. His system became inoperative and it was decided to enter into a contract agreement to provide him water for this season. The venture was successful.

Legislation authorizing the Hilltop and Gray Goose Irrigation Districts as Federal Projects were passed by Congress and signed into Law by the President on November 17, 1986. A meeting was held in Pierre on November 14th with the officers from the Natural Resources, Bureau of Reclamation and the Western Area Power Administration. It was explained that efforts were being made to interpret the intent of the Bill and that Low Cost power would be provided the Districts for the 1987 irrigation season. Soil studies and payback projections would have to be made by the Bureau before being integrated financially. Also it appears that a special appropriation would be required to pay off the FICA to become Bureau projects. This Legislation has been the result of about 4 years struggle with various individuals, groups and organizations and may come too late for some members in the District, however it should prove advantageous to the District in the future.

The District began irrigating on June 27 and stopped on September 2. A total of 1174.96 acre feet of water was pumped on about 1250 acres over a period of 66 days, in 3 billing periods. Load management rates were \$4.00 in demand and the District complied with this program. We had 4 lightning outages, 3 REA outages, 3 load management shut downs and 2 shut downs by the District for mechanical problems. Water was pumped at the average rate of 11.28 inches per acre. Total electric cost to the District was \$58,422.14 - or about \$46.74 per acre. Average cost per acre feet was \$49.72 or \$4.14 per acre inch.

This completes the 10th year of operation for the District System. Karlen, Satterlee and Mills did not irrigate this year. Brule County loan rate for corn is \$1.69.

Dixie Lloyd, Sec.

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

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

February 17, 1989

Hill Top Irrigation
HCR 69, Box 41
Chamberlain, SD 57325

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line.



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John H. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



2704-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 27 1993

2704A-3

Robert Priebe
Hilltop Irrigation District
HCR 69, Box 41
Chamberlain, SD 57325-9506

Dear Mr. Priebe:

Enclosed is Water License No. 2704A-3 and Receipt No. 413105 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2704A-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 Division
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2704-3 have been incorporated into this Water License No. 2704A-3.