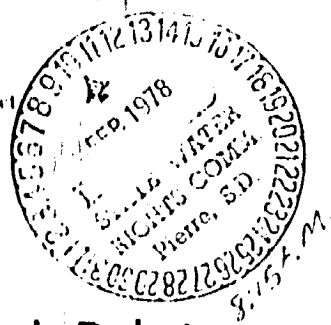


4318-3

1. Considered SEPTEMBER 13, 1978
2. Name of Applicant ROBERT HORTON
3. Post Office Address SISSETON, S.D.
4. Amount of Water claimed 1.18
5. Source of Water supply 1- 60' WELL & RUN-OFF (80 ACRE FEET STORAGE)
6. Water to be used for IRRIGATION  
Acres to be irrigated 83
7. Water to be diverted and used in ROBERTS County  
about 3 E & 1 miles NORTH of PEEVER
8. Proof of Publication Received ~~XX~~ 9-11-78  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:  
LIMITED TO 120 AC.FT.  
METER TO BE INSTALLED

No. 4312-3  
 Map No. 3527-3 Water Division No. 3 WHETSTONE CREEK District  
 (Blanks to be filled by the Engineer for the W. R. C.)


## APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Robert Horton  
 Post-office address Sisseton NE State South Dakota  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work Horton Irrigation #3
4. Amount of water claimed (cubic feet per second) 1.8 MA: ALLOWABLE
5. Source of water supply Spring, run off ground water
6. Location of point of diversion S.W. 1/4 of N.E. 1/4 Section 3 124 N 51 W  
Agency County Roberts
7. Annual period or periods during which water is to be used April - November
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 83

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. |
|------------------------|----------------|-------------------------|----------------|
| <u>NW 1/4 3-124-51</u> | <u>6</u>       | <u>SE 1/4 34-125-51</u> | <u>4</u>       |
| <u>SW 1/4 3-124-51</u> | <u>17</u>      |                         |                |
| <u>SE 1/4 3-124-51</u> | <u>35</u>      |                         |                |
| <u>NE 1/4 3-124-51</u> | <u>21</u>      |                         |                |

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 2 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Sisseton Courier
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Dam & pipelineB. Works proposed to transport water to place of use. pipelineC. Works proposed to apply water to beneficial use. agriculturalEstimated Total Cost \$42,000
 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 Roberts
 I, Robert Horton 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 Robert Horton  
 Subscribed and sworn to before me this 3 day of February 1978

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 4318-3

ROBERT HORTON  
(Applicant)

RR 2 - SISSETON  
(Post Office Address)

SOUTH DAKOTA 57462 With the following modifications

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Approval of the well allows pumping directly to the lands, but does not allow pumping into the storage reservoir.

Low flows as needed for downstream domestic use; including livestock watering must be by-passed.

Date of first receipt of application FEBRUARY 10 19 78

Date of return to applicant for correction, amendments or changes required FEBRUARY 10 19 78

Date of receipt of corrected application AUGUST 29 19 78

Approved SEPTEMBER 13 19 78 Recorded in Book 20 Page 84

WATER RIGHT PERMIT NO. 4318-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 4318-3 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 29 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 13 19 79
3. The whole of said work is to be completed on or before SEPTEMBER 13 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 13 19 82
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 1.18 (80 ACRE FEET STORAGE) 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 139 ACRE FEET 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 13 19 82; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 20<sup>th</sup> day of SEPTEMBER 19 78

WATER RESOURCES COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer

Certificate of Construction Issued 1 19 78

Water License Issued 1 19 78

FREDERICKSON'S INC.

## DRILLERS LOG

Drilled for ROBERT HORTON by \_\_\_\_\_ Office \_\_\_\_\_  
Location of property 1144 of L. S. Street, C. S. W. Agency, Lehigh Co.  
Test hole No. I Location of test hole \_\_\_\_\_ Well No. 8599  
Size of test hole 6 7/8 Date started 8-28-78 Date completed 8-29-78 Total Hours \_\_\_\_\_

### FORMATIONS DRILLED

[illegible]

Signed D. W. DORRY Driller

## DRILLERS LOG

**Location of property**

Test hole No. 1 Location of test hole \_\_\_\_\_ Well No. \_\_\_\_\_

Size of test hole 4 1/2 Data started 11/1/54 Date completed 11/1/54 Total Hours 1

## FORMATIONS DRILLED

SEP 1978  
RECEIVED  
STATE WATER  
RIGHTS COMM.  
Pierre, S.D.

Signed Michael Curry

## Drilled

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_
- (2) Casing, Type (wood, concrete, steel, etc) Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- (3) Perforated Screen.  
Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack. Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates.

- (1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials We dug one test hole and everything there looks good at 40' to 60' down but we are not going to develop it till we get a permit for part of the water well

Depth to top of water bearing material same from the dam as available.

Depth to bottom of water bearing material and we want use the well

Thickness of water bearing material couldn't see how thick

Depth to water (ground surface to water level) \_\_\_\_\_

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 1/2 mile rds. On property owned by others 1/2 mile rds

G. Water Storage Dams.

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

Height of Dam - 16'  
Max water depth - 12'  
Surface Area - 15 Acres  
Storage Capacity - 80 Ac. Ft. plus

If the ground water isn't approved.  
Approve the dam and I will get another test hole dug this spring and get it sent in. ~~By~~

We will be using a water meter on not to use more than 120 acre ft.

[Signature]  
Signature of Applicant

COMMISSION  
FORM W1 #1

16-046  
047

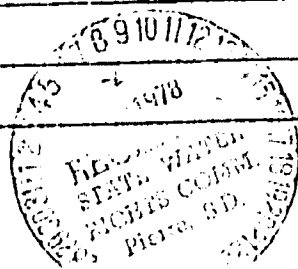
STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Robert Horton

ADDRESS Slushton, S. D. 57262

COUNTY Roberts Count South Dakota



LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 NE 1/4 Sect 3-124-51

2. LOCATION OF AREA TO BE IRRIGATED NE 1/4, NE 1/4 SW 1/4 Section 3-124-51

TYPE OF IRRIGATION

3. GRAVITY                      TOWLINE                      CENTER PIVOT X GUN                     

4. CROPS TO BE IRRIGATED Alfalfa and Corn and Wheat

*Proposes to mix the two*

WATER QUALITY

|                                       |                        |                        |
|---------------------------------------|------------------------|------------------------|
| 5. SAMPLE NUMBER                      | <u>78-046 (Spring)</u> | <u>78-047 (well)</u>   |
| 6. SALINITY (EC X 10 <sup>6</sup> )   | <u>1568 (high)</u>     | <u>667 (med)</u>       |
| 7. SODIUM (SAR)                       | <u>0.35 (1.03 Adj)</u> | <u>0.16 (0.38 Adj)</u> |
| 8. RESIDUAL SODIUM CARBONATE (meq/l.) | <u>0</u>               | <u>0</u>               |

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from                      Conservation District, County Extension office or Soil Conservation Service.  
and:  
that the legal description for the location of the well and land to be irrigated is true and correct.

Robert Horton  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
23 DAY OF January 19 78.

June H. Green, Administrator  
(TITLE OR SEAL)  
Roberts Conservation District

Albert J. Hoff  
APPROVED/COMMISSIONER

COPIES INFORMATION ON REVERSE SIDE

**REPORT OF ANALYSIS**  
**Water Quality Laboratory**  
**Water Resources Research Institute**  
**South Dakota State University**  
**Brookings, South Dakota 57006**

Submitted by: Robert Horton  
 Address: Sisseton, SD 57262

Date Rec'd January 25, 1978  
 Sample No. 78-047  
 Identification Well-  
Net, Sec. 3, T 124N, R 51W

**WATER ANALYSIS**

|                                       |      |                             |      |           |
|---------------------------------------|------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 48   | ppm*                        | 2.40 | me/l**    |
| Magnesium (Mg)                        | 53   | ppm                         | 4.33 | me/l      |
| Sodium (Na)                           | 7    | ppm                         | 0.30 | me/l      |
| Potassium (K)                         | 15   | ppm                         | 0.34 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 86   | ppm                         | 3.79 | me/l      |
| Nitrate (as N)                        |      | ppm                         |      | me/l      |
| Chloride (Cl)                         | 8    | ppm                         | 0.21 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 285  | ppm                         | 4.68 | me/l      |
| Carbonate (CO <sub>3</sub> )          |      | ppm                         |      | me/l      |
| Iron (Fe)                             |      | ppm                         |      | me/l      |
| Fluoride (F)                          |      | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |      | ppm                         |      | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 234  | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0    | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 667  | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 0.16 | Adjusted SAR                | 0.38 |           |
| Sodium                                | 4.07 | % of cations                |      |           |
| Residual sodium carbonate             | 0.00 | me/l                        |      |           |
| pH                                    | 7.80 |                             |      |           |

\*ppm=parts per million

\*\*me/l=millequivalents per liter

\*\*\*g.p.g.=grains per gallon

COMMENTS: Total cations 7.37 me/l  
 Total anions 6.68 me/l

By: Shirley Litten

| Service Performed   | Amount Due |
|---------------------|------------|
| Irrigation analysis | \$15.00    |

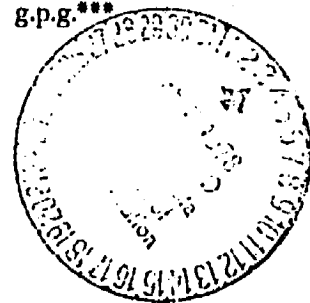
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 78-047

Amount Enclosed \$

Signed



**REPORT OF ANALYSIS**  
 Water Quality Laboratory,  
 Water Resources Research Institute  
 South Dakota State University  
 Brookings, South Dakota 57006

Submitted by: Robert Horton  
 Address: Siassaton, SD 57262

Date Rec'd: January 25, 1978  
 Sample No.: 73-046  
 Identification: Drinking Water  
NE1, Sec. 3, T. 124N, R. 51W

**WATER ANALYSIS**

|                                       |      |                             |       |           |
|---------------------------------------|------|-----------------------------|-------|-----------|
| Calcium (Ca)                          | 332  | ppm*                        | 16.60 | me/l**    |
| Magnesium (Mg)                        | 70   | ppm                         | 5.71  | me/l      |
| Sodium (Na)                           | 27   | ppm                         | 1.17  | me/l      |
| Potassium (K)                         | 6    | ppm                         | 0.16  | me/l      |
| Sulfate (SO <sub>4</sub> )            | 620  | ppm                         | 12.90 | me/l      |
| Nitrate (as N)                        |      | ppm                         |       | me/l      |
| Chloride (Cl)                         | 4    | ppm                         | 0.11  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 442  | ppm                         | 7.24  | me/l      |
| Carbonate (CO <sub>3</sub> )          |      | ppm                         |       | me/l      |
| Iron (Fe)                             |      | ppm                         |       | me/l      |
| Fluoride (F)                          |      | ppm                         |       | g.p.g.*** |
| Hardness (EDTA as CaCO <sub>3</sub> ) |      | ppm                         |       |           |
| Alkalinity (Methyl Orange)            | 362  | ppm (as CaCO <sub>3</sub> ) |       |           |
| Alkalinity (Phenolphthalein)          | 0    | ppm (as CaCO <sub>3</sub> ) |       |           |
| Electrical Conductivity               | 1568 | micromhos per cm at 25° C.  |       |           |
| Sodium Adsorption Ratio               | 0.35 | Adjusted SAR                | 1.0   |           |
| Sodium                                | 4.95 | % of cations                |       |           |
| Residual sodium carbonate             | 0.00 | me/l                        |       |           |
| pH                                    | 7.86 |                             |       |           |
| Others:                               |      |                             |       |           |

\*ppm=parts per million  
 \*\*me/l=millequivalents per liter

\*\*\*g.p.g.=grains per gallon

COMMENTS: Total cations 23.64 me/l  
 Total anions 20.25 me/l



By: Shirley Litten

|                   |            |
|-------------------|------------|
| Service Performed | Amount Due |
|-------------------|------------|

Irrigation analysis \$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-046

Amount Encle 15

Signed \_\_\_\_\_

SOUTH DAKOTA  
Department of Agriculture

DIVISION OF CONSERVATION

SIGURD ANDERSON BUILDING, ROOM 303

PIERRE, SOUTH DAKOTA

57501

AC/605 - 224 - 3258

February 6, 1978

Robert Horton  
Sisseton, South Dakota 57262

Dear Mr. Horton:

This is in reference to your WI#1 Soil/Water Compatibility Application Form, for the NE 1/4, NE 1/4 SW 1/4 Section 3-124-51.

At this time we have conditionally approved your WI#1 Form. Your application is conditional as your water and soils are marginal in nature and there does exist a possibility of land damage. However, with a high level of water and land management the risks are minimal.

Your approved application is now being forwarded to the Water Rights Commission for their action. Please be advised that the Water Rights Commission will make the final determination on your water right application.

The following conditions have been added to your application. If these limits of salt and sodium build-up in the soil are exceeded, the State Conservation Commission may request suspension of your water right. However, the primary purpose of imposing these conditions upon your application is to call to your attention the necessity of avoiding salt and sodium build-up beyond these levels. As you reach or exceed these levels, land and crop damage begins to occur. We urge you to begin a system of monitoring the salt and sodium conditions in your soil so that you may take action on your own if the build-up approaches these levels. In relation to the overall cost of installing and maintaining an irrigation system the cost of monitoring soil conditions will be insignificant.

If you desire assistance in establishing a monitoring system, you may obtain assistance from a variety of places including this office, the Water Quality Laboratory at South Dakota State University, your Extension Agent or your local Conservation District.

CONDITIONS:

SALT: Maximum allowable salt build-up in soil profile: 3000 mmhos/cm<sup>3</sup>

SODIUM: Maximum allowable sodium build-up in soil profile: 8% sodium saturation

Sincerely,

*Albert L. Griffiths*  
Albert L. Griffiths, Director  
DIVISION OF CONSERVATION

REC-MGMT/FORM  
6/77

Actual Mix

1988

1116

Permitted

1000-1500

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Robert Horton, Sisseton, South Dakota

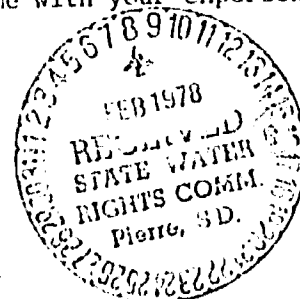
RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, (3, 4) 5, times during the irrigation season.
  2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, (3, 4) inches of water.
  3. ☒ Yes    ☐ No    Surface drainage suggested - on the Playmoor soil to prevent ponding situations.
  4. ☐ Yes    ☐ No    Subsurface drainage suggested
  5. ☒ Yes    ☐ No    Specific land areas that ~~should be avoided~~ needs special management considerations.  
Irrigation of Playmoor soils are generally restricted to an application rate of less than .2 inches per hour, which would throw out most sprinkler systems.
- 
6. ☒ Deep tillage (For the purpose of aiding movement of water through dense subsoils)
  7. ☒ Heavy fall application of irrigation water

You apparently intend to use a small towable pivot system to accommodate the 4 distinctly separated areas. It would appear that the Playmoor soil or portions thereof that are relatively level would best be irrigated by sideroll, towline, or gravity. Because the Playmoor soils have a slow permeability, it would be desirable to use your better water (well) on that area to prevent possible salt build-up.

You will find it beneficial to use deep chisel-type tillage occasionally to help initial intake and resultant internal drainage. A good time for such tillage is after harvest. The extent of deep chiseling, as to depth, frequency and spacing will come with your experience.

Copy to Applicant        - 1  
Copies to Water Rights - 2  
Copy to File             - 1



Publish first publication, on or before August 31, 1978

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 28, 1978

Notice is hereby given that Robert Horton whose post office address is Slisseton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.18 cubic feet of water per second of time from groundwater (one well & runoff) through the Horton Irrigation No. 3, the point of diversion of which is located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and SW $\frac{1}{4}$  NE $\frac{1}{4}$

of Section 3, Twp. 124N Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ , Section 3, T124N, R51W and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, T125N, R51W

This Application No. 4318-3 will be considered by the Water Rights Commission at the 4-H Fairground Meeting Hall, west of Mitchell SD on May 16 upon the 13th day of August, 1978 at 10 A. M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Getty Vestlund  
Water Rights Specialist

cc: Robert Horton  
RR 2  
Slisseton SD 57262

No. 4318-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County ROBERTS ) ss.

I, JACK ADAMS hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the SISSETON COURIER

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 SISSETON

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

AUG. 31, 1978

SEPT. 7, 1978

[Signature]  
(Signature)  
PUBLISHER  
(Title)

SEPT. 8, 1978

(Date Signed)

NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER

Pierre, South Dakota 57501

August 28, 1978

Notice is hereby given that Robert Horton whose post office address is Sisseton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.18 cubic feet of water per second of time from groundwater (one well & run-off) through the Horton Irrigation No. 3, the points of diversion of which are to be located in the NW 1/4, NE 1/4 and SW 1/4 NE 1/4 of Section 3, Twp. 124N Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 3, T124N, R51W and SW 1/4 SE 1/4, Section 34, T125N, R51W.

This Application No. 4318-3 will be considered by the Water Rights Commission at the 4-H Fairground Meeting Hall, west of Mitchell, SD on Hwy. 16 upon the 13th day of September, 1978 at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COM-  
MISSION

Betty Westlund  
Water Rights Specialist

(Aug. 31-Sept. 7--2w)



# RECEIPT

WATER RIGHTS COMMISSION

No 4 6343

State of South Dakota

PIERRE, February 10, 1978

RECEIVED OF Robert Horton, RP 2, Sisseton SD 57002 FUND 290

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

|                                                                                                                |     |    |
|----------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. 4319-3 (examination, processing, recording and filing) | 150 | 00 |
| Fee for Inspecting Construction, and issuing Cert. of Construction No.                                         |     |    |
| Fee for Inspecting Beneficial Use, and issuing Water License No.                                               |     |    |
| Fee for issuing Location Certificate-Dry Draw, No.                                                             |     |    |
| Fee for filing                                                                                                 |     |    |
| Fee for certified copy of                                                                                      |     |    |
| Fee for Print copy of map                                                                                      |     |    |
| Fee for Certifying                                                                                             |     |    |
| Fee for (any other work as provided by law)                                                                    |     |    |
| TOTAL                                                                                                          | 150 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH RJW

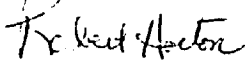
Rural Route 2  
Sisseton, South Dakota 57262  
February 8, 1979

South Dakota Department of Natural Resource Development  
Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Sir:

Our Water Rights that we received in September of 1978, states that we can not pump from a well into a storage dam. We are wondering what the reason is for that. The only reason we constructed the dam was so we could utilize the run off and not use so much ground water.

Sincerely yours,



Robert Horton

February 16, 1979

Robert Horton  
R.R. #2  
Sisseton, SD 57262

Dear Mr. Horton:

In answer to your inquiry regarding your Water Right No. 4318-3, The Commission approved the application for 1.18 cfs with 80 acre feet storage in the dam, with the understanding that the dam would be supplied by run-off and springs and not the well. Water from the well approved would be applied directly to the land.

The Conservation Commission has suggested that the better water (well water) be used on your Playmoor soils to prevent possible salt build-up. It may also be possible to pump from both the well and the dam to blend the water at the time of irrigation. Also the system was to be installed with a meter limiting the amount of water to 120 acre feet per year.

If you have any further questions, please feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Commission

JH/BW/plh

NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USEPost Office Pierre SDDate 12-18-80

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. 4318-3.

Water Right Permit No. 4318-3 states that the diversion system is to be constructed by 9-13, 1980 and that the water is to be put to beneficial use by 9-13, 1982.

The diversion system was completed on September, 1979.  
Applying the water to beneficial use was completed on September, 1980.

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.

[Signature]  
(Signature)



4 318-3

# Department of Agriculture

## DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501  
Phone 605/773-3258

September 29, 1983

Robert Horton  
Sisseton, SD 57262

Dear Mr. Horton:

In reviewing your file with the Division of Water Rights, a small discrepancy has been found between the acreage permitted on your Water Permit and that with Soil and Water Compatibility Approval. Your Water Right has an additional 4 acres permitted in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  34-125-51, however due to the fact that this additional land only involves a small acreage we have amended your permit to include this area. (See attached WI-1)

If you have any questions or feel this amendment is in error please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Stukel".

Jim Stukel  
Program Administrator

cf

cc: Division of Water Rights

COMMISSION  
FORM W-1 #1

78-046  
047

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Robert Horton 698-7792

ADDRESS Sisseton, S. D. 57262

COUNTY Roberts Count South Dakota

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 NE 1/4 Sect 3-124-51

2. LOCATION OF AREA TO BE IRRIGATED NE 1/4, NE 1/4 SW 1/4 Section 3-124-51

SE 1/4 SE 1/4 34 125.51 = 40 acres  
W 1/4 R # 4318-3

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X GUN \_\_\_\_\_

4. CROPS TO BE IRRIGATED Alfalfa and Corn and Wheat

Proposed to mix the two

WATER QUALITY

|                                       |                        |                        |
|---------------------------------------|------------------------|------------------------|
| 5. SAMPLE NUMBER                      | <u>78-046 (Spring)</u> | <u>78-047 (well)</u>   |
| 6. SALINITY (EC X 10 <sup>6</sup> )   | <u>1565 (high)</u>     | <u>667 (med)</u>       |
| 7. SODIUM (SAR)                       | <u>0.35 (1.03 Adj)</u> | <u>0.16 (0.38 Adj)</u> |
| 8. RESIDUAL SODIUM CARBONATE (meq/l.) | <u>0</u>               | <u>0</u>               |

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from \_\_\_\_\_ Conservation District, County Extension office or Soil Conservation Service.

and: that the legal description for the location of the well and land to be irrigated is true and correct.

Robert Horton  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
23 DAY OF January 19 78.

James H. Hanson Administrative Secretary  
(TITLE OR SEAL)  
Robat Conservation District Conditional  
(SOILS INFORMATION ON REVERSE SIDE)

Albert L. Hoff  
APPROVED/



# Department of Water & Natural Resources

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

December 2, 1988

4318-3  
2794-3

Farmers Home Administration  
PO Box 188  
Sisseton, SD 57262

Dear Sirs:

I am contacting you in response to the 1968 irrigation questionnaires you returned for Water Permit Nos. 4318-3 and 2794-3, currently listed in the name of Robert Horton. I assume from the notation you included on the forms, that the FmHA now owns the land described in these water permits.

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 4318-3 and 2794-3. Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

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.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH  
Natural Resources Analyst  
605 773-3352

enclosure



A circular stamp with a star in the center. The text "DEC 1988" is prominently displayed in the middle. Below it, "CIVIL RIGHTS" is written, and at the bottom, "NEW YORK, NY" is visible. The outer ring of the stamp contains a date stamp: "1988 DEC 13 10 21 22 23 24 25 26 27 28 29 30 31".

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: December 7, 1988

NE $\frac{1}{4}$  Section 3, T124N, R51W and SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T125N, R51W

formerly owned by Robert Horton, RR 2, Box 39, Sisseton SD

has been transferred to USDA, FmHA, P.O. Box 188, Sisseton, SD 57262

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4318-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
 ) ss.  
County of ROBERTS )

I, Jeffrey Jacobsen, Co. Supervisor 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 I know of my own personal knowledge that the information herein stated is true.

Jeffrey L Jacobson  
(Signed)

Subscribed and sworn to before me this 7th Day of December, 1988.

Marilyn J. Feltz  
(Notary Public)

Commission Expires August 23, 1984

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411554

Pierre, \_\_\_\_\_ December 20, 1988

RECEIVED OF Fmlta, PO Box 188, Sisseton SD 57262

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

|                                                                                                                            |       |      |
|----------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 4318-3</u>                                                                | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                     |       |      |
| Fee for Certified Copy of _____                                                                                            |       |      |
| Fee for Print Copy of Map _____                                                                                            |       |      |
| Fee for Certifying _____                                                                                                   |       |      |
| Fee for _____                                                                                                              |       |      |
| (Any Other Work Provided by Law)                                                                                           | Total | 2 50 |

By

Chas. Hatch  
Chief Engineer

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
February 23, 1989

FmHA  
P.O. Box 188  
Sisseton, SD 57262

Dear Sir:

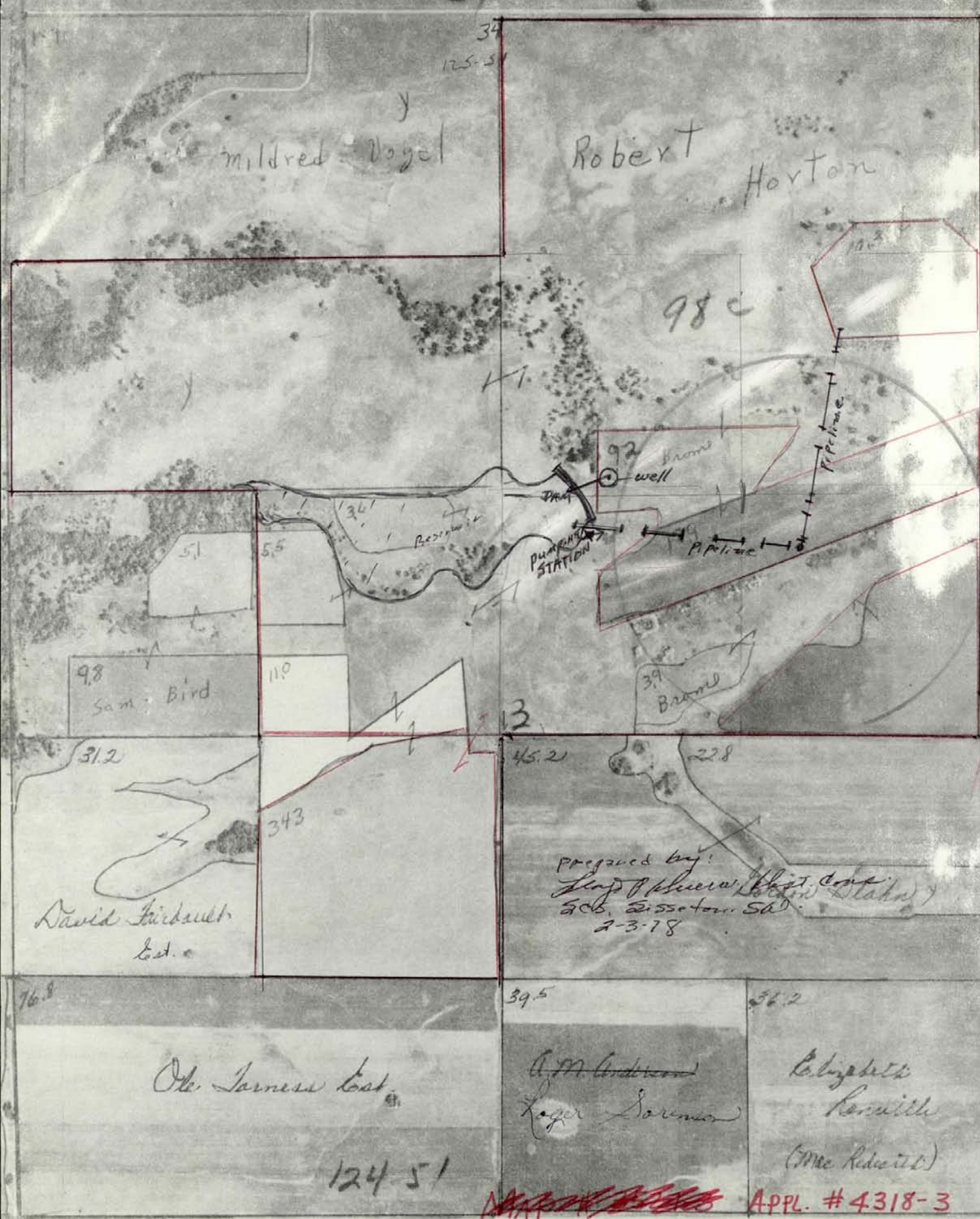
Enclosed is Receipt No. 411554 in the amount of \$2.50 which you paid for transfer of Water Right No. 4318-3.

Sincerely,

*Marie R. Arthur*

Marie R. Arthur  
Secretary  
Water Rights Division

NOT TO SCALE



NAME OF PERSON OR FILE: LAVERNE TETZLAFF

ADDRESS: 205 E OAK STREET, SLEIGHTON, CO. ROBERTS

DATE: 11/4/92 TELEPHONE 698-7638

RE: Cancellation due to forfeiture for Permit Nos. 2794-3 & 4318-3

COMMENTS:

IN 1991 I ATTEMPTED TO MAKE AN INSPECTION OF WATER PERMITS 2794-3 & 4318-3 HELD BY FARMERS HOME ADMINISTRATION. AT THAT TIME I SPOKE WITH LAVERNE TETZLAFF WITH FNHA, HE INDICATED AT THAT TIME, THAT THE LAND FORMERLY OWNED BY ROBERT VORTON HAD NOT BEEN IRRIGATED FOR A COUPLE OF YEARS. I TOLD HIM THAT IF THE LAND IS NOT IRRIGATED FOR 3 CONSECUTIVE YEARS WHEN IRRIGATION IS POSSIBLE THE PERMITS MAY BE SUBJECT TO CANCELLATION DUE TO FORFEITURE. MR. TETZLAFF ASKED IF A FEDERAL AGENCY WAS EXEMPT FROM THIS. I TOLD HIM I WOULD CHECK INTO IT.

ON OCTOBER 5, 1992 I DROVE PAST THE LAND LOCATED IN THE NE 1/4 & SW 1/4 OF SECTION 35 T125N, R51W AND SE 1/4 OF SECTION 35 T125N, R51W & NE 1/4 OF SECTION 3 T124N, R51W. AT THAT TIME I SAW NO INDICATION THAT IRRIGATION HAD OCCURRED IN 1992. I THEN ATTEMPTED TO CONTACT MR. TETZLAFF, HE WAS NOT AVAILABLE.

ON NOVEMBER 3, 1992 MR. TETZLAFF CALLED ME. I TOLD HIM THAT I HAD COOKED AT THE LAND AND SAW NO INDICATION OF IRRIGATION. HE SAID THE LAND HAD NOT BEEN IRRIGATED THIS YEAR. I TOLD HIM THAT FEDERAL AGENCIES WERE NO EXEMPT FROM CANCELLATION DUE TO FORFEITURE.

CONTINUED

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: M. P. Keith

## Conversation or File Documentation

4318-3

NAME OF PERSON OR FILE: LAVANNE TETZLAFF (FMHA, Sisseton)  
ADDRESS: 205 E OAK SISSETON, SD COUNTY ROBERTS COUNTY  
DATE: 11/14/92 TELEPHONE 698-7638

RE: Cancellation due to FORFEITURE FOR PERMIT No. 2794-3 & 4318-3

## COMMENTS:

MR TETZLAFF SAID THAT WISHED WE WOULD NOT PUSUE CANCELLING  
THE PERMITS BECAUSE THE FMHA HAD JUST RECEIVED PERMISSION  
TO PUT THE PROPERTY UP FOR SALE. THE FMHA WANTED THE PROPERTY  
TO BE IN THE SAME CONDITION AT TIME OF SALE AS THEY WERE  
WHEN THEY GOT THEM.

I TOLD HIM THE STATUTES SPECIFIED THE ~~THIRTY~~ ONE IN THREE  
YEAR USE REQUIREMENT. I TOLD HIM IF THESE PERMITS  
WERE CANCELLED, THIS WOULD NOT LIMIT A FUTURE LAND OWNER  
FROM APPLYING FOR A NEW WATER PERMIT.

MR TETZLAFF TOLD ME TO DO WHAT WE HAD TO DO.

I CHECKED THE IRRIGATION QUESTIONNAIRES AND FOUND THAT IRRIGATION  
BY AUTHORIZED BY PERMIT No. 2794-3 HAS NOT BEEN REPORTED SINCE 1987  
IRRIGATION AUTHORIZED BY PERMIT No 4318-3 HAS NOT BEEN REPORTED  
SINCE 1988. THESE PERMITS SHOULD BE CANCELLED DUE  
FORFEITURE BECAUSE OF FAILURE TO IRRIGATE <sup>DURING</sup> FOR ~~3~~ <sup>ANY</sup> AT ANY  
YEAR FOR MORE THAN 3 CONSECUTIVE YEARS

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: Michael R. Hill

Water Rights Division -DENR  
Conversation or File Documentation

NAME OF PERSON OR FILE: LaVerne Tetzlaff, Farmers Home  
Administration

ADDRESS: PO Box 188, Sisseton, SD 57262 COUNTY: Roberts

DATE: March 25, 1993 TELEPHONE: 698-7638

RE: Existence of Dams authorized by Permit Nos. 2794-3/4318-3

COMMENTS:

Mark Rath had previously looked at lands described in these permits and found no evidence of irrigation. The annual irrigation questionnaires indicate no irrigation has taken place under Permit No. 2794-3 since 1987 and no irrigation under Permit No. 4318-3 since 1988.

Upon reviewing the files prior to scheduling the permits for cancellation consideration, I noted that both permits had authorized storage dams. I called FmHA and spoke with Mr. Tetzlaff about the existence of the dams. He stated that he knew there was one dam and was pretty sure that two dams existed on the land. He stated the irrigation systems were removed from the land in the late summer or early fall of 1992. FmHA still has ownership of the land.

I told Mr. Tetzlaff that we would not proceed with cancellation of the permits at this time. If the dams did exist, the permits could possibly be licensed for use of water from the dams for domestic purposes only. Since the land had not been irrigated since 1987/1988, use of water for irrigation would have already been lost.

I informed Mr. Tetzlaff that cancellation or licensing would be held up until an inspection could be made of the storage dams. He indicated this was fine.



Genny McMath  
Natural Resources Analyst  
DENR, Water Rights Division

**Permit No. 4318-3**  
**Whetstone 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 FmHA of Sisseton SD holder of Permit No. 4318-3, bearing the priority of August 29, 1978 authorizing the diversion of 1.18 cu. ft. per second and/or the storage of 80 acre-feet of the waters of ground and surface water for irrigation and domestic use purposes, in Roberts County.

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

A. Works used to divert the water:

One 20 foot high dam

The system is in the following condition poor. The point of diversion is located W1/2 of NE1/4 of Section 3 T124N-R51W. The works are capable of storing 80 acre-feet of water which is to be used for domestic use. The license should be issued for 80 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 7/15/1993

The irrigation system has been removed from the land and irrigation is no longer performed. There is one storage dam remaining, used for livestock watering.



Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Division

# **REPORT ON INSPECTION OF PERMIT NO. 4318-3**

**DATE: 7/15/1993**

**DIVERSION POINT LEGAL LOCATION: W1/2 NE1/4 Section 3 T124N-R51W**

## **DAM INFORMATION:**

- 1) Height to crest 20 feet
- 2) Height to primary spillway 16 feet
- 3) Height to secondary spillway    ft
- 4) Crest width 15 feet
- 5) Crest length 900 feet
- 6) Spillway length 100 feet
- 7) Spillway width 50 feet
- 8) Approx. storage 80 ac-ft
- 11) Outlet tubes:
  - a) diameter 5 inches
  - b) type steel
  - c) valved N
  - e) location on structure  
center

12) Category of Dam III

13) Inspection Sheet Completed N

## **PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 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





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 9, 1993

2794-3

4318-3

LaVerne Tetzlaff  
Farmers Home Administration  
P.O. Box 188  
Sisseton, SD 57262

Dear Mr. Tetzlaff:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2794-3 and 4318-3, has been completed. Your final water right document, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Division  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 6, 1994

**SECOND NOTICE**

Permit Nos: 2794-3  
4318-3

**NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT**

LaVerne Tetzlaff  
Farmers Home Administration  
P.O. Box 188  
Sisseton, SD 57262

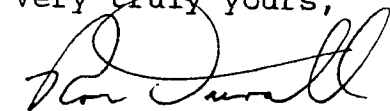
Dear Mr. Tetzlaff:

On August 9, 1993, you were notified the final inspection fee of \$100.00 is due before Water License Nos. 2794-3 and 4318-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

  
for 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

May 12, 1994

**THIRD NOTICE**

Permit No. 2794-3  
4318-3

**NOTICE OF ORDER TO STOP DIVERTING WATER  
UNDER PERMIT NOS. 2794-3 and 4318-3 FOR  
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

LaVerne Tetzlaff  
Farmers Home Administration  
P.O. Box 188  
Sisseton, SD 57262

Dear Mr. Tetzlaff:

On August 9, 1993, and January 6, 1994, you were notified the final inspection fee of \$100.00 is due before Water License Nos. 2794-3 and 4318-3 can be issued. To date, the fee has 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 Nos. 2794-3 and 4318-3 until the \$100.00 fee is paid. Please remit the License fee 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

4318-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

November 14, 2016

2794-3  
4318-3

Robert Horton  
45922 126<sup>th</sup> St  
Sisseton SD 57262

Dear Mr. Horton:

I am writing in follow-up to your phone conversation with Mark Rath concerning transferring ownership of the two old water permits listed in the name of Farmers Home Administration.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100). 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  
Water Rights Program  
(605) 773-3352  
email: genny.mcmath@state.sd.us

enclosures

Form 12

**Permit No. 4318-3**  
**Whetstone 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 FmHA of Sisseton SD holder of Permit No. 4318-3, bearing the priority of August 29, 1978 authorizing the diversion of 1.18 cu. ft. per second and/or the storage of 80 acre-feet of the waters of ground and surface water for irrigation and domestic use purposes, in Roberts County.

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

## A. Works used to divert the water:

One 20 foot high dam

The system is in the following condition poor. The point of diversion is located W1/2 of NE1/4 of Section 3 T124N-R51W. The works are capable of storing 80 acre-feet of water which is to be used for domestic use. The license should be issued for 80 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ NoExceptions to compliance are: none Date: 7/15/1993

The irrigation system has been removed from the land and irrigation is no longer performed. There is one storage dam remaining, used for livestock watering.



Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Division

**Permit No. 7107-3 & 4318-3**

Whetstone River – Water District

Contact Person & Address: **Robert & Shirley Horton, 45922 126<sup>th</sup> St, Sisseton SD 57262**

**Report of Examination of Works:**

On **August 26, 2016**, I made a thorough examination of the water use system constructed by **Robert & Shirley Horton**, holders of Permit Nos. **4318-3**, bearing a **priority date of August 29, 1978**, authorizing diversion of **1.18 cfs** & the **storage of 80 ac-ft (from runoff and springs)** and **7107-3**, bearing a **priority date of March 6, 2009**, authorizing the diversion of **1.33 cfs** from the existing 80 ac-ft storage dam for **irrigation** purposes in **Roberts** County.

The irrigation portions were never developed but the storage dam is in place. The dam is in **good** condition. The spillway is located **from the NE corner of Sec 3 T124N-R51W (res): 1210 feet S & 2330 feet W (Lat 45.55489/Long -97.02958)** as determined using **GPS**. The works are capable of storing **80 ac-ft** of water which is used for **domestic use (livestock watering)**. Water has been put to beneficial use to the maximum extent and the license should be issued for **80 ac-ft storage**.

**Review of Permit Qualification and Regulations:**

- 1) Special qualification to permit are being abided by: **Yes**
- 2) All constructed wells and lands are on map: **Yes**
- 3) Exceptions to compliance: **None**

**Report on the Specifics of the System:**

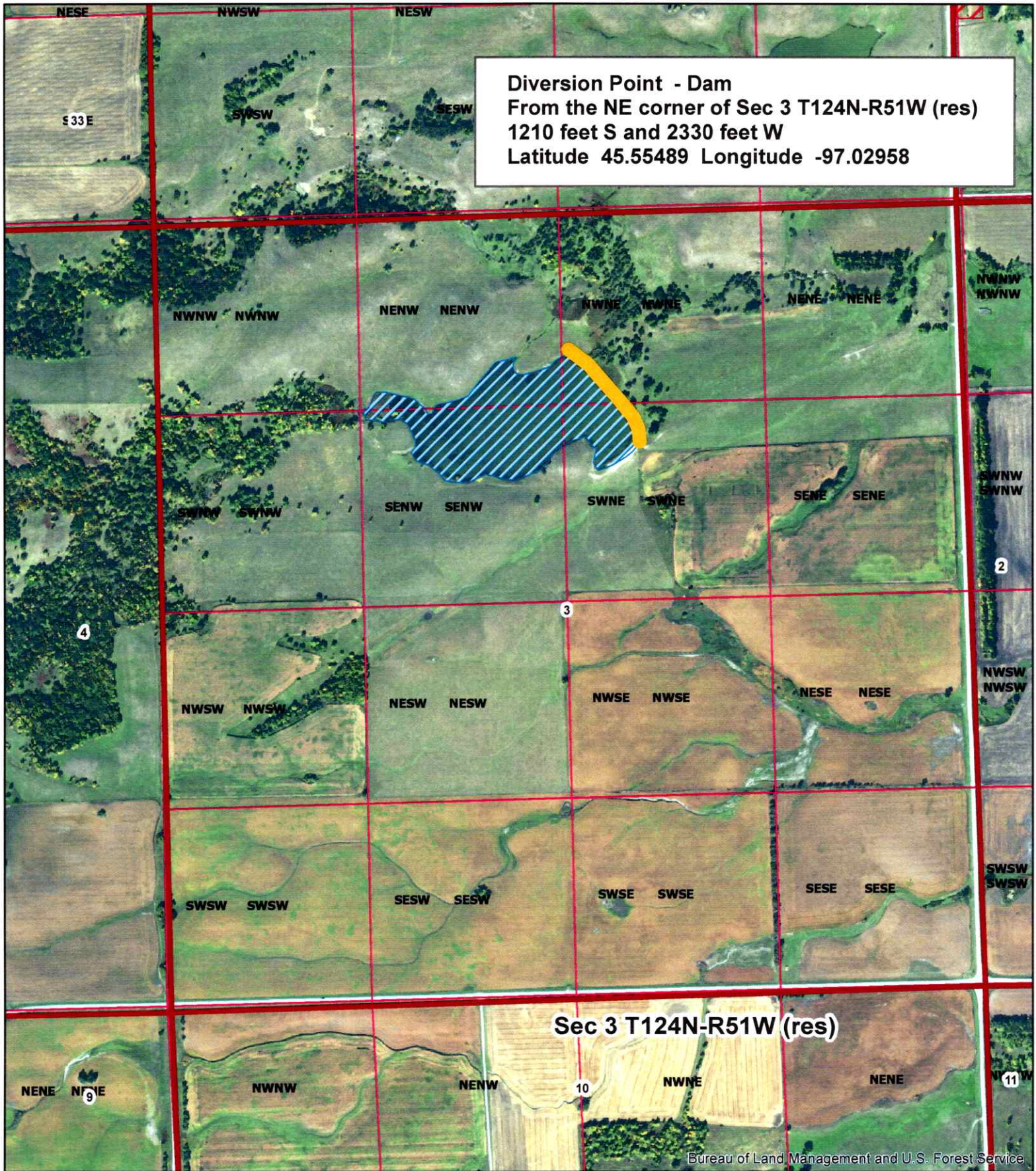
**Dam Formation**

- 1) Height to Crest: **20 ft**
- 2) Height to primary spillway: **16 ft**
- 3) Height to secondary spillway: **N/A**
- 4) Crest width: **15 ft**
- 5) Crest length: **900 ft**
- 6) Spillway length: **100 ft**
- 7) Spillway width: **50 ft**
- 8) Approx. storage: **80 ac-ft**
- 9) Outlet tubes: diameter **5 inches**, type **steel**, valved **no**, location on structure **center**
- 10) Category of dam: **3**
- 11) Inspection sheet completed: **no**

Comments: **None**



**December 13, 2016**



0 385 770 1,540 2,310 3,080 Feet

*Mark D Rath*  
 Mark D Rath  
 Natural Resources Engineer  
 SD DENR - Water Rights  
 11-25-2016

**File No. 4318-3**  
**7107-3**

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

**NAME & ADDRESS:** Robert & Shirley Horton; 45922 126TH ST, SISSETON SD 57262

**TELEPHONE:** 605 698-7792

**RE:** IRRIGATION/STOCK WATERING

**COMMENTS:**

Inspection report for 4318-3 (dated 7/15/1993) says "The irrigation system has been removed from the land and irrigation is no longer performed. There is one storage dam remaining, used for livestock watering."

Permit No. 7107-3 was obtained for irrigation from dam (auth under 4318-3) and 1 new irrigation well. The applicant was told that the well would not be allowed to supplement water levels in the dam and could only be applied directly to the irrigated lands. Irrigation and irrigation well were never developed.

The licensing fee was never paid for WP 4318-3 but was paid for WP 7107-3.

Pursuant to SDCL 46-5-31.1, WP 4318-3 will be incorporated into WR 7107-3 and issued to the applicant for livestock watering from the 80 ac-ft storage dam.



Amanda Dewell  
Water Rights Program

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 7107-3**

(1) Robert & Shirley Horton, 45922 126<sup>th</sup> St, Sisseton SD 57262, made Application No. 7107-3, March 6, 2009, for a water permit to divert 1.33 cubic feet of water per second from runoff and springs into an existing 80 ac-ft storage dam, Roberts County, South Dakota for irrigation purposes. Permit No. 7107-3, with a priority date of March 6, 2009, was approved June 15, 2009, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 15, 2014, and for the application to beneficial use of water on or before June 15, 2018.

Water Permit No. 4318-3 authorized irrigation of 83 acres from an 80 ac-ft storage dam, located in the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  & E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 3 & one irrigation well located in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 3; all in T124N-R51W (*within the former boundaries of the Sisseton-Wahpeton Indian Reservation*). The applicable portions of Permit No. 4318-3 have been incorporating into this license.

The irrigation systems authorized under Permit Nos. 4318-3 & 7107-3 were never developed. Pursuant to SDCL 46-5-31.1, this license is issued for domestic use/livestock watering from the 80 ac-ft storage dam.

(2) The water supply system has been completed and water put to beneficial use in accordance with South Dakota State Law. The location of the storage dam & spillway is: (*within the former boundaries of the Sisseton-Wahpeton Indian Reservation*)

- 1,200 ft S & 2,330 ft W of the NE corner Section 3 (Latitude 45.55489 & Longitude -97.02958) with water impounded in the W  $\frac{1}{2}$  NE  $\frac{1}{4}$  & E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 3; all in T124N-R51W

3) Pursuant to South Dakota Water Law 46-5-30.1 Robert & Shirley Horton, the holders and/or owners of Water Right No. 7107-3 are issued a license bearing a priority date of August 29, 1978, to impound 80 ac-ft of water from runoff & springs, at the location specified in (2) of this license for domestic/livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7107-3 and subject to the following qualifications:

1. Low Flows as needed for downstream domestic use, including livestock watering, must be bypassed.
2. This Permit is approved subject to the irrigation was use questionnaire being submitted each year. (*The irrigation component is not included in this license. Irrigation Questionnaires will no longer be required.*)
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the methos of irrigation, time constraints, or type of soils so requires, Permit No. 7107-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. (*The irrigation component is not included in this license. Diversion from the storage dam for irrigation is not authorized.*)



Eric Gronlund, Chief Engineer  
Water Rights Program  
Department of Agriculture and Natural Resources

APR 02 2024

date





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

APR 02 2024

4318-3  
7107-3

Robert & Shirley Horton  
45922 126<sup>th</sup> St  
Sisseton SD 57262

Dear Mr. & Ms. Horton:

Enclosed is Water License No. 7107-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

So 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.

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program  
(605) 773-3352

**NOTES:** The irrigation systems authorized under Water Permit Nos. 4318-3 & 7107-3 were never developed. Per SDCL 46-5-31.1, Water Right No. 7107-3 is issued to you for domestic/livestock watering purposes.

The applicable portions of Permit No. 4318-3 have been incorporated into Water Right No. 7107-3.

*enclosures*

4318-3

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/8, 20 16

RECEIVED OF Robert Horton 45922 126th St Sisseton SD 57262

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>4318-3</u>                                                                     | 50    | 00    |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. 07974

By

*James Goodman*  
Chief Engineer

RECEIVED

DEC - 8 2016

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4318-3

Date: 11/30/16

I/We request that Water Permit No. 4318-3

formerly owned by: Farmers Home Administration

be transferred to: (name & address) Robert Shirley Horton  
45922 126th St  
Sisseton SD 57262 Telephone No. \_\_\_\_\_

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

Storage dam located in the W 1/2 NE 1/4 Section 3, T124N, R51W

I/We understand that the validity of Water Permit No. 4318-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Robert Shirley Horton, the new owner, certify that the above information is true and correct.

Robert Horton Shirley Horton  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.