

WATER PERMIT NO. 4586A-3

Name of Applicant: William F St. Clair

Address: 37644 184th St, Tulare SD 57476 Phone: 605 596-4262

Amount of Water Claimed: no additional (1.70 cfs) Total Acres: 264

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: 4 miles northwest of Doland

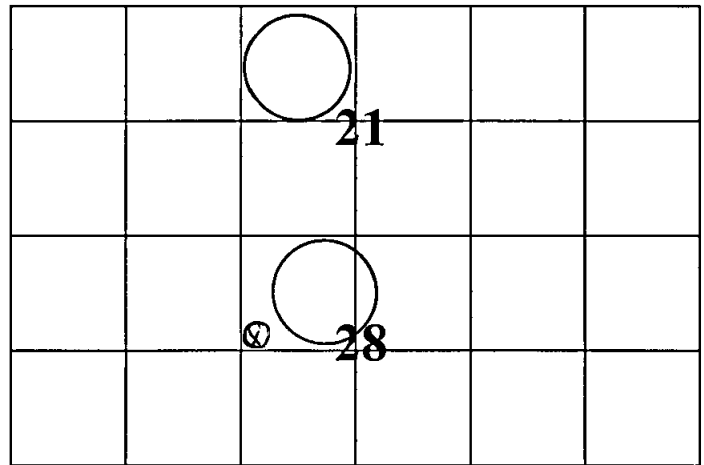
PRIORITY Date Received: 8-17-05 Application/License Fee: \$100

Corrected Application Received: 8/24/05 Period of Annual Use: April 1 – September 30

Remarks: change of acreage authorized by Water Right No. 4586-3

Diversion Point: SW ¼ NW ¼ Sec 28-T117N-
R61W

Land to be Irrigated: NW ¼ Sec 21 and NW ¼, W
½ NE ¼ Sec 28; all in T117N-R61W



Depth of Well: 90

Well Driller: : Huron Drilling

Remarks:

Type of Map: Jay Hermann, NRCS

Prepared by: plat

Reviewed and the Number Assigned on: 8-17-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>4586A-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press, Redfield</u>

RECEIVED
AUG 17 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ✓ Amendment/Correction to Permit No. 4586-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Refer To attached Letter

- Name of Applicant William F. St. Clair (check one) Owner Tenant/lessee Phone 605-596-4262
Mailing Address 37644 184th St. Tukre State SD Zip Code 57476
(Street, RR, or Box and City)
- Amount of water claimed 96 *CFS or **GPM ***AF Total Acreage 264
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW corner of NW 1/4 of section 28-117-61
County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used "Normal" Irrigation Season Apr 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 Sec 28-117-61</u>	<u>132</u>		
<u>NE 1/4 Sec 28-117-61</u>	<u>160</u>		
<u>SW 1/4 Sec 21-117-61</u>	<u>132</u>		
<u>NW 1/4 Sec 21-117-61</u>	<u>132</u>		

- Give a description of the project. (Attach sheet if more space is needed) Refer To attached Letter

STATE OF SOUTH DAKOTA) SS
County of Spink

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, William F. St. Clair, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature William F. St. Clair

Subscribed and sworn to before me this 16th day of August 20 05

Rita M. Jenner
Notary Public signature

My Commission Expires November 29, 2009

SOUTH DAKOTA
WATER PERMIT NO. 4586A-3 FOR IRRIGATION

Date of first receipt of application August 17, 2005.

The Water Management Board approved Water Permit No. 4586A-3 on December 7, 2005 for William F St. Clair, 37644 184th St, Tulare SD 57476 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4586A-3 amends Water Right No. 4586-3 by transferring the irrigated acres and diversion authority to other land. Water Right No. 4586-3 appropriates 1.70 cubic feet of water per second from one well completed into the Tulare:East James Aquifer (90 feet deep) located in the SW ¼ NW ¼ Section 28 to irrigate 264 acres located in the NW ¼, W ½ NE ¼ Section 28 and SW 1/4 Section 21; all in T117N-R61W. The well authorized by Water Right No. 4586-3 may not be in use when the well authorized by Water Permit No. 6382-3 is in operation. This permit authorizes moving the pivot located in the SW ¼ Section 21 to the NW ¼ Section 21-T117N-R61W and moving the pivot located in the portions of the NW ¼, W ½ NE ¼ Section 28-T117N-R61W, approximately 560 feet to the east. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The dates from which applicant may claim right are: August 18, 1976 (140 acres - N ½ Section 28); December 17, 1980 (28 acres – N ½ Section 28) and March 4, 1977 (132 acres - NW ¼ Section 21).
4. One-fifth of the construction is to be completed on or before June 7, 2008.
5. All construction is to be completed on or before December 7, 2010.
6. Water is to be put to beneficial use on or before December 7, 2014.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2008
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 17, 20 05

RECEIVED OF William St Clair, 37644 184th St, Tulare SD 5747607007

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

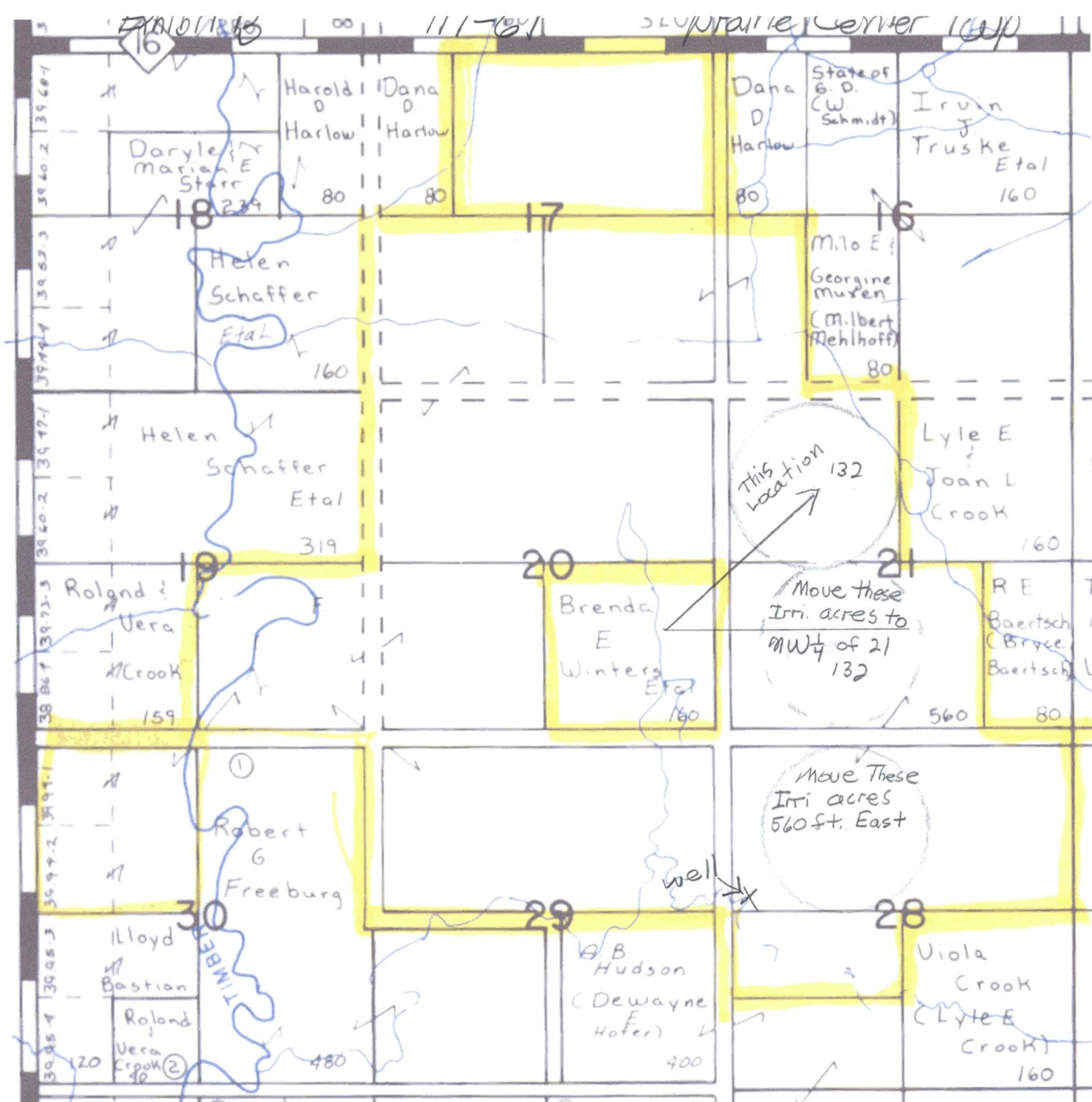
Fee for Application for Permit No. <u>4586A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4586A-3</u>	50	00
Fee for Filing Transfer Form _____		
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	100.00

No.

001931

By

Darland Erbe
Chief Engineer *gm*

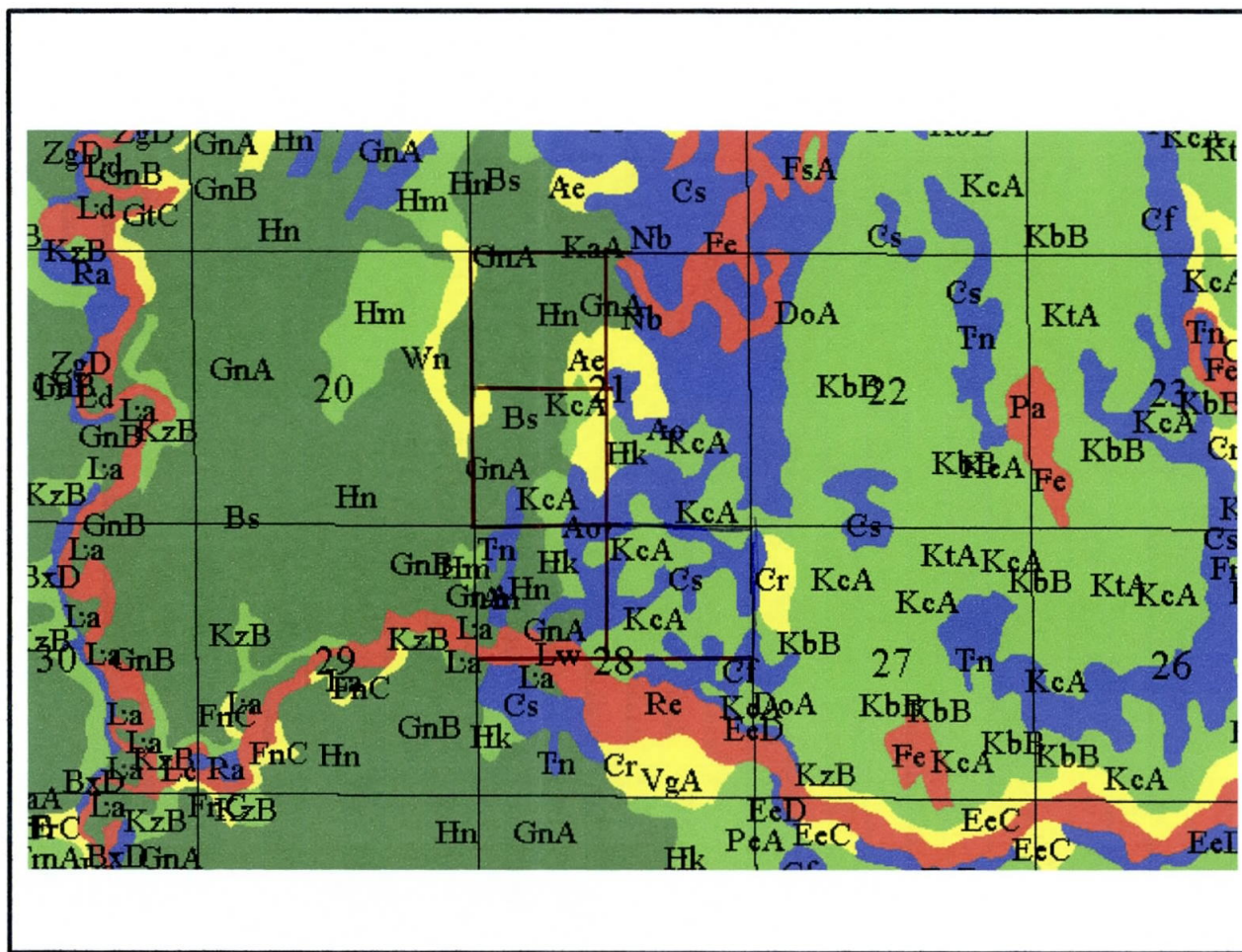


Approved by NRCS

Jay Hermann Soil Conservationist

Jay Hermann Soil Conservationist.

townships
Sections (SECTION)
Towns
Soil Symbols (MUSYM)
Productivity (RATING)
1) Very Good
2) Good
3) Fair
4) Poor
5) Very Poor



8/12/2005

Eric Gronland
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Hi Eric,

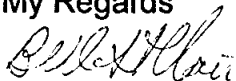
Enclosed are a check for \$100.00. Three exhibits:--- "A", the Spink County Soil Survey.--- "B" an additional perspective.---- And "C" a copy of the easement with the Dept. of the Interior, all in order to better describe our proposal to amend water right 4586-3:

We propose to move the existing 132 irrigated acres on the N 1/2 of Sec. 28-117-61, and the center pivot system 560 feet east to avoid some of the problem spots that have been encountered due to the easements possessed by the Sand Lake National Wildlife Refuge: (refer to Exhibit "A" and "C" page 3). In addition more adaptable soils are encountered a little further east.

We also propose to move the existing 132 irrigated acres on the SW 1/4 of Sec 21-117-61, and the center pivot system approx. 1/2 mile north to the NW 1/4 of Sec. 21-117-61, due in part to one particularly annoying easement possessed by the Sand Lake National Wildlife Refuge, and, better soils are encountered on the NW. 1/4. (refer to Exhibit "A" and "C" page 4)

No tillage of the "easement areas" is permitted. They are shown by yellow marked areas on Exhibit "C" page 3 & 4. These areas have been seeded to adapted grasses, and are a nuisance, but we must tolerate them and work with The Dept of the Interior as per our agreement. In their defense, they are not difficult to work with, and have been reasonable in our use of the very small spots of muck soils. I am sure that they could "stiffen up" their position at any time however. Weed control is a problem, as they will only let us use a 2-4D mix on their easements. Nothing that will "carry over" to another year is allowed. We need more herbicide options with irrigation, and these moves will help us in that endeavor.

My Regards



Bill St. Clair
37644 184th St.
Tulare, SD. 57476



EXHIBIT C

United States Department of the Interior
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

Sand Lake National Wildlife Refuge
RR 1, Box 25
Columbia, South Dakota 57433

February 20, 1991

Mr. Bill St. Clair
Route 1, Box 85
Tulare, South Dakota 57476

Dear Mr. St. Clair:

Enclosed you will find the easement permit which will give you authorization to farm the easement areas in 1991. In conjunction with the farming of the easement areas, we expect the seeding of grass on these same areas.

We are presently working with a survey crew to have the easement areas monumented before spring work begins. When completed we will be in contact with your tenant, James Freeburg, to review these areas.

Our present policy on the seeding of grass on the easement areas is that the landowner is responsible for costs required to establish and maintain the grass. You may want to discuss with your tenant the type of grass you would like to plant as well as the small grain cover crop he would be interested in seeding. The seeding rates will be along the lines of those required by the Soil Conservation Services (SCS) for rangeland/hayland seedings. Please feel free to contact us or SCS on what grasses would be best suited for your area.

There are 32.5 acres of easement area. The actual area that you will seed may vary due to the amount of water in the wetlands at the time of seeding.

Please sign the easement permit, keep the original and one pink copy and return the others in the envelope provided.

Sincerely,

Mark J. Gruebele
Biological Technician

Enclosure

P1

EASEMENT PERMIT

It will have use of easement area for agricultural purposes in conjunction with seeding of permanent grass cover.

[illegible]

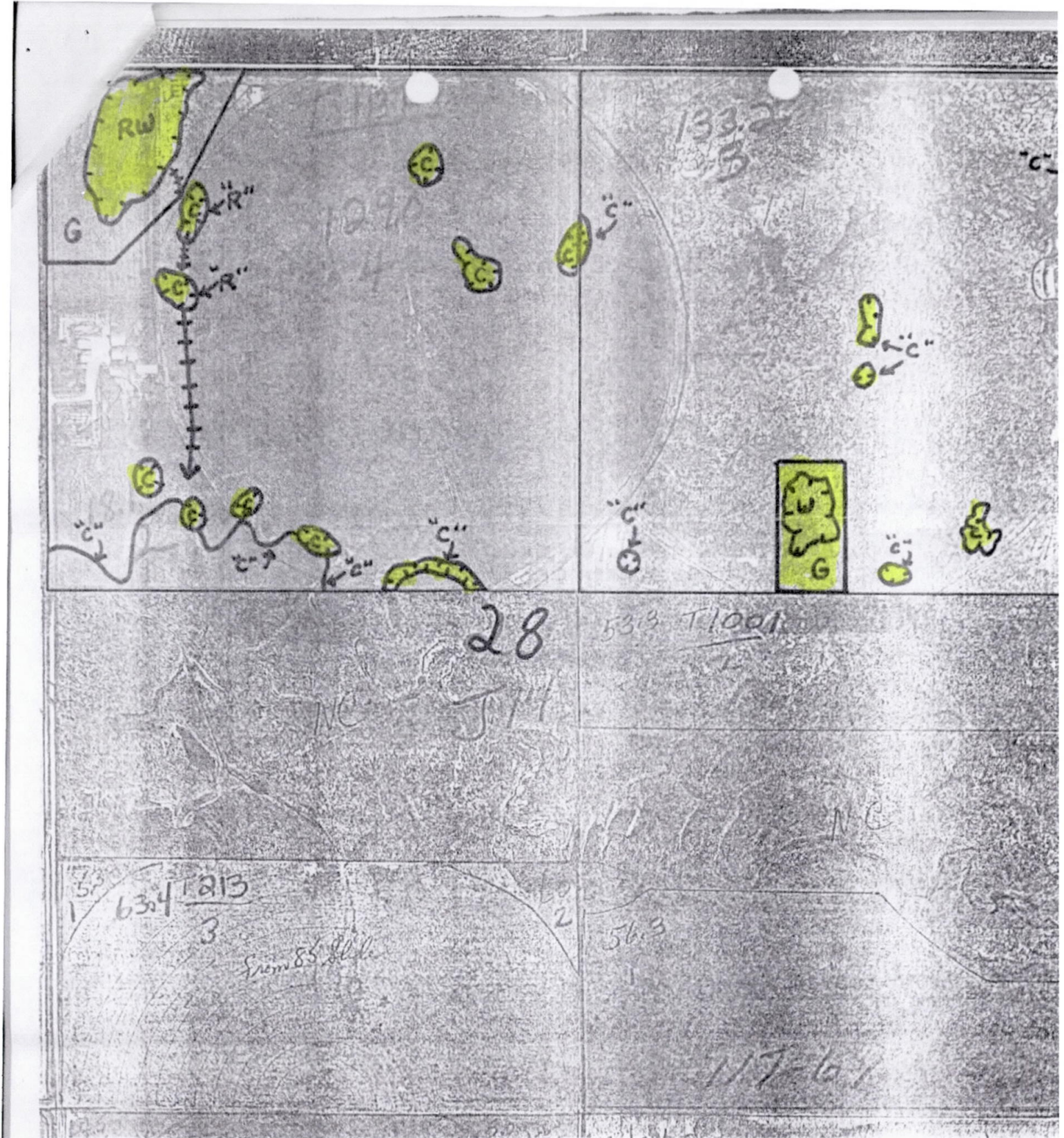
This is a short term permit issued to establish the permanent grass buffers as required by the easement.

Special conditions will be outlined in the cooperative farming agreement.

Bill St. Clair

Physical Appearance

P2



A3

NOT TO SCALE

117-61

76.4 T3277

2

379-22K

150.0 K-14

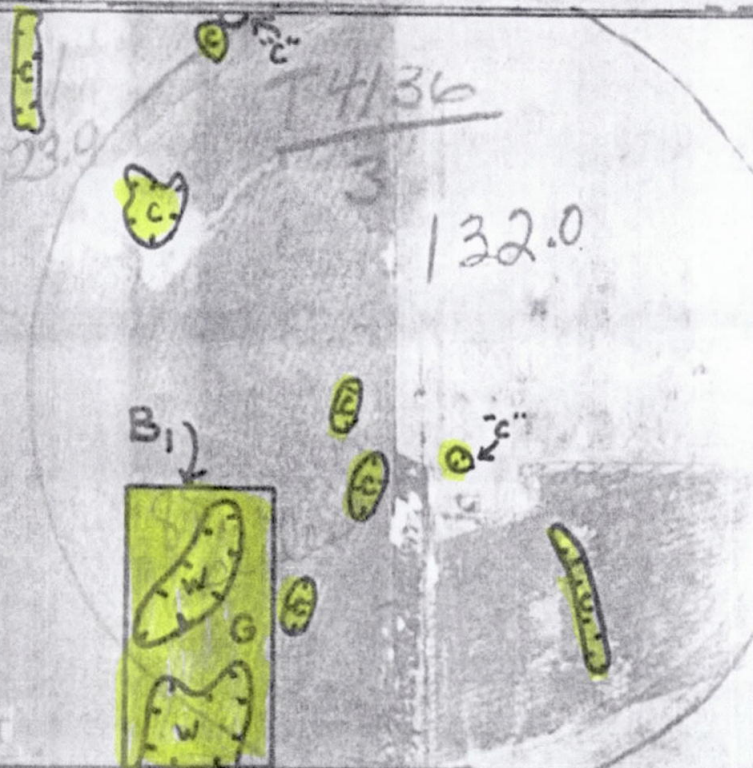
T1000



74.0

1

24



2
23.0

T1010
1

117-61

P4

233.1
234.7
243



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 2005

RECEIVED
AUG 24 2005
WATER RIGHTS
PROGRAM

William F St. Clair
37644 184th St
Tulare SD 57476

Dear Mr. St. Clair:

Thank you for submitting the *Application for a Permit to Appropriate Water for Irrigation* requesting to change the location of acres authorized for irrigation by Water Right No. 4586A-3. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Upon receipt of the signed map, we will continue to process your application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

REPORT ON WATER PERMIT 4586A-3
For William F St.Clair
September 16, 2005

Application No. 4586A-3 proposes to amend water permit No. 4586-3 by transferring the irrigated acres and diversion authority to other lands. Water Right No. 4586-3 appropriates 1.70 cfs from one well approximately 90 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 28 to irrigate 264 acres located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 28 and the SW $\frac{1}{4}$ of section 21; all in T117N R61W. This application proposes to move the pivot located in the SW $\frac{1}{4}$ of section 21 to the NW $\frac{1}{4}$ of section 21, T117N R61W and to move the pivot located in the NW $\frac{1}{4}$, and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 28, T117N R61W approximately 560 feet to the east. No increase in the diversion rate or the amount of acres irrigated is authorized by this application.

AQUIFER – TULARE EAST JAMES (T-EJ)

The water source for this application is the Tulare East James aquifer. This aquifer has been determined to be fully appropriated based upon use by the Water Management Board. This application is simply a rearrangement of the existing permitted irrigation and will result in no additional irrigated acreage and no additional water diversion.

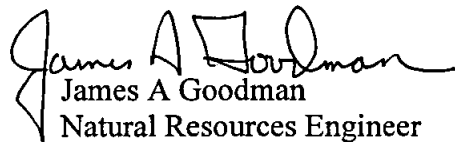
The Water Rights Program monitors three observation wells within a one mile radius of this application. These are observation well SP-66B (located about one mile north), observation well SP-66C (located about one mile west) and SP-77R (located about one mile southwest) all from this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates interference is not a concern. The record clearly indicates that drawdown created by pumping is not significant. Hydrographs for these three observation wells are included with this report (Water Rights, 2005).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 6382-3. Water Permit No. 6382-3 uses the same water authorization as Water Right No. 4586-3. Both the acreage and diversion rate originate with Water Right No. 4586-3. The only difference is that Water Permit No. 6382-3 authorizes a new well (located about one-quarter mile to the west) and that well can only be used when the well for Water Right No. 4586-3 is not in use. Water Permit No. 6382-3 is special in the fact that it is qualified with a five year time limit. So interference is not possible or a concern because of the way the permit is written. Also, there are three additional existing water rights within a one mile radius of this application. Interference with these rights is not a concern. Nothing meaningful will change over existing conditions. The well remains at the same location and the diversion rate remains the same. This proposed change should not adversely impact those existing water right holders.

CONCLUSIONS

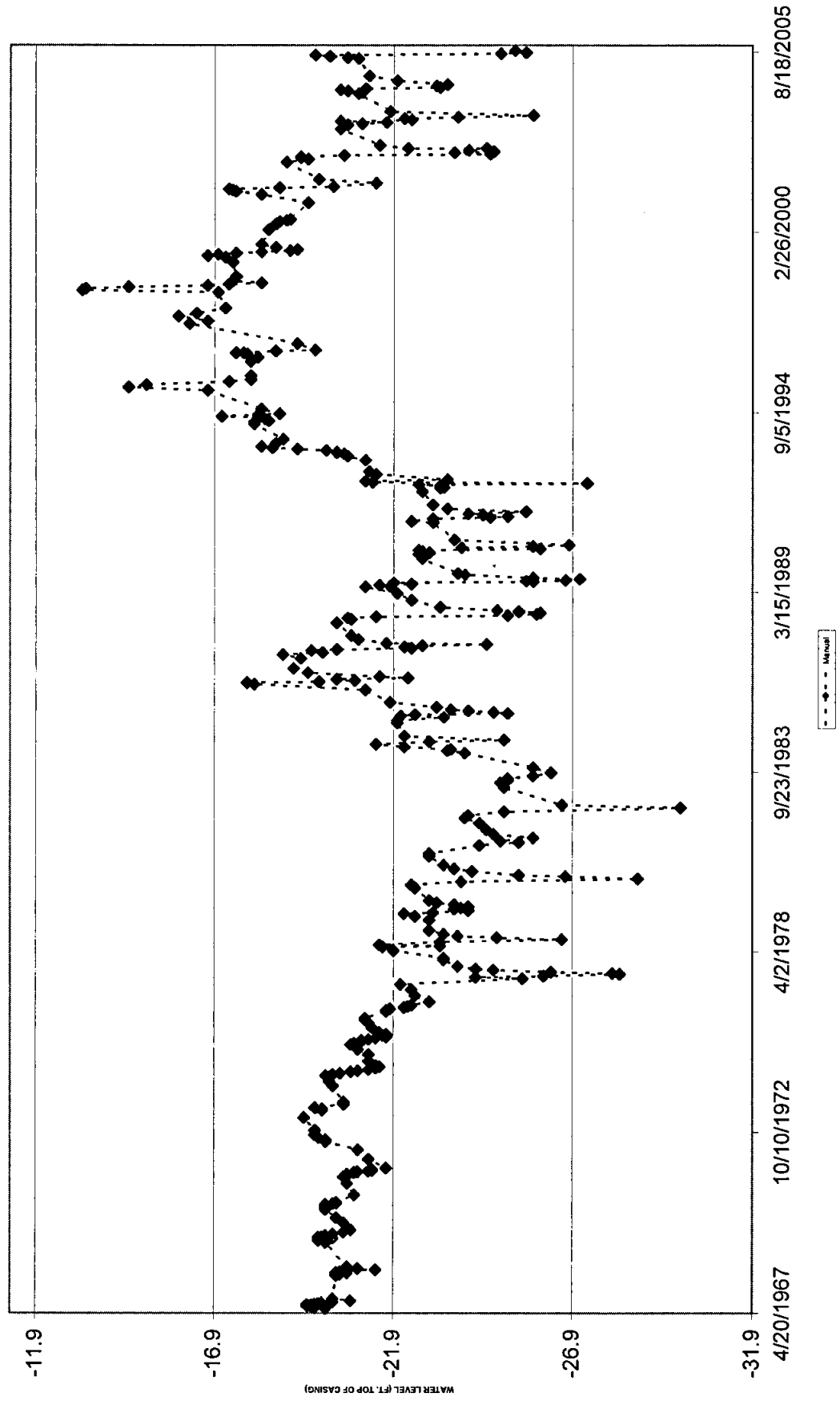
1. The water for this proposed change has been appropriated and apparently used for many years and authorized by Water Right No. 4586-3.
2. The water source is the Tulare East James aquifer.
3. No additional water either for additional lands or for additional diversion rate is requested by this application.
4. Approval of this application will not change the qualifications on Water Permit No. 6382-3. Those qualifications do not allow the well for this permit application and for Water Permit 6382-3 to be pumped at the same time.
5. The original priority date for Water Right No. 4586-3 is retained with this application.


James A Goodman
Natural Resources Engineer

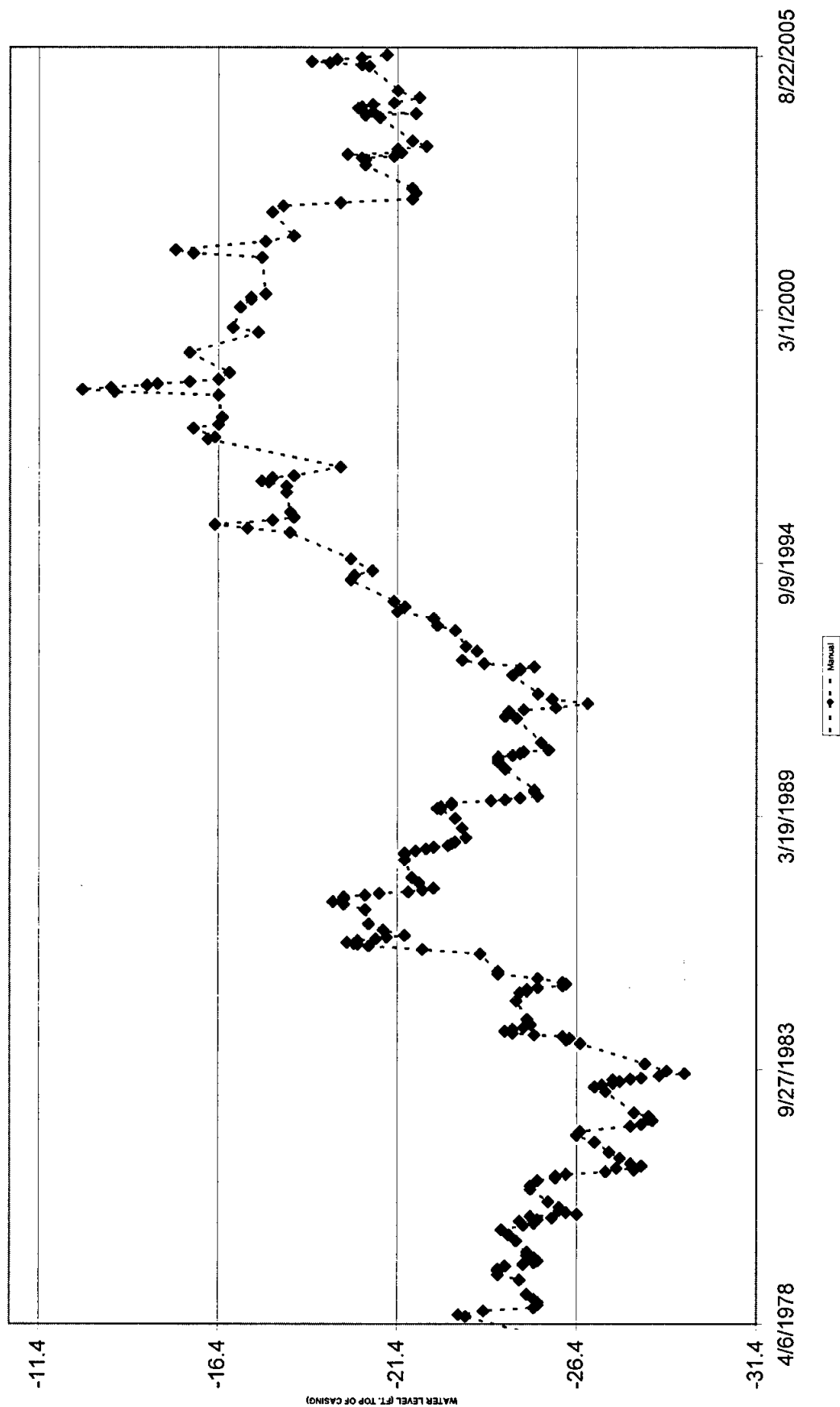
BIBLIOGRAPHY

Water Rights, 2005, Unpublished Observation Well Records for Spink County, SD
DENR, DES, Water Rights Program, Pierre, SD, 57501.

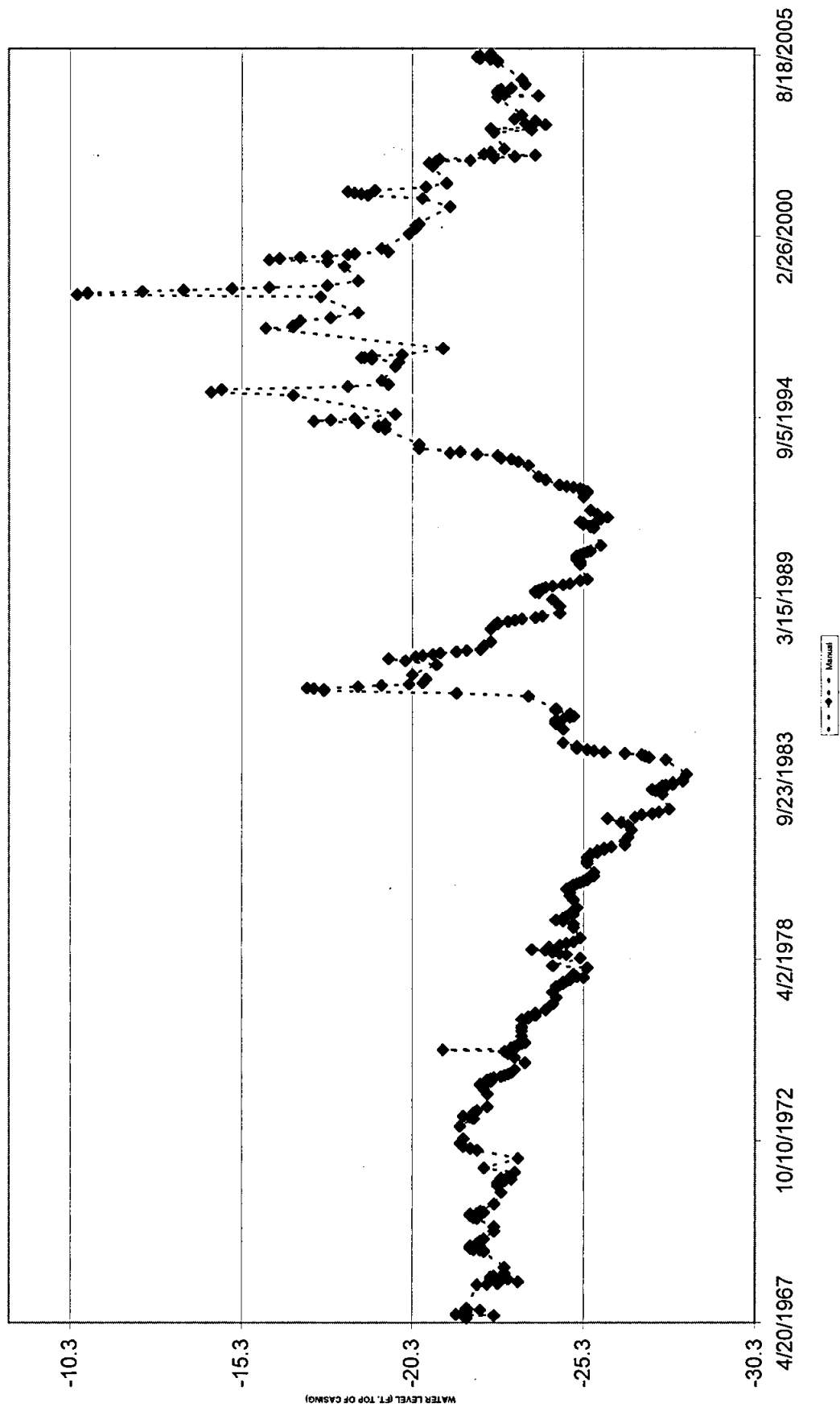
WATER RIGHTS' OBSERVATION WELL
SP-66C



WATER RIGHTS' OBSERVATION WELL
SP-77R



WATER RIGHTS' OBSERVATION WELL
SP-66B





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4586A-3, William St. Clair**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4586A-3, William St. Clair, 37644 184th Street, Tulare SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 4586A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The well authorized by reissued Water Right No. 4586-3 may not be in use when the well authorized by Water Permit No. 6382-3 is in operation.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 29, 2005

Instruction to Newspaper - Publish first Notice on October 12, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4586A-3

Notice is given that William St. Clair, 37644 184th St, Tulare SD 57476 has filed an application to amend Water Right No. 4586-3. Application No. 4586A-3 proposes to amend Water Right No. 4586-3 by transferring the irrigated acres and diversion authority to other land. Water Right No. 4586-3 appropriates 1.70 cubic feet of water per second from one well completed into the Tulare:East James Aquifer (90 feet deep) located in the SW ¼ NW ¼ Section 28 to irrigate 264 acres located in the NW ¼, W ½ NE ¼ Section 28 and SW 1/4 Section 21; all in T117N-R61W. The well authorized by Water Right No. 4586-3 may not be in use when the well authorized by Water Permit No. 6382-3 is in operation. This application proposes to move the pivot located in the SW ¼ Section 21 to the NW ¼ Section 21-T117N-R61W and to move the pivot located in the portions of the NW ¼, W ½ NE ¼ Section 28-T117N-R61W, approximately 560 feet to the east. The applicant states the reason to transfer these irrigated acres is soils and easements on the present acres. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4586A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 2005. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10 A.M. December 7, 2005 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 7, 2005 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2005.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 25, 2005.

(continued)

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-34; 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Spink) SS

I, Janet Johnson

certify that the attached printed Notice was taken

from the Dept of Envir. & Nat. Resources

printed and published in Redfield

County of Spink and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Oct 12, 2005

Oct 19, 2005

Cost of Printing Oct 12 - 42.41

Oct 19, 33.92 Total 76.33

Janet Johnson
(Signature)

Office Manager
(Title)

October 19, 2005
(Date Signed)

RECEIVED
OCT 21 2005
WATER RIGHTS
PROGRAM

Notice of Hearing

#420

NOTICE OF HEARING ON APPLICATION NO. 4586A-3

Notice is given that William St. Clair, 37644 184th St, Tulare SD 57476 has filed an application to amend Water Right No. 4586-3. Application No. 4586A-3 proposes to amend Water Right No. 4586-3 by transferring the irrigated acres and diversion authority to other land. Water Right No. 4586-3 appropriates 1.70 cubic feet of water per second from one well completed into the Tulare: East James Aquifer (90 feet deep) located in the SW 1/4 NW 1/4 Section 28 to irrigate 264 acres located in the NW 1/4, W 1/2 NE 1/4 Section 28 and SW 1/4 Section 21; all in T117N-R61W. The well authorized by Water Right No. 4586-3 may not be

ESL

10/17

Legal Notices

in use when the well authorized by Water Permit No. 6382-3 is in operation. This application proposes to move the pivot located in the SW 1/4 Section 21 to the NW 1/4 Section 21-T117N-R61W and to move the pivot located in the portions of the NW 1/4, W 1/2 NE 1/4 Section 28-T117N-R61W, approximately 560 feet to the east. The applicant states the reason to transfer these irrigated acres is soils and easements on the present acres. The water source for this irrigation system is the Tulare: East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4586A-3 because 1) existing rights will not be unlawfully impaired. 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineers recommendation. The Chief Engineers address in "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 2005. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing

address of the petitioners or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10 A.M. December 7, 2005 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., Pierre SD. The Chief Engineers recommendation is not final or binding upon the Board. The Board is authorized 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 7, 2005 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2005.

Any hearing will be adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 25, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a

property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 25, 2005.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-34; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(October 12, 19)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 6, 2005

William F St Clair
37644 184th St
Tulare SD 57476

Dear Mr. St Clair:

Water Permit Application No. 4586A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 6, 2005

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4586A-3 to Appropriate Water to be published twice. Please publish the first notice on October 12, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is William F St. Clair, 37644 184th St, Tulare SD (Ph # 605-596-4262).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 4586A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 6, 2005 enclosing Notice to Appropriate Water by Application No. 4586A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 17 2006

4586A-3
6675-3
6676-3

William F St Clair
37644 184th St
Tulare SD 57476

Dear Mr. St Clair:

Enclosed are Water Permit Nos. 4586A-3, 6675-3 and 6676-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

RECEIVED

AUG - 3 2007

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date

8/1/07

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

(name)

William F. St. Clair37044 184th St (address)Tulare, SD 57476-7007605-596-4262

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 4586A-3 states that the water use system is to be constructed by

12/7/2010
(date), and water is to be put to beneficial use by 12/7/2014
(date)

The water use system was completed on 6/2006
(date)

Applying the water to beneficial use was completed on 6/2006
(date)

You may schedule an investigation so that the water license may be issued.

William F. St. Clair
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 2007

4586A-3
6675-3
6676-3

William F St Clair
37644 184th St
Tulare SD 57476-7007

Dear Mr. St Clair:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms you submitted for the following permits:

- No. 4586A-3: NW ¼ Section 21 and N ½ Section 28, T117N, R61W
- No. 6675-3: NE ¼ Section 29, T117N, R61W
- No. 6676-3: N ½ Section 20, T117N, R61W

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between completion of your projects and the staff inspection has no bearing on your water permits.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. 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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 17 2016

4586-3
4586A-3
4586C-3William St Clair
St Clair Ranch
37644 184th St
Tulare SD 57476-7007

Dear Mr. St Clair:

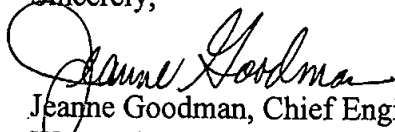
Enclosed is Water License No. 4586C-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 4586C-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

Upon licensing, the applicable portions of Water Right No. 4586-3 and Water Permit No. 4586A-3 were incorporated into Water License No. 4586C-3. The license was issued for a maximum of 1.70 cfs from the two wells. The combined diversion rate from the two wells must not exceed that amount. Based on the current configuration of the pivots, the two pivots and wells can not be operated at the same time and will need to run on an alternating basis.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures