

Water Right Number 2997-3

1. Considered 9.29, 19 76
2. Name of Applicant WEST SULLY IRRIGATION ASSN
3. Post Office Address ONIDA
4. Amount of water claimed 14.9
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 1040
7. Water to be diverted and used in SULLY County
about 24 W Miles of ONIDA
8. Proof of Publication
Received 9-24-76
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 2324-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant West Sully Irrigation Association
Postoffice address P.O. Box 187, State Onida, South Dakota 57564
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 N/A WEST SULLY
4. Amount of water claimed (cubic feet per second) 14.9
5. Source of water supply Oahe Dam - MISSOURI RIVER
6. Location of point of diversion See attached map for pump site at lake.
A POINT IN THE SE 1/4 OF SECTION 9, T114N, R124W
County SULLY
7. Annual period or periods during which water is to be used all year long if necessary.
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 1040

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.
E1/2 of 11 & E1/2 of W1/2 of 11-115-76 T114N, R81W	480	NE1/4 of NE1/4 of 12-115-76	40
W1/2 of 12-115-76 T114N, R81W	320	SE1/4 of SE1/4 of 12-115-76	40
W1/2 of E1/2 of 12-115-76	160	SEC. 12, T114N, R81W	

T114N, R81W Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Onida Watchman
CAPITAL JOURNAL, PIERRE, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Pumps

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

Pipe and diversion dam

C. Works proposed to apply water to beneficial use.

Sprinklers and flood

Estimated Total Cost \$ 400,000.00

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 HughesI, Ellin Voorhees

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 18th day of August 1976

Betty Westlund
Notary Public (or other qualified officer)

Spencer Water Clerk II

NOT TO SCALE

T-3115 Jack Alexander

2601
Barbara
Fred McQuiston

660'
3100' 114-81 F-1

Fred McQuiston

NOT TO SCALE NOT TO SCALE

114-81 F-2

T-3119

T-453119
Robert &
Glyanes
Sargent

T-618

Jack Alexander
12-21-79

NW¹ NE⁴ 31.5 ac. NE⁴ NE⁴ 31.5 ac.
SW⁴ NE⁴ 31.5 ac. SE⁴ NE⁴ 31.5 ac.

SEE F-1

1979-80 200' Fred & Barbara McQuiston
1976-77 200' Fred & Barbara McQuiston
1973-74 200' Fred & Barbara McQuiston
1970-71 200' Fred & Barbara McQuiston
10' outside of creek

NE¹ SW¹ 21 ac. NW¹ SE¹ 10 ac.
93.3
SE⁴ SW⁴ 60 ac. SW⁴ SE⁴ 20 ac.

5
16.3

114-81 F-2

2
5.0

3
5.5 114-81 F-2

Total Acres = 213

Prepared by:
Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

109-R

108-R

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2997-3
WEST SULLY IRRIGATION ASSN. Box 187, ONIDA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57564 With the following modifications:
 (State)

Date of first receipt of application AUGUST 18, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application SEPTEMBER 30, 19 76
 Approved SEPTEMBER 30, 19 76 Recorded in Book 15 Page 312

WATER RIGHT PERMIT NO. 2997-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2997-3 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 AUGUST 18, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 30, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 19 81
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 14.9 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 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 SEPTEMBER 30, 19 81; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 3RD day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John H. Helt
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2997-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hughes) ss.

I, John H. Hipple hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

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 Pierre

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

September 16, 1976 and

September 23, 1976.

John H. Hipple
(Signature)

Business Manager
(Title)

September 23, 1976
(Date Signed)

Legal Notice

No. 3560 - 2t dly. Sept. 16-23

No. 2997-3

NOTICE

INTENT TO APPROPRIATE WATER

Notice is hereby given that West Sully Irrigation Association whose post office address is Onida, 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 14.9 cubic feet of water per second of time from the Missouri River through the West Sully No. 1 the point of diversion of which is to be located in the SE 1/4 SW 1/4 of Section 9, Twp. 114N, Range 11W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2, E 1/2 W 1/2, Section 11; W 1/2, W 1/2 E 1/2 NE 1/4, NE 1/4, SE 1/4, Section 12, T114N, R81W

This application No. 2997-3 will be considered by the Water Rights Commission at their office at Pierre upon the 29th day of September, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist



Form 6 - Notice of Intent to Appropriate Water

in

o. 2997-3

Publish first publication, on or before September 20, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 13, 1976

Notice is hereby given that West Sully Irrigation Association
whose post office address is Onida, 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
14.9 cubic feet of water per second of time from the Missouri River through the
West Sully # 1, the point of diversion of which is to be located in the

SE¹ SW¹

of Section 9, Twp. 114N, Range 81W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

E¹, E¹SW¹, Section 11; W¹, W¹ E¹

NE¹ NE¹, SE¹ SE¹, Section 12, T114N, R81W

This application No. 2997-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1976, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/lw

cc: West Sully Irrigation Association, Box 187, Onida, S. D. 57564



2997-3

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

MROOP-N

6 October 1976

SD 2SB OXT 1 000942

West Sully Irrigation Association

Irrigation Intake Structure

Missouri River Mile 1103.35L (1960 Mileage), (Lake Oahe)

NOTICE OF PERMIT PENDING

The application of the West Sully Irrigation Association, P. O. Box 187, Onida, South Dakota 57564 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 place a permanent water intake facility in the Missouri River, mile 1103.35 left bank (Lake Oahe), in Section 4, Township 114 North, Range 31 West, Sully County, South Dakota. The proposed activity would consist of some minor site grading and sloping of the bank to install two, 25 horsepower skid mounted, submersible pumps that will pump directly into two, 125 horsepower electric booster pumps. To facilitate year around pumping, a small building will be constructed over the booster pumps. The pumps are rated at 1,350 g.p.m. each and the water will be pumped into a ponding area located approximately one and one-half miles east of the pumping site. The ponding area is estimated to hold approximately 2,700 acre feet of water, and will be withdrawn by the applicant as required. The discharge pipe line and approximately 40 feet of the intake lines will be buried and all disturbed areas graded and seeded,

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. 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.

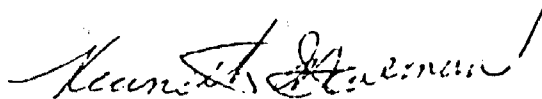
Any person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 5 November 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).

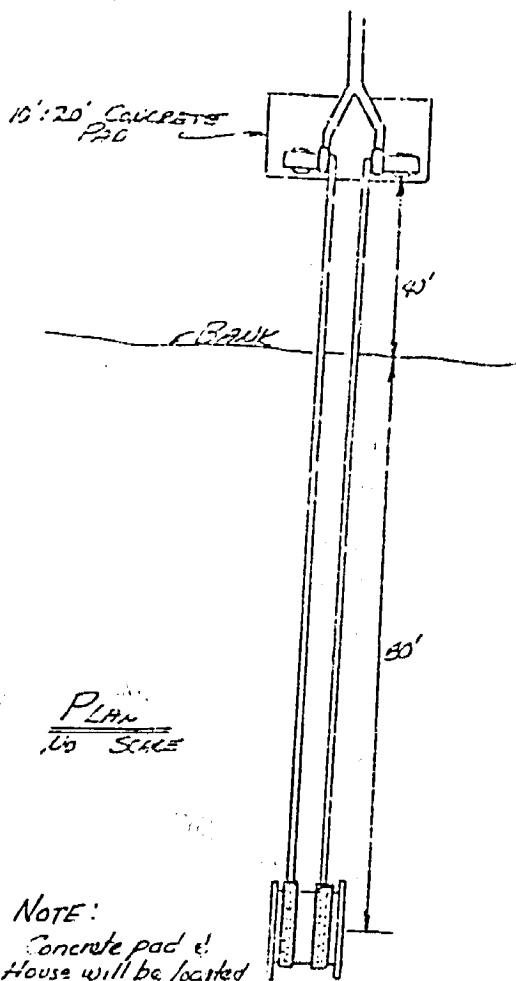
A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:



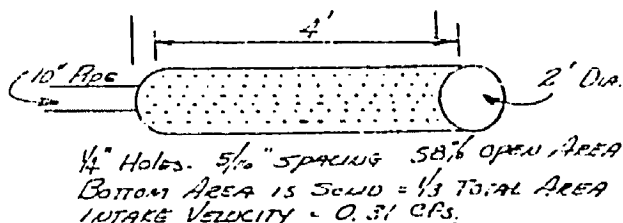
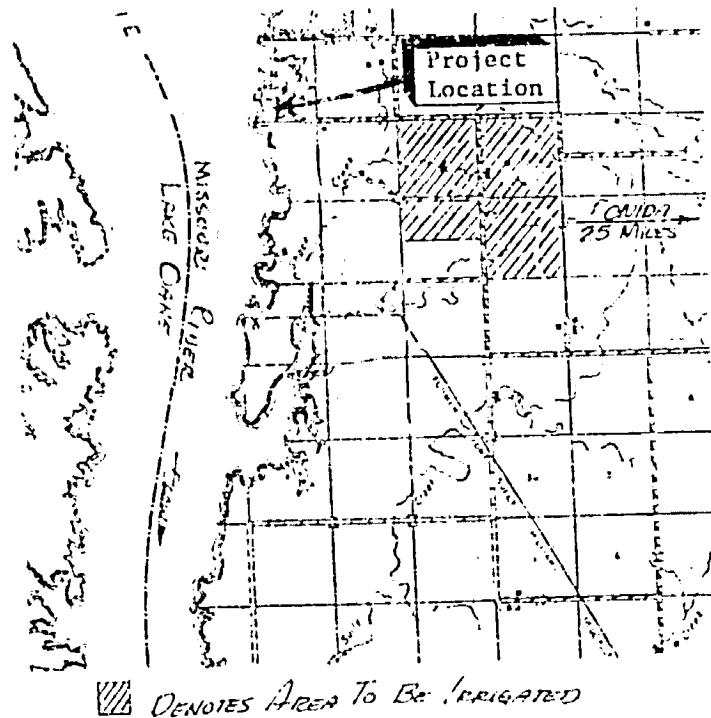
KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works

Attachment
As stated

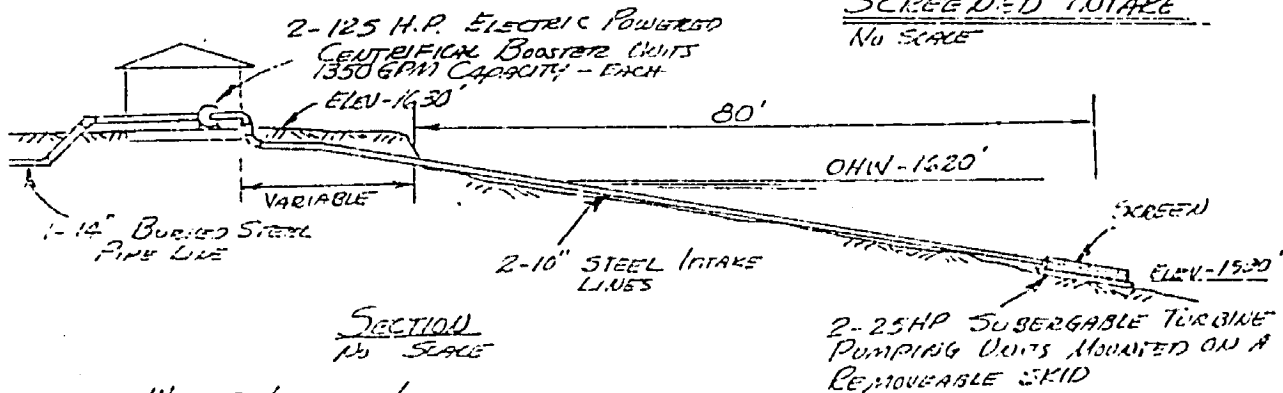


PLAN
NO SCALE

NOTE:
Concrete pad &
House will be located
landward of the slide
area



SCREENED INTAKE
NO SCALE



SECTION
NO SCALE

PURPOSE: WATER INTAKE, IRRIGATION

DATUM: MSL

ADJACENT PROPERTY OWNERS:

1. FRED Mc GUSTICK

2. BOB SARGENT

T114N., R21W., SEC. 9.
IN MISSOURI RIVER
AT MILE 1103.35 E

COUNTY OF SULLY STATE S.D. DAK
APPLICATION BY WEST SULLY IRRIGATION ASSN

SHEET 1 OF 1 DATE 25 Aug 76

Form 10.

No. 2977-3



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Orinda, S.D.

Date November 29, 1976

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

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. 2997-3

Water Right Permit No. 2997-3 states that the diversion system is to be constructed by September 30, 1978 and that the water is to be put to beneficial use by Sept 30, 1981.

The diversion system was completed on December 1, 1976. Applying the water to beneficial use was completed on Dec 1, 1976.

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.

W. W. Sully
(Signature)
W. W. Sully Irrigation Association



Department of Water & Natural Resources

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

April 15, 1985

West Sully Irrigation
Box 187
Onida, SD 57564

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 2997-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

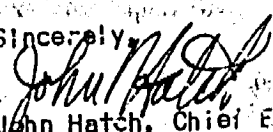
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s) 2997-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,


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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Merlin Voorhees
West Sully Irrigation
Box 187
Onida, SD 57564

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 2997-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2997-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2997-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2997-3 to add the following qualification:

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

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

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

March 23, 1987

WEST SULLY IRRIGATION, Merlin Vcorhees
BOX 187
ONIDA, SD 57564

NOTICE

Re: Violation of Water Permit No(s) 2997-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 2997-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2997-3 qualification:

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

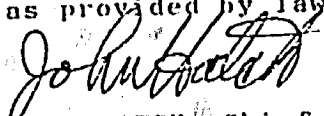
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 2997-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

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

SOUTH DAKOTA Department of
Water & Natural Resources

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

May 5, 1987

2785-3

2997-3

3560-3

Bob Sargent
West Sully Irrigation
HCR 31 #121
Pierre, SD 57501

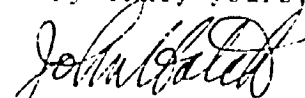
Dear Mr. Sargent:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2785-3, 2997-3, and 3560-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

February 9, 1990

WEST SULLY IRRIGATION
HCR 31 BOX 121
PIERRE, SD 57501

NOTICE

RE: Violation of Water Permit No(s). 2997-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2997-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2997-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

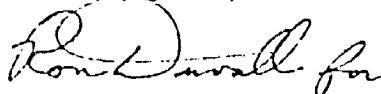
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2997-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. 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 questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

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

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

March 2, 1990

2997-3

West Sully Irrigation
HCR 37, Box 121
Pierre SD 57501

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 2997-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KS

RON DUVALL
Natural Resources Engineer
Water Rights Division



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: ROCKY ALEXANDER, HCR 37 BOX 120, PIERRE, SD 57501

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

SUBJECT: Violation of Water Permit No(s) 2997-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2997-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 2997-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2997-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(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 at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number

2161984126

4b. Service Type

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

5. Date of Delivery

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

5. Received By: (Print Name)

Paula Alvarez

6. Signature: (Addressee or Agent)

X



Thank you for using Return Receipt Service.



2997-3

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

February 21, 1996

2997-3

Rocky Alexander
HCR 37 Box 120
Pierre, SD 57501

Dear Mr. Alexander:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 2997-3.

I completed a questionnaire for you based on our February 21st telephone conversation. 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
Environmental Scientist
Water Rights Program
(605) 773-3352

2997-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2997-3**

(1) West Sully Irrigation made Application No. 2997-3, August 18, 1976 for a water permit to divert 14.90 cubic feet of water per second (cfs) from the Missouri River, Sully County, South Dakota for irrigation purposes. Permit No. 2997-3, with a priority date of August 18, 1976 was approved September 30, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 30, 1978 and for the application to beneficial use of said water on or before September 30, 1981. On February 26, 1996, Water Permit No. 2997-3 was transferred to Jack Alexander.

An investigation of the water use system constructed under Permit No. 2997-3 found the diversion point in a location not authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of the diversion point does not increase the potential for interference with existing diversions.

(2) It is certified that the permit 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 the following for beneficial use:

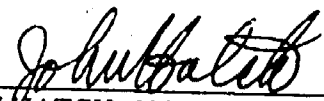
- 2.22 cfs from the Missouri River to the storage dam; and
- 2.78 cfs from the storage dam (890 acre feet capacity) to the irrigated land

The location of the diversion points are: at the Missouri River: 3,100'W and 660'N of the SE corner of Section 4, T114N, R81W (SE 1/4 SW 1/4); at the storage dam: 70'W and 1,810'N of the SE corner of Section 11 (NE 1/4 SE 1/4) and 1,584'E and 1,886'N of the SW corner of Section 11 (NE 1/4 SW 1/4) T114N R81W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following described land: 213 acres in Section 11, T114N, R81W

NW 1/4 NE 1/4	31.5 acres	NE 1/4 SW 1/4	21.0 acres
NE 1/4 NE 1/4	31.5 acres	SE 1/4 SW 1/4	30.0 acres
SW 1/4 NE 1/4	31.5 acres	NW 1/4 SE 1/4	16.0 acres
SE 1/4 NE 1/4	31.5 acres	SW 1/4 SE 1/4	20.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jack Alexander, Box 113, Onida, SD 57564 the holder and/or owner of Water Permit No. 2997-3 is issued a license to appropriate water, the right to use 2.22 cfs from the Missouri River and 2.78 cfs from the storage dam (890 acre feet capacity) with a priority date of August 14, 1976 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2997-3 and subject to South Dakota State Law.


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

OCT 15 1996

date



Permit No. 2997-3
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 Jack Alexander of Onida, SD 57564 holder of Permit No. 2997-3, bearing the priority of August 14, 1976 authorizing the diversion of 14.9 cu. ft. per second 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:

Missouri River div. pt.: Marathon Electric motor, model no. 365TTDS7311DN-W, 100 hp. Cornell pump, model no. 5YB125-2, 9 5/16", 1000 gpm capacity.

At the E end of the dam: 2-Marathon Electric motors, model no. FA324TTDR702BBWF and FB286TTDR7306CBW, 50 hp and 40 hp. 2-Berkeley pumps, model no. B4EPBL and B3EPBL, 750 gpm combined capacity

At the W end of the dam: pump and motor are to be replaced when land comes out of the farm program. License based on the capacity of the center pivot, 500 gpm.

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

13,000' of 14" transite pipe and 2500' of 8" pvc pipe.

C. Works used to apply water to beneficial use:

Zimmatic center pivot, 7 tower, 1320' long, high pressure system, 750 gpm capacity.

Zimmatic center pivot, 7 tower, 1130' long, high pressure system, 500 gpm capacity.

The system is in the following condition good. The point of diversion is located at the Missouri River: 3100' W and 660' N of the SE corner Sec. 4-T114N-R81W; at the storage dam: 70' W and 1810' N of the SE corner Sec. 11-T114N-R81W, and 1584' E and 1886' N of the SW corner Sec. T114N-R81W. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second from the Missouri River and 2.78 cu. ft. per second from the storage dam of water and/or storing 890 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 Sec. 11-T114N-R81W:

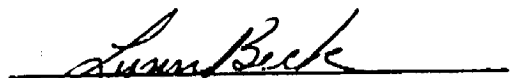
<u>NW 1/4 NE 1/4</u>	<u>31.5 acres</u>	<u>NE 1/4 SW 1/4</u>	<u>21 acres</u>
<u>NE 1/4 NE 1/4</u>	<u>31.5 "</u>	<u>SE 1/4 SW 1/4</u>	<u>30 "</u>
<u>SW 1/4 NE 1/4</u>	<u>31.5 "</u>	<u>NW 1/4 SE 1/4</u>	<u>16 "</u>
<u>SE 1/4 NE 1/4</u>	<u>31.5 "</u>	<u>SW 1/4 SE 1/4</u>	<u>20 "</u>

comprising a total of 213 acres of land and the license should be issued for 2.22 cfs from the Missouri River and 2.78 cfs from the storage dam cfs and/or 890 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none

Date: 8-3-92


Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

DIVERSION POINT LEGAL LOCATION: At the storage dam, 1584' E and 1886' N of the SW corner Sec. T114N-R81W.

Pump:

- 1) Make to be replaced
- 2) Model
- 3) Size
- 4) Capacity 500 GPM

Motor:

- 1) Make to be replaced
- 2) Model No.
- 3) Horsepower rating hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|--------------------------|------------------------------|
| 1) Type <u>transite</u> | 2) Size <u>14</u> inches | 3) Length <u>13,000</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>8</u> inches | 3) Length <u>2500</u> feet |
| 1) Type | 2) Size inches | 3) Length feet |

SYSTEM TYPE:

Center pivot: NE 1/4 Sec. 11-114-81

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers feet
- 5) End gun N
- 6) High or low pressure high
- 7) Capacity 750 GPM

Center pivot: S 1/2 of Sec. 11-114-81

- 1) Make Zimmatic
- 2) Overall length 1130 feet
- 3) Number of towers 7, short span

- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure high
- 7) Capacity 500 GPM

DAM INFORMATION: SE 1/4 NW 1/4 and NE 1/4 SW 1/4 Sec. 11-114-81

- 1) Height to crest 38 feet
- 2) Height to primary spillway 34 feet
- 3) Height to secondary spillway ft
- 4) Crest width 27 feet
- 5) Crest length 870 feet
- 6) Spillway length 420 feet
- 7) Spillway width floods over a large area, 100 feet
- 8) Approx. storage 890 ac-ft
- 9) Approx. storage to crest 1150 ac-ft
- 10) Date constructed:

DAM INFORMATION: NW 1/4 SW 1/4 Sec. 11-114-81

- 1) Height to crest 15 feet
- 2) Height to primary spillway 11 feet
- 3) Height to secondary spillway ft
- 4) Crest width 7 feet
- 5) Crest length 300 feet
- 6) Spillway length 150 feet
- 7) Spillway width 30 feet
- 8) Approx. storage 19 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

REPORT ON INSPECTION OF PERMIT NO. 2997-3

DATE: 8-3-92

Other permit(s) associated with the project: 2785-3 and 3560-3

DIVERSION POINT LEGAL LOCATION: At the Missouri River, 3100' W and 660' N of the SE corner Sec. 4-T114N-R81W.

Pump:

- 1) Make Cornell
- 2) Model 5YB125-2
- 3) Size 9 5/16
- 4) Capacity 1000 GPM

Motor:

- 1) Make Marathon Electric
- 2) Model No. 365TTDS7311DN-W
- 3) Horsepower rating 100 hp

DIVERSION POINT LEGAL LOCATION: At the storage dam, 70' W and 1810' N of the SE corner Sec. 11-T114N-R81W.

Pump:

- 1) Make 2-Berkeley
- 2) Model B4EPBL; B3EPBL
- 3) Size unknown; 8.437
- 4) Capacity 750 combined GPM

Motor:

- 1) Make 2-Marathon Electric
- 2) Model No. FA3241TDR7025BBWF; FB286TTDR7306CBW
- 3) Horsepower rating 50; 40 hp

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 12-25-1992 16:28:12
Watershed file: --> c:\pondpack\SEARGDAM.WSD
Hydrograph file: --> c:\pondpack\SEARGENT.HYD

Hydrological analysis for Seargent Dam.

>>>> Input Parameters Used to Compute Hydrograph <<<<

Subarea Description	AREA (acres)	CN	Tc (hrs)	* Tt (hrs)	Precip. (in)	Runoff (in)	Ia/p input/used
Area 1	967.00	69.0	1.25	0.00	21.00	16.40	1.04 .10

* Travel time from subarea outfall to composite watershed outfall point.
I -- Subarea where user specified interpolation between Ia/p tables.

Total area = 967.00 acres or 1.5109 sq.mi
Peak discharge = 7706 cfs

>>>> Computer Modifications of Input Parameters <<<<

Subarea Description	Input Values		Rounded Values		Ia/p Interpolated	Ia/p Messages
	Tc (hr)	* Tt (hr)	Tc (hr)	* Tt (hr)	(Yes/No)	
Area 1	1.26	0.00	1.25	0.00	No	Computed Ia/p < .1

* Travel time f

rom subarea outfall to composite watershed outfall point.

Quick TR-55 Version: 5.46 S/N:

TR-55 TABULAR HYDROGRAPH METHOD
 Type II Distribution
 (24 hr. Duration Storm)

Executed: 12-25-1992 16:28:12
 Watershed file: --> c:\pondpack\SEARGDAM.WSD
 Hydrograph file: --> c:\pondpack\SEARGENT.HYD

Hydrological analysis for Seargent Dam.

>>>> Summary of Subarea Times to Peak <<<<

Subarea	Peak Discharge at Composite Outfall (cfs)	Time to Peak at Composite Outfall (hrs)
----- Area 1 -----	----- 7706 -----	----- 13.0 -----
Composite Watershed	7706	13.0

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 12-25-1992 16:28:12
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Hydrological analysis for Seargent Dam.

Composite Hydrograph Summary (cfs)

Subarea Description	11.0 hr	11.3 hr	11.6 hr	11.9 hr	12.0 hr	12.1 hr	12.2 hr	12.3 hr	12.4 hr
Area 1	248	322	446	619	719	942	1338	2007	2924
Total (cfs)	248	322	446	619	719	942	1338	2007	2924

Subarea Description	12.5 hr	12.6 hr	12.7 hr	12.8 hr	13.0 hr	13.2 hr	13.4 hr	13.6 hr	13.8 hr
Area 1	4039	5278	6344	7037	7706	6591	5253	4039	3197
Total (cfs)	4039	5278	6344	7037	7706	6591	5253	4039	3197

Subarea Description	14.0 hr	14.3 hr	14.6 hr	15.0 hr	15.5 hr	16.0 hr	16.5 hr	17.0 hr	17.5 hr
Area 1	2577	1933	1512	1165	917	768	669	595	545
Total (cfs)	2577	1933	1512	1165	917	768	669	595	545

Subarea Description	18.0 hr	19.0 hr	20.0 hr	22.0 hr	26.0 hr
Area 1	496	446	396	297	25
Total (cfs)	496	446	396	297	25

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 12-25-1992 16:28:12
Watershed file: --> c:\pondpack\SEARGDAM.WSD
Hydrograph file: --> c:\pondpack\SEARGENT.HYD

Hydrological analysis for Seargent Dam.

Time (hrs)	Flow (cfs)	Time (hrs)	Flow (cfs)
11.0	248	14.8	1338
11.1	273	14.9	1252
11.2	297	15.0	1165
11.3	322	15.1	1115
11.4	363	15.2	1066
11.5	405	15.3	1016
11.6	446	15.4	967
11.7	504	15.5	917
11.8	561	15.6	887
11.9	619	15.7	857
12.0	719	15.8	828
12.1	942	15.9	798
12.2	1338	16.0	768
12.3	2007	16.1	748
12.4	2924	16.2	728
12.5	4039	16.3	709
12.6	5278	16.4	689
12.7	6344	16.5	669
12.8	7037	16.6	654
12.9	7372	16.7	639
13.0	7706	16.8	625
13.1	7148	16.9	610
13.2	6591	17.0	595
13.3	5922	17.1	585
13.4	5253	17.2	575
13.5	4646	17.3	565
13.6	4039	17.4	555
13.7	3618	17.5	545
13.8	3197	17.6	535
13.9	2887	17.7	525
14.0	2577	17.8	516
14.1	2362	17.9	506
14.2	2148	18.0	496
14.3	1933	18.1	491
14.4	1793	18.2	486
14.5	1652	18.3	481
14.6	1512	18.4	476

14.7

1425

18.5

471

TR-55 TABULAR HYDROGRAPH METHOD
Type II Distribution
(24 hr. Duration Storm)

Executed: 12-25-1992 16:28:12
Watershed file: --> c:\pondpack\SEARGDAM.WSD
Hydrograph file: --> c:\pondpack\SEARGENT.HYD

Hydrological analysis for Seargent Dam.

Time (hrs)	Flow (cfs)	Time (hrs)	Flow (cfs)
18.6	466	22.4	270
18.7	461	22.5	263
18.8	456	22.6	256
18.9	451	22.7	249
19.0	446	22.8	243
19.1	441	22.9	236
19.2	436	23.0	229
19.3	431	23.1	222
19.4	426	23.2	215
19.5	421	23.3	209
19.6	416	23.4	202
19.7	411	23.5	195
19.8	406	23.6	188
19.9	401	23.7	181
20.0	396	23.8	175
20.1	391	23.9	168
20.2	386	24.0	161
20.3	381	24.1	154
20.4	376	24.2	147
20.5	371	24.3	141
20.6	366	24.4	134
20.7	361	24.5	127
20.8	356	24.6	120
20.9	351	24.7	113
21.0	347	24.8	107
21.1	342	24.9	100
21.2	337	25.0	93
21.3	332	25.1	86
21.4	327	25.2	79
21.5	322	25.3	73
21.6	317	25.4	66
21.7	312	25.5	59
21.8	307	25.6	52
21.9	302	25.7	45
22.0	297	25.8	39
22.1	290	25.9	32
22.2	283		
22.3	277		

Q spillway

$$Q = CLH^{3/2}$$

$$C = 2.6$$

$$3.1 \text{ sec}$$

$$L = \text{width} = ?$$

$$H = 1 \text{ ft.} =$$

$$7706 \text{ cfs} = (2.6)L(4)^{3/2}$$

$$L = 370.5'$$

$$7706 \text{ cfs} = (3.1)L(8)$$

$$L = 310.7'$$

$$3853 = CLH^{3/2}$$

$$= 2.6 \times L$$

$$\underline{\underline{L = 1485'}}$$

$L_{flow} =$
 $A_{down} = 52 ac$
 $V_{down} = 870 ac \cdot ft$
 $A_{main} = 967 ac$
 $S_{down} = 2.02\% - .0203\% = 107 \text{ 1/mile}$
 $CH = 69$
 At Shallow Conc. Flow

Precip PMP = 21"
 $T_c =$
 $T_t = 0.0$

Shallow Conc. Flow

Segment ID **B**
 Isolated? **N**
 Flow Length 6605'
 Slope .0203%
 Avg. Vel.
 Computed T

$$T = L / 3600 \cdot V = .7981$$

$$V = 16.1345 (S)^{0.5} = 2.2988 \text{ 1/s}$$

$$S = .0203\%$$

Shallow Flow

Segment ID **A**
 Surface Description grassland
 Manning's n 0.15
 $L \leq 300'$ 300'
 2 yr, 24 hr, P_2 2.25"
 Land Slope .0203%
 Computed T

$$T = \frac{0.007 (nL)^{0.8}}{(P_2)^{0.5} S^{0.4}} = 0.4662$$

$$S = .0203\%$$

$$L = 300'$$

$$n = 0.15$$

$$P_2 = 2.25"$$

$$T_c = .7981 + .4662 = 1.2643 \text{ hr.}$$

$$V = 16.1345 (S)^{0.5} = \frac{1}{5}$$

$$\begin{aligned}
 T &= 13,300' / 3600 \cdot V \\
 &= 2.4
 \end{aligned}$$

1.471
 1.3158
 1.4661

60.41557 ac.
4.43794

64.85351
3.59231

68.44581 ac.

x 38

2600.9408 ac. ft.

1200.47 ac. ft.

11.37033

343.63 ac. ft.

2150.890 ac. ft.

45.94447

x 38

÷ 2

872.9449 ac. ft.

118.85451 x 38 ÷ 2 = 928.23

2.71 x 15 ÷ 2 = 21.825

872.945
894.710

890 ac. ft.

46.84 ac. @ 38'

52.35 ac. @ 34'

965.66 ac.

1934.2333 ac. - 767.34 ac. drainage area

Slope $\frac{1940-1800}{3.4 \times 2031' / 11} = \frac{140'}{6905.4} = .0203' / 1 = \underline{\underline{2.03\%}}$

AaA

E

Silty ✓

AaB

E

Silty ✓

AoC

D

Silty ✓

AeC

Silty ✓

LoC

B

6-9%

Silty ✓

LoD

B

Silty ✓

CnA

Overflow ✓

OnB

Silty ✓

H6

D

0-1%

Good exposure ✓

HuA

D

0-6%

Clayey ✓

OeC

D

Clayey ✓

OIE

D

Clayey ✓

One Clayey

NAME OF PERSON OR FILE: Jack Alexander

ADDRESS: _____ COUNTY Sully

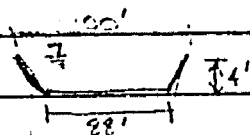
DATE: 1-4-73 TELEPHONE (605) 264-5384 (Rocky)

RE: 890 ac. ft dam

COMMENTS:

The Sargent home is well above the creek bottom. The terrain spreads out ^{significantly} just below the dam. It doesn't appear that water would reach the house or a majority of the farm buildings. Beyond the farmstead, water drains to the Missouri River.

Mr. Jack Alexander, dam owner, operates the dam well below the spillway elevation by pumping water from the Missouri River into the dam. The drainage area is small, ≈ 1000 acres. Mr. Alexander said he had never witnessed ~~the~~ water flowing through the spillway except for a trickle when the previous owners had purposely filled the dam by pumping.



$$Q = CLH^{3/2} = 2.6 \left(\frac{100}{88} \right) (4)^{3/2} = \frac{2080 \text{ cfs}}{1.33} = 1564 \text{ cfs}$$

$$\frac{1}{2} \text{ PMF} = 3853$$

Category 3 Small dam $34' \times 890 \text{ ac. ft} = 30,260 \text{ ac. ft}^2 \gg 3,000$
 $30,260 \text{ ac. ft}^2 < 50,000 \therefore$ Category 3 - intermediate.

Spillway meet 100-yr. frequency.

$$Q_{100} = 132 (967 \text{ ac.})^{0.65} (1.07' / \text{mi})^{0.46} (3.33)^{-0.67} = 662 \text{ cfs} < 2080$$

$$\frac{5280^2}{1.5109 \text{ mi}^2} = 45560 \therefore \text{O.K.}$$

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: _____

File No. 2997-3, 2785-3 and 3560-3
Water Rights Division -DENR
Conversation or File Documentation
NAME OF PERSON OR FILE: Jack Alexander 2997-3, Robert Sargent
2785-3 and 3560-3.
ADDRESS: COUNTY: Sully
DATE: January 4, 1993 TELEPHONE: (605) 264-5384 Rocky
Alexander; (605) 264-5462 Robert Sargent
RE:

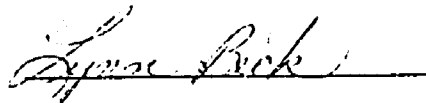
COMMENTS: On January 4, 1993 Tim Schaal and Lynn Beck investigated Alexander Dam, located in Section 11-T114N-R81W, for hazard category classification. After looking at the downstream conditions, it was found that the dam meets the qualifications for a Category 3, Intermediate Size Dam.

The Robert Sargent home is well above the creek bottom and it does not appear that water would reach the house and most of the farm buildings. The terrain spreads out significantly just below the dam. Beyond the Sargent farmstead, water drains to the Missouri River.

Mr. Jack Alexander, dam owner, operates the dam well below the spillway elevation. The dam is filled by pumping from the Missouri River and a little runoff from a 1000 acre drainage area. Mr. Alexander said he had never witnessed water flowing through the spillway except for a trickle when the previous owners had purposely filled the dam by pumping.

Mr. Alexander does not plan to operate the dam at or near the spillway elevation. It is approximately 14' below the spillway at present. Water is pumped into the dam for irrigation purposes and not to maintain a high pool elevation.

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

1-5-73

Alexander Dam Owner Jack Alexander

Sec. 11-T118N-R81W1

Irrigators : 2997-3 Jack Alexander

2785-3

3560-3 Robert Sargent

Category 3, small size $34' \times 890 \text{ ac-ft} = 30,260$

$3,000 < 30,260 \therefore \text{not small size}$

$30,260 < 50,000 \therefore \text{intermediate size}$

Spillway capacity : $Q = CLH^{3/2}$

$$= 2.6 (100') (4')^{3/2} = 2080 \text{ cfs}$$

$$Q_{100} = 132 A^{0.65} S^{0.46} S_i^{-0.67}$$

$$A = 967 \text{ ac} = 1.51 \text{ mi}^2$$

$$S = .0203\% = 107\text{"/mi}$$

$$S_i = 3.33$$

$$Q_{100} = 132 (1.51 \text{ mi}^2)^{0.65} (107\text{"/mi})^{0.46} (3.33)^{-0.67}$$
$$= 662 \text{ cfs}$$

$Q_{100} < Q_{\text{spillway}} \therefore \text{O.K.}$

Water Rights Division - DENR
Conversation or File Documentation

Name of Person: Rocky Alexander File No. 2997-3

Address: Onida, SD 57564 County: Sully

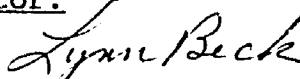
Date: 10-6-94 Telephone: (605) 264-5467

RE:

Comments:

I called Mr. Alexander to get information on a pump and motor at a pump site at the dam, located 1584' E and 1886' N of the SW corner Sec. 11-T114N-R81W. Mr. Alexander said that he had not replaced the pump and motor yet. The land to be irrigated is located in the S 1/2 of Sec. 11 and is still in a farm program.

Once the land is out of the program the center pivot that is currently there will be used to irrigate the land. The center pivot capacity is 500 gpm. Therefore will license for the capacity of the center pivot. I asked Mr. Alexander to inform me when he does replace the pump and motor.



Lynn Beck
Natural Resources Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 11, 1994

2997-3

Rocky Alexander
HCR 37 Box 120
Pierre, SD 57501

Dear Mr. Alexander:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Permit No. 2997-3. The water permit is currently listed in the name of West Sully Irrigation Association.

Please review the transfer form for accuracy. The description of the land being transferred was taken from the inspection report prepared by Lynn Beck. Once you have reviewed the form, please complete where necessary and then sign the form in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

The inspection of the water use system constructed under Water Permit No. 2997-3 has been completed. A water license can now be issued. Statutes require that we assess a \$50.00 fee for the inspection and issuance of the water license.

Please remit a total of \$52.50 (\$2.50 for the transfer and \$50.00 for the inspection and issuance of the license) as soon as possible. Water Permit No. 2997-3 will be transferred and a water license issued upon receipt of the fee.

If you have any questions, please contact me.

Sincerely,

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

enclosure

SENDER:

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

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

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

Consult postmaster for fee.

A. Article Addressed to:

2997-3

Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

4a. Article Number

P 318 052 694

4b. Service Type

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

7. Date of Delivery

TL

~~APR - 8 1991~~

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

C. Signature (Addressee)

Rocky Alexander

D. Signature (Agent)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1995

SECOND NOTICE
Permit No. 2997-3

Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

Dear Mr. Alexander:

On October 11, 1994, notice was sent to you concerning the transfer of Water Permit No. 2997-3. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

The inspection of the water use system constructed under Water Permit No. 2997-3 has been completed. A water license can now be issued. Statutes require that we assess a \$50.00 fee for the inspection and issuance of the water license.

Please remit a total of \$52.50 (\$2.50 for the transfer and \$50.00 for the inspection and issuance of the license) as soon as possible. Water Permit No. 2997-3 will be transferred and a water license issued upon receipt of the fee.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 1995

THIRD NOTICE

Permit No. 2997-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 2997-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

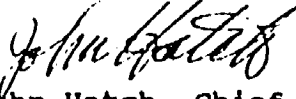
Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

Dear Mr. Alexander:

On October 11, 1994, and March 30, 1995, you were notified that the transfer fee of \$2.50 and final inspection fee of \$50.00 is due before Water License No. 2997-3 can be issued. To date, the fees have not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 2997-3 until the fees are paid. Please remit the Transfer and License fee (\$52.50) to the Department of Environment and Natural Resources, Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181.

Very truly yours,


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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1995

NOTICE

2997-3

TO: Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Notice of Order to Stop Diverting Water

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you June 17, June 26, and July 6, 1995, to pick up and sign for the certified mail.

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

enclosure



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

ADDRESS CORRECTION REQUESTED

CERTIFIED

P 318 052 713

MAIL

U.S. POSTAGE

2.52

6787078

Returned to sender
Reason checked
Unclaimed
Assumed Not Known
Insufficient Address
No such street
No such office in state
Do not return in this envelope

Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

First Notice 6-17-95
Second Notice 6-30-95
Returned 7-6-95

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

2997-3

4a. Article Number

P 318 052 713

4b. Service Type

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

7. Date of Delivery

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

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

CERTIFICATION

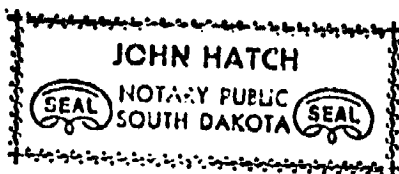
I hereby certify that on July 10, 1995, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 10, 1995, regarding Unclaimed Certified Mail Concerning Notice of Order to Stop Diverting Water Under Permit No. 2997-3 for Failure to Submit Water License Inspection Fee, along with the Notice that was originally sent out Certified Mail on June 16, 1995, addressed as stated below:

Rocky Alexander
HCR 37, Box 120
Pierre, SD 57501

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 1995



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2997-3

Date: 2-19-98



11 We request that Water Permit No. 2997-3

formerly owned by: West Sully Irrigation

be transferred to: (name & address)

Box 113, Corolla SL 57564 Telephone No. 605-254-2157

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

Sections 11 and 12, T114N, R81W

I/We understand that the validity of Water Permit No. 2997-3 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 Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Fuller

I/We Jack Anderson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Jack Alexander
(Signed)

Subscribed and sworn to before me this 19th day of February, 1996

Richard C. Stolp, Notary Public
My Commission Expires
April 21, 1999

Richard A. Staley
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

July 5, 1996

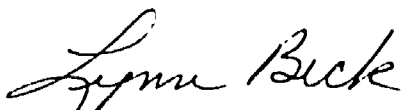
RE: CHANGE IN LOCATION OF THE MISSOURI RIVER DIVERSION
POINT FOR WATER PERMIT No. 2997-3, Jack Alexander.

An inspection of Water Permit No. 2997-3 found the diversion point in a location not authorized by Permit No. 2997-3. SDCL provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversion.

Water Permit No. 2997-3 appropriates 14.9 cubic feet of water per second from the Missouri River from one diversion point located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T114N, R81W for irrigation purposes. The inspection found the diversion point located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T114N, R81W. No additional water is required for this diversion.

There are no other diversion points from the Missouri River within one mile of this diversion. Water Permit No. 3560-3 held by Robert Sargent also uses this diversion point.

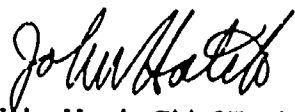
If a finding is made that this change does not increase the potential for interference with existing diversions, Water Permit No. 2997-3 will be reissued for a point along the Missouri River located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T114N, R81W.



Lynn Beck
Natural Resources Engineer III

The Chief Engineer makes a finding that:

This change in location does not increase the potential for interference with existing diversions. In making this finding "does not increase potential for interference" is interpreted to mean potential for adverse interference.



John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1996

2997-3

Jack Alexander
Box 113
Onida, SD 57564

Dear Mr. Alexander:

Enclosed is Water License No. 2997-3 and Receipt Nos. 414816 for \$2.50 and 414817 for \$50.00 which was assessed for the transfer, investigation and issuance of the license. Water License No. 2997-3 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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2997-3
414816

Pierre, _____ February 26, 1996

RECEIVED OF Jack Alexander, Box 113, Onida, SD 57564

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 _____		
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 <u>Water Permit No. 2997-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: JACK ALEXANDER, PO BOX 113, ONIDA, SD 57564 0113

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2997-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2997-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2997-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before March 8, 2002, 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 at (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.

2997-3

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1/25/02</u>	
1. Article Addressed to: JACK ALEXANDER PO BOX 113 ONIDA SD 57564 0113		C. Signature <u>X [Signature]</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes ☐ No If YES, enter delivery address below: _____	
		3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Return Receipt for Merchandise	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. <u>7001 2510 0004 4797 4609</u>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M 0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 21, 2002

2997-3

Jack Alexander
PO Box 113
Onida, SD 57564-0113

Dear Mr. Alexander:

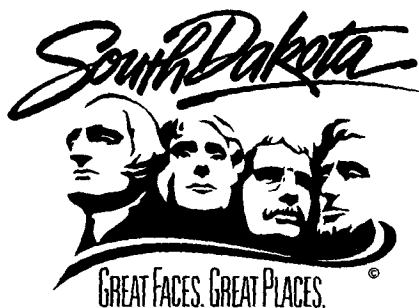
I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 2997-3.

I completed a questionnaire for you based on our February 21st telephone conversation. 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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: JACK ALEXANDER, PO BOX 113, ONIDA, SD 57564 0113

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 2997-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 2997-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 2997-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire is received in this office on/or before February 25, 2005, 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, please contact Genny McMath at (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.



2997-3

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4951

Your item was delivered at 2:45 pm on February 08, 2005 in ONIDA, SD 57564. The item was signed for by J ALEXANDER.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
▶ Request Proof of Delivery [What is this?](#) [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4951

JACK ALEXANDER
PO BOX 113
ONIDA SD 57564 0113

Postmark
Here

ore mailing.

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2005

2997-3

Jack Alexander
PO Box 113
Onida SD 57564-0113

Dear Mr. Alexander:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2997-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

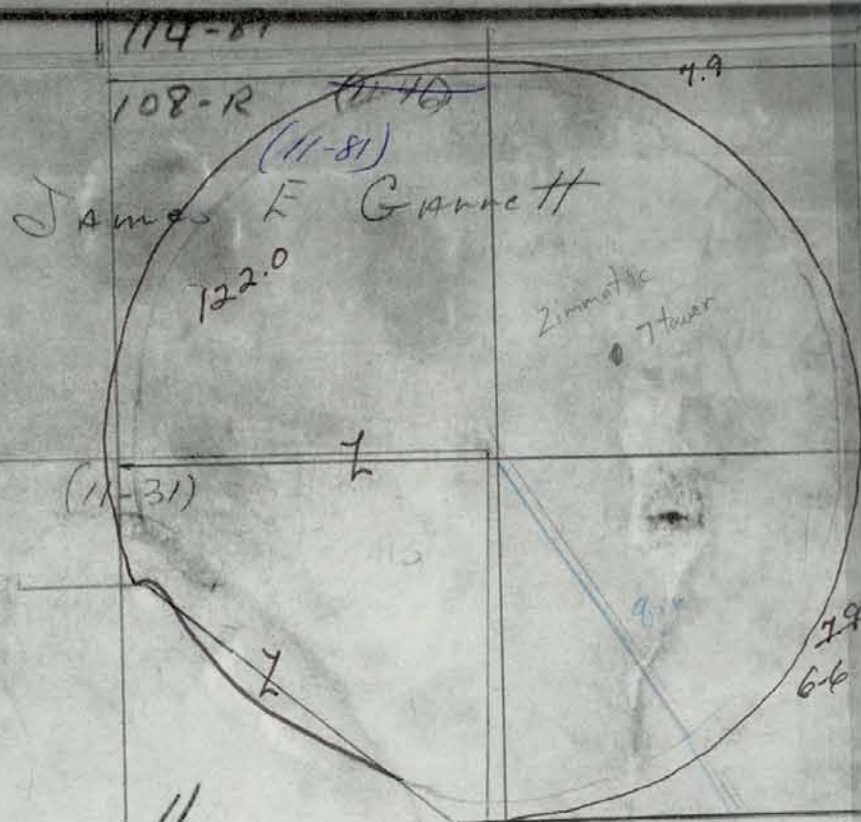
NOT TO SCALE

NOT TO SCALE

(11-53)
Robert
Sargent

River pump
at Pike Haven

159.2
60.1



236.0
553.1

108-K

(11-8)

Missouri Slope Farms
James E. Garrett

766 (11-65)
Cecil McGruder



2997-3

32

TULSA
TULSA

5

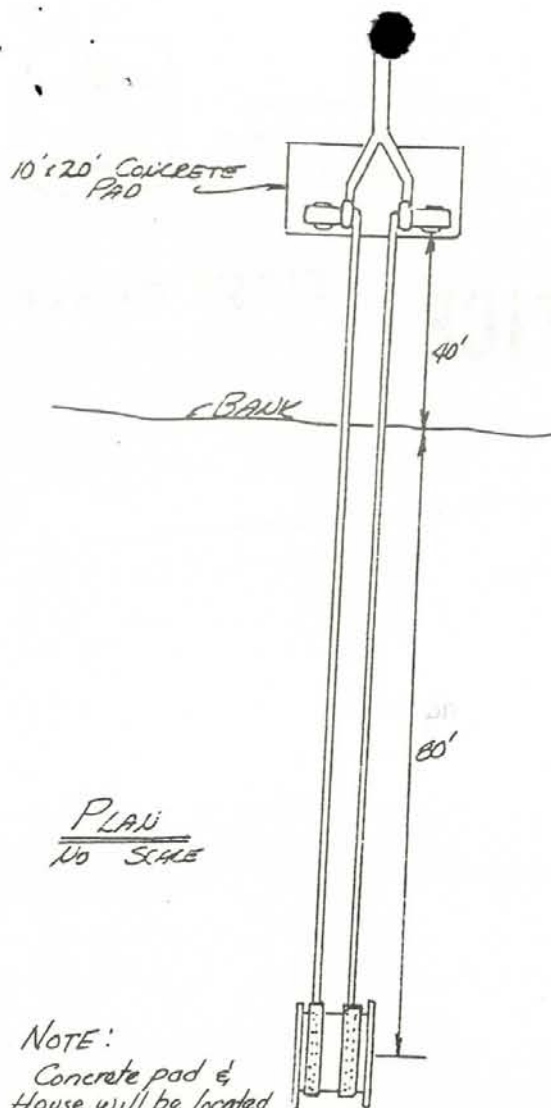
RIVER

RBIN
RBOON

Proposed area to be irrigated

Dump Site
Pipe Line

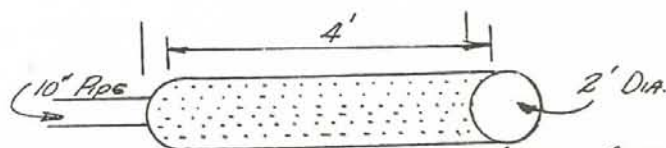
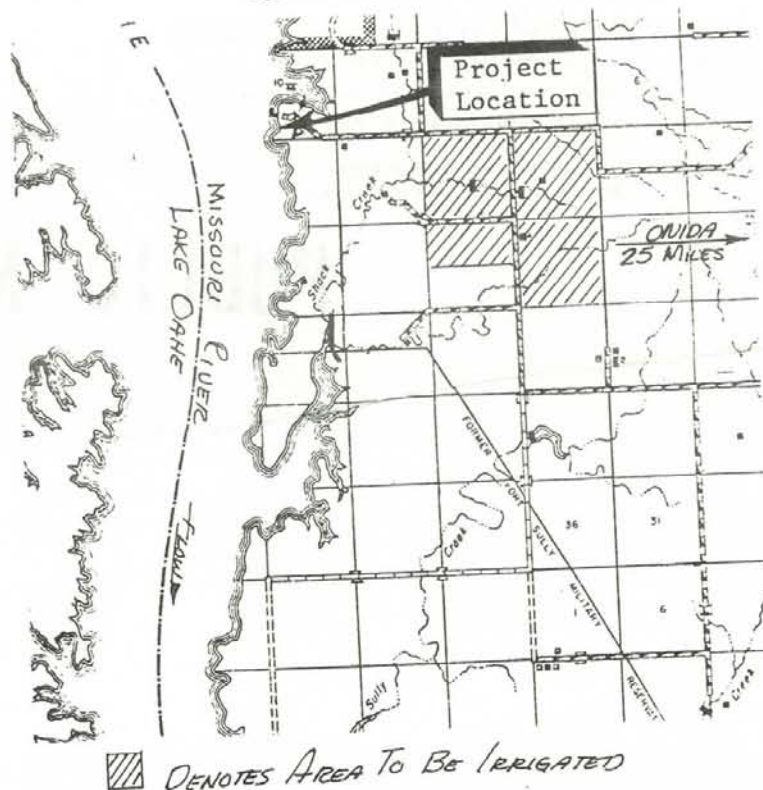
Map No 2324.3 APP No 2997-3



PLAN
NO SCALE

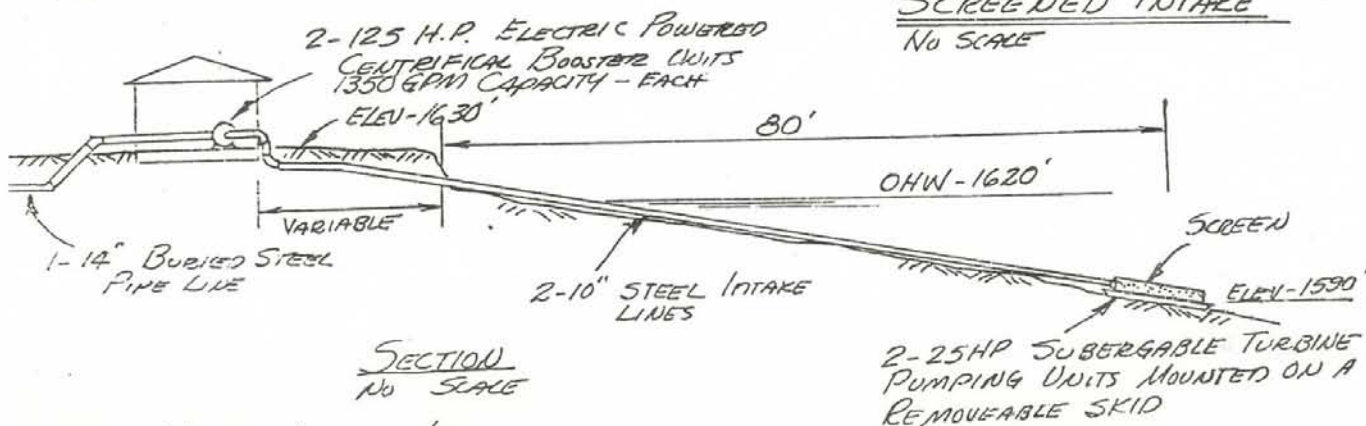
NOTE:

Concrete pad & House will be located landward of the slide area



1/4" HOLES. 5/16" SPACING 58% OPEN AREA
BOTTOM AREA IS SOLID = 1/3 TOTAL AREA
INTAKE VELOCITY = 0.31 CFS.

SCREENED INTAKE
NO SCALE



SECTION
NO SCALE

PURPOSE: WATER INTAKE, IRRIGATION

DATUM MSL

ADJACENT PROPERTY OWNERS:

1 FRED Mc GUISTION

2 BOB SARGENT

T114N, R81W, SEC 9,
IN MISSOURI RIVER

AT MILE 1103.35 L

COUNTY OF SULLY

STATE S.D. DAK

APPLICATION BY WEST SULLY IRRIGATION ASSN

SHEET 1 OF 1 DATE 25 Aug 76

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

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

POSTAGE AND FEES PAID
DEPARTMENT OF THE ARMY
DOD-314



PUBLIC NOTICE

FIRST CLASS

MRD FORM
1 JUN 73 0156b

2997-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 2997-3, Jack Alexander

ADDRESS: COUNTY: Sully

DATE: January 18, 2006 TELEPHONE:

RE: 2005 Irrigation reporting for Water Right No. 2997-3

COMMENTS:

I spoke with Rocky Alexander on Monday evening (January 17, 2006) at a basketball game. I told him that the irrigation questionnaire sent last October to Jack Alexander (his dad) had not been returned. Rocky indicated that no irrigation took place in 2005. I told him that the annual irrigation questionnaire would be filled out to reflect no irrigation.

He said the irrigation dam is in place but has only been used for livestock watering in recent years. I explained that three years of non-irrigation without legal excuse will likely result in cancellation of the irrigation portion of the water right. He understood but wanted to ensure that he didn't lose the right to the irrigation dam. I told him there is statute that allows the water right to be reissued for solely the dam for stockwatering.

Rocky Alexander also indicated that he is now the landowner as he has taken possession from his father. I explained the process to transfer ownership of the water right and told him we'd send him a partially completed transfer form.

His address is:

Rocky Alexander
18441 278th Avenue
Pierre SD 57501

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 Eric Stenlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2006

2997-3

Rocky Alexander
18441 278th Ave
Pierre SD 57501

Dear Mr. Alexander:

I am contacting you in regard to ownership of land described in Water Right No. 2997-3, listed in the name of Jack Alexander (copy enclosed). Eric indicated that you own the land and the water right should be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

McMath, Genny2997-3

From: Gronlund, Eric
Sent: Wednesday, January 20, 2010 4:26 PM
To: McMath, Genny
Subject: Alexander water right

I got a hold of Rocky Alexander. He confirmed that no irrigation took place in 2009.

I explained that if there was no intention of irrigating the property, that the irrigation portion of the water could be cancelled and the dam allowed to remain on the water right for stock watering. He stated that there was no current intent to irrigate so canceling the irrigation portion of the water right is not a problem. He did want to retain the dam on the water right because it does exist and is used for stock watering. He inquired about the ability to obtain a new irrigation right in the future. I said that I didn't foresee getting a permit to divert from the dam or from the Missouri River to be a problem but that it would require an application, review and public notice process. Also, there would be a fee to apply.

Finally, I discussed that the water right is still held in the name of Jack Alexander who is Rocky's father. I stated that we sent him transfer forms a few years back but they were not returned. He said the reason for that was there was some dispute between the then owners of Pike Haven, which wanted the Missouri River pipeline removed from their property and the responsibilities of the original participants of the West Sully Irrigation Association. This dispute caused them not to move forward with transferring the water right.

My suggestion is that we proceed with cancellation of the irrigation portion of the water right and retain the dam for stock watering. The notice should be sent to both Rocky Alexander and Jack Alexander. While I believe Rocky is the sole owner of the property, I am not certain. The notice could include the suggestion to complete the notice of transfer of ownership if Jack Alexander no longer has an ownership interest in the property.

Will this email suffice as file documentation? If not, let me know.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov

01/20/2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 22, 2010

NOTICE OF CANCELLATION

TO: Jack Alexander, PO Box 113, Onida SD 57567
Rocky Alexander, 18441 278th Ave, Pierre SD 57501

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

SUBJECT: Cancellation of the irrigation portion of Water Right No. 2997-3

Water Right No. 2997-3, listed in the name of Jack Alexander, authorizes diversion of water from the Missouri River to an 890 acre feet storage dam for irrigation purposes. Our records indicate the land has not been irrigated since at least 1995. During a January 20, 2010 phone conversation with staff, Rocky indicated there is no intent to irrigate the land. The storage dam is still in place and used for stock watering purposes. The Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation portion of Water Right No. 2997-3 for abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 2997-3 at 10:00 a.m., March 10, 2010 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. 2997-3 based upon facts presented at the public hearing. 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 March 1, 2010. 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.

January 22, 2010
Jack Alexander
Rocky Alexander
Page 2

This hearing may be 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 March 1, 2010.

Prior to March 1, 2010, 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.

Please note:

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 March 1, 2010.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER
FOR THE IRRIGATION PORTION OF WATER RIGHT NO. 2997-3
JACK ALEXANDER**

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 the irrigation portion of Water Right No. 2997-3.

The Chief Engineer is recommending cancellation of the irrigation portion of the water right due to abandonment and/or forfeiture. During a phone conversation with Eric Gronlund with our program, Rocky Alexander confirmed the land is not irrigated and they do not have any current intent to irrigate. The storage dam is still present and is used for domestic purposes.

If the Board cancels the irrigation portion of the water right, the water right will be reissued for domestic purposes only from the existing storage dam.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
January 22, 2010

Notes:

Cancellation of the water permit/right does not prohibit a new application for this project in the future.

It is our understanding that the water right should be transferred to Rocky Alexander. A "Notice of Transfer of Ownership" form is included with this notice. Please complete the form and return it to our office with a required fee of \$50.00 made payable to the "Water Rights Program".

CERTIFICATION

I hereby certify that on January 22, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 22, 2010 regarding cancellations addressed as stated below:

Shirley Chamley, FO, Town of Trent, PO Box 754, Trent SD 57065	1800-3
Mark Howard, 28 Bomb Wing, 2103 Scott Dr., EAFB, SD 57706	1807-1 & 1875-1
Dan Hotchkiss, 13839 Beaver Creek Place, Reva SD 57651	304-1 & 1820-1
W David Scott, Tetrad Corp., PO Box 159, Elk Mountain WY 82324	2440-3
Justin Printz, PO Box 753, Edgemont SD 57735	2440-2
Raymond Yager, PO Box 7, Burke SD 57523-0007	2625-2
Terry Graumann, Ottertail Power Co., PO Box 496, Fergus Falls MN 56538	6678-3
Jack Alexander, PO Box 113, Onida SD 57567	2997-3
Rocky Alexander, 18441 278 th Ave., Pierre SD 57501	2297-3


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 25th day of January, 20 10.

Karen Schlaak
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.us/denr

March 11, 2010

2997-3

NOTICE

Rocky Alexander
18441 278th Ave
Pierre SD 57501

Dear Mr. Alexander:

This will notify you that the Water Management Board cancelled the irrigation component of Water Right No. 2997-3 on March 10, 2010. This action was taken under the conditions outlined in our notice to you dated January 22, 2010.

The water right will now be reissued to authorize storage of water for domestic purposes. The reissued water license will be forwarded to you under separate cover within the next couple weeks. It is our understanding that you own the land where the storage dam exists. Prior to re-issuance of the license, the water right will need to be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. 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.

If you have any questions concerning the Board action or completion of the transfer of ownership form, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

c: Jack Alexander