

Handwritten: 0702001

Water Right No. 7610-3

- 1. Considered 1-28 1981
- 2. Name of Applicant Orris and Milton Swayze
- 3. Post Office Address Wilmont, 57279
- 4. Amount of Water Claimed 2.5
- 5. Source of Water Supply 133' well
- 6. Water to be used for IRR
- 7. Acres to be irrigated 178 maximum acre feet
- 8. Water to be diverted and used in Roberts County about 7S, 2E miles of PEEVER
- 9. PROOF OF PUBLICATION Received 1-28-81

Not Received _____
APPLICATION Approved 1/28/81
Subject to Flowing well Q WI-1a
Not Approved _____
Action deferred _____

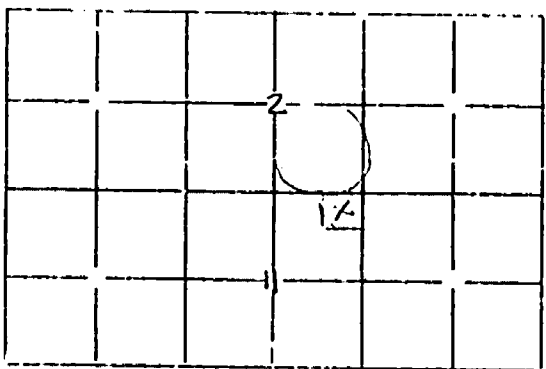
Priority Date Received 12/9/80 Application Complete yes ☒ no ☐ FEE 250.00

Remarks _____

WATER QUALITY Date information and/or fee or corrected Application received _____
Period of Annual use April through October
Received yes 1/8/81 no ☐ APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application yes no ☐ Remarks _____

Disapproved _____

Returned _____



Diversion Point _____
NE 1/4 NE 1/4 Section 11-T123N-R51W
Lands to be irrigated _____
NE 1/4 NE 1/4, Section 11 and
E 1/4, Section 2, both in T123N-R51W

WELL LOG

Remarks _____
Driller Lee Well Drilling Licensed yes ☒ no ☐
Depth 133' deep

MAP Map No. 3827-3 Map located in Water Right xx Map file _____
Type of Map Aerial Prepared by J Wiersma PE

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-28-81.

Betty Wiersma
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 46-10-3Map No. _____ Water Division No. 3 Whitston District

Above for Office Use 07010001

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Orris + Milton Swartz Phone No. 938-4141
 Post Office Address Willmet State South Dakota 57279
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract + Direct Labor3. Name of diversion work Swartz Irrigation Project # 44. Amount of water claimed (cubic feet per second) 2.55. Source of water supply well pump into a dam supplemented by natural runoff6. Location of point of diversion 444' N 158° W of SE corner of Sec 2 - 123-51County Roberts7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 176

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.
<u>NW 1/4 of SE 1/4 Sec 2 - 123-51</u>	<u>35</u>
<u>NE 1/4 of SE 1/4 Sec 2 - 123-51</u>	<u>35</u>
<u>SW 1/4 of SE 1/4 Sec 2 - 123-51</u>	<u>35</u>
<u>SE 1/4 of SE 1/4 Sec 2 - 123-51</u>	<u>35</u>

Land Description	No. Acres Irr.
<u>NE 1/4 of NE 1/4 Sec 11 - 123-51</u>	<u>38.38</u>
	<u>little water</u>
	<u>12/19/80</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Willmet Enterprise

12. Principal Features of the Proposed Water Supply System.

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

A well will be constructed which will discharge into a dam. The dam will also gather natural runoff. A centrifugal pump will pick water up for the irrigation system.

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

closed conduit

C. Works proposed to apply water to beneficial use.

Big gun on SE 1/4 of NE 1/4 Sec 11-123-51. Big gun will also be used initially on SE 1/4 of Sec 2 - 123-51 and will be connected to center pivot irrigation machine

Estimated Total Cost \$60,000

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 Beauregard) ss.

I, Orris Swartz 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 Orris SwartzSubscribed and sworn to before me this 8 day of Dec, 1980

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4610-3

ORRIS & MILTON SWAYZE WILMONT
(Applicant) (Post Office Address)
SOUTH DAKOTA 57279 With the following qualifications.
(State)

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used directly or for storage purposes. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application DECEMBER 9, 1980
Date of return to applicant for correction, amendments or changes required DECEMBER 11, 1980
Date of receipt of corrected application WQ, JANUARY 8, 1981
Approved JANUARY 28, 1981, Recorded in Book 22 Page 22

WATER RIGHT PERMIT NO. 4610-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4610-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 9, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28, 1983
3. The whole of said work is to be completed on or before JANUARY 28, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 28, 1989
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 2.5 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before JANUARY 28, 1989; said water to be used during the following described annual period: APRIL THRU OCTOBER

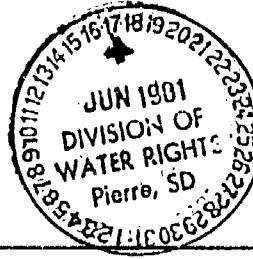
Witness my hand this 12th day of MARCH, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



DRILLING REPORT

Location of Well: _____ 1/4, _____ 1/4, Section _____, Township _____, Range _____

Well to be drilled for: Swayzee Bros. Summitt
(Name) (Address)

Date well drilling started 6-7-81 (County) _____ (State) _____ finished _____

Purpose of well _____ Irrigation - observation well (test hole) _____
(domestic, irrigation, industrial, other)

Depth 130 ft. Casing Diameter 2 inches NORTH

Slot Size _____ Screen Size _____

Screen Depth: From 120 ft. to 130 ft.

Remarks: _____					
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1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping	Water Level	Discharge
---------------------------------------	-------------	-----------

O hr.	O min.	ft.	in.	(Static)
-------	--------	-----	-----	----------

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.
-----	------	-----	-----

[illegible]

O. SWAYZE - 938-4141

OFFICE - 938-4918

EMPIRE OFFICE - 472-0384

AL KRETCHMER - 532-3998

10 JUNE 81

SWAYZE CALLED - 4410-3

EMPIRE DRILLED HIM AN IRRIGATION WELL BASED
(LEG DRILLING)
UPON ANOTHER TEST HOLE - DOES NOT WORK GOOD ENOUGH
FILLED WITH SAND - SAID THEY ALLOWED TOO MUCH
SLOUGHING, PUT IN 3 TRUCKLOADS OF GRAVEL PACK

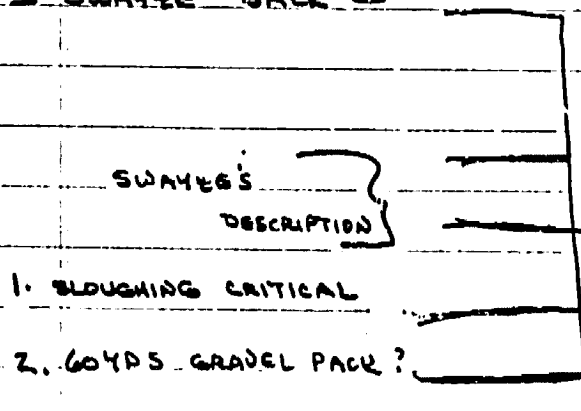
I CALLED EMPIRE TALKED TO BEN SCHELL - SAME DAY

HE DESCRIBED HOLE - THOUGHT ^{SAND +} SILT WAS COMING
FROM LAYER IN BETWEEN SAND LAYERS - SAME WAY
THEY ALWAYS PUT IN WELLS -

EMPIRE PUMPED WELL 3 TIMES - ONCE 14 HAS
AT 300 GPM. - PULLED SAND INTO WELL -
ABANDONED -

EMPIRE OFFERED TO REDO WELL BUT WANTED TO DRILL
MORE TEST HOLES - LOOK FOR MORE SAND -

I CALLED
SWAYZE BACK -



12" PLASTIC

3. TEST HOLE FAILED

4. EMPIRE USED A
REGRESS RIG

E BEGINS TO
HAVE DRILLING
PROBLEMS

HE WANTS WELL REDONE - PUMPED - I TOLD HIM EMPIRE
OFFERED TO REDO - FOR COST OF MATERIALS -

SWAYZE GAVE ME A BUNCH OF DATA ON NEARBY OBSERVATION
WELLS - 70' DRAWDOWN IN PUMPED WELL, OBS WELL
60' AWAY, 17' OF DRAWDOWN - I DO NOT BELIEVE HE UNDERSTOOD.

LIST OF MY CONVERSATIONS WITH SWAYZE + EMPIRE

1. TOLD SWAYZE EMPIRE A RELIABLE FIRM AND CERTAINLY CAPABLE
2. SWAYZE 60 YDS, EMPIRE FIGURED (25 YDS) ? GRAVEL PACK
3. SLOUGHING IS COMMON, MAY HAVE BEEN SOME BUT PROBABLY NOT EXCESSIVE ? IN REVERSE HOLES MORE GRAVEL PACK IS USED -
4. WELL LOG DOES NOT LOOK REAL GOOD, 300 G.P.M. MAX, SWAYZE WOULD BE SATISFIED WITH THIS WELL DRILLER NEEDS TO CLEAN OUT SCREEN IF SANDED IN - IF WELL DRILLER WOULDN'T ATTEMPT THIS THEN DRILLER MUST DO SOMETHING ELSE - EMPIRE OFFERED TO REPLACE WELL -
5. TEST HOLE FLOWS SOMETIMES - DIFFICULT FOR A REVERSE RIG AT TIMES -

VOLUME FOR A 24" HOLE - 1540^3 - 3.8 YDS OF CASING

6. EMPIRE FEELS THE AQUIFER ISN'T GOOD ENOUGH -
SWAYZE THINKS ^{AQUIFER} IT IS BECAUSE OF FLOWING TEST HOLE.

I TOLD EMPIRE TO WORK IT OUT - CLEAN WELL OR SOMETHING - TRY TO PUMP AGAIN - IF ABANDONED - THEN OFFER SWAYZE WHAT YOU TOLD ME - REDRILL FOR MATERIALS COST - CAN NOT GUARANTEE YIELD FROM A WELL -

REQUESTED WELL LOGS, ETC, FROM AL. KRETCHMER
THIS WAS SENT.

AFTER LISTENING TO ARGUMENTS - I FIGURED EMPIRE
DID A SATISFACTORY ^{CONSTRUCTION} JOB BUT DOES NEED TO EITHER
RE-DEVELOPE WELL (CLEAN OUT) - OR FULFILL THERE
OFFER TO SWAYZE. REDRILL - THIS IS THE
ARGUMENT - I TOLD SWAYZE IF HE REFUSED
PAYMENT - THAT WAS HIS BUSINESS NOT MINE -
CERTAIN THINGS MUST BE DONE BY DRILLER BUT AFTER
THAT IT IS NOT THEIR RESPONSIBILITY - THESE THINGS
ARE NOT ALL ONE-SIDED ARGUMENTS -

15 TONS / 50' - MURON DRILLING ESTIMATE
2500# / YD³ - TEXT BOOK ESTIMATE -

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION



NAME OF APPLICANT Orris and Milton Swayze

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

HdE - Hattie Clay Loam, 15-40% slope
Lt - Loam Fluvaquentis

RECOMMENDED MANAGEMENT:

Water should not be applied more than 3-4 times during the irrigation season.

Each uninterrupted application should be of at least 3 inches of water.

Deep tillage might help on the Beaver clay loam.

Heavy fall application of irrigation water will aid in leaching salts through the profile.

The intake rates of the soils you wish to irrigate differ quite substantially between the Beaver clay loam and the Renshaw loam. The Renshaw loam with a 3-9% slope may cause some erosion problems. You may want to keep the steeper areas in grass.

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____, Section _____ Township _____ Range _____

Well owner Swayze Bros.
(Name) (Address)

Date well drilling completed 9/18/80 Purpose of well test hole
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0-2	topsoil
2-40	yellow clay
40-82	blue clay
82-85	Fine sand
85-96	Gravel
96-122	blue clay
122-133	Sand

Attach sheet if more space is needed

Depth to top of water producing aquifer _____ ft.

Depth to static water level ground level ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 123 ft.

Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

If a flowing well, flow of completed well _____ 6.P.M.

Lee Well Drilling Inc. David Lee
Name of Drilling Contractor Vice-Pres.

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

D. Well Information

- (1) Drill Hole, Diameter 20", Depth 133'
- (2) Casing, Type PVC, Diameter 12", Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Con. slot, Diameter 12", Length 15'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 30'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 80'

Depth to bottom of water bearing material 133'

Depth to water (ground surface to water level) nearly flowing

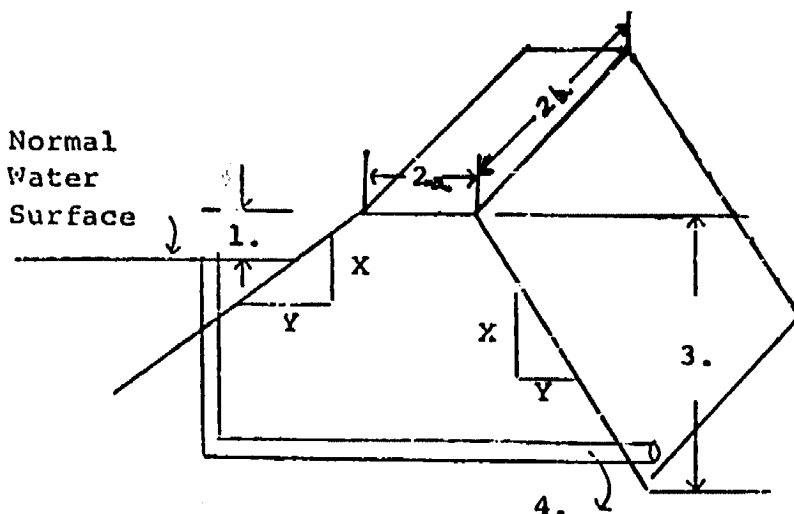
(2) Distance to nearest existing household or livestock watering well.

On same owner's property no supply rds.

On property owned by others 320 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 3'
2. Crest width 10' b. length 500'
3. Height of Dam 25'
4. Outlet dimensions:
Pipe diameter 6"
Spillway width 50'
- X & Y slope:
Upstream 2:1
Downstream 2:1
- Surface area of impoundment
10 acres
- Drainage area above dam
100 acres

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Miller Survey OWNERS ADDRESS: Williston
South Dakota 57729
COUNTY LAND LOCATED IN: Roberts PHONE: 938-4141
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: NE 1/4 NE 1/4 Sec 11-123-51
2. SURFACE WATER SOURCE: dam
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 Sec 2-123-51</u>	<u>140</u>		
<u>NE 1/4 Sec 11-123-51</u>	<u>20</u>		
<u>NE 1/4 Sec 11-123-51</u>	<u>20</u>		
<u>NE 1/4 Sec 11-123-51</u>	<u>30</u>	<u>- this acreage includes land that</u>	

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: ☒ GUN _____
OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: corn & alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 90-939
8. SALINITY (EC X 10⁶): 1578
9. SODIUM (SAR): 1.70
10. ADJUSTED (SAR): 4.55 3.19

RECEIVED

DEC 17 1980

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 8:00 a.m./p.m., on 5-01, 1980, at the following location: at well 5110 by owner (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application. (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

8 DAY OF Dec, 1980.

(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

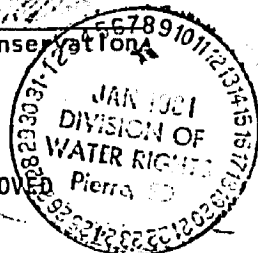
APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED



No. 4610-3

Publish first publication, on or before January 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given that Orris or Milton Swayze whose post office address is Wilmot, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.5 cubic feet of water per second of time from groundwater (one well) through the Swayze Irrig. Proj #4, the point(x) of diversion of which is (none) to be located in the NE¼ NE¼

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

NE¼ NE¼, Section 11 and SE¼, Section 2 both in T123N, R51W

This Application No. 4610-3 will be considered by the Water Management Board at Meeting Room #1, Knelp Building
Chruch & Illinois, Pierre SD upon the 28th day of January, 1981

at 10 A. .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Orris or Milton Swayze
Route 2
Wilmot SD 57279

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

No. _____

**NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Charles D. Floro, Publisher hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wilmot Enterprise

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

City _____ of Wilmot

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

January 15, 1981 and January 22, 1981

Charles D. Floro
(Signature)

Publisher

(Title)

January 27, 1981

(Date Signed)

Subscribed and sworn to before me this 27th day
of January 1981

W. H. Carlund
Notary Public

Pierre, South Dakota 57501
January 9, 1981
Notice is hereby given that
Orris or Milton Swayze whose
post office address is Wilmot,
South Dakota, has made an
application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 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, 46-6-3.1, 46-6-5, 46-6-6.1,
46-6-10, 46-6-14 and Board Rules
ARSD 52:01:01:01 thru
52:01:01:13, for a permit to
appropriate for beneficial use 2.5
cubic feet of water per second of
time from groundwater (one
well) through the Swayze Irr.
Proj #4, the point of diversion of
which is to be located in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Twp.
123N, Range 51W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11 and SE $\frac{1}{4}$,
Section 2 both in T123N, R51W.
This Application No. 4610-3
will be considered by the Water
Management Board at Meeting
Room #1, Kneip Building, Church
& Illinois, Pierre, SD upon the
28th day of January, 1981 at 10
a.m. The Board 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 Board
decision who desires to present
evidence or cross-examine
witnesses according to SDCL
1-26 may notify the Board in
writing prior to the hearing or
orally at the hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not
exercised at the hearing.
Decisions of the Board may be
appealed to the Courts as
provided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights
Division, DWRN, Joe Foss Build-
ing, Pierre, SD, prior to the
hearing date for assistance to
assure access to the hearing.

**WATER MANAGEMENT
BOARD
BETTY WESTLUND
Water Rights Specialist
(Jan. 15, 22, 1981)**

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7810

PIERRE, December 10, 19 80

RECEIVED OF Chris or Milton Swayze, Route 2, Wilmet, SD 57279

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

Fee for Application for Permit to Appropriate Water No. 4610-3 (examination, processing, recording and filing)	250.00
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	250.00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH /CED



4610-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

OKRIS & MILTON SWAYZE
RR #2
WILMOT SD 57279

NOTICE

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

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

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

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

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

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

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

Very truly yours,

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

4610-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

February 24, 1994

2673-3

3599-3

4610-3

4862-3

Orris & Milton Swayze
RR #2
Wilmot, SD 57279

Dear Sirs:

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

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

If you have any questions, please contact me.

Sincerely,

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



4610-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-318*

January 30, 1996

NOTICE

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

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

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

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

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

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

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

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

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

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



440-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 13, 1996

Orris & Milton Swayze
RR 2
Wilmot, SD 57279

RE: Water Permit Nos. 2673-3, 3599-3, 4610-3 & 4862-3

Dear Sirs:

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

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

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

Sincerely,

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



4610-

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

4862-3

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

Dear Sirs:

Enclosed is Water License No. 4862-3 and Receipt No. 414344 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 4862-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

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

Orris + Milton Swayze
Irrigation Project #4

24.8 W. 1 mot S. Dak.

Roberts Co

Area Irrigated - SE⁴ Sec 2-123-51

water supply - well pumped
into a dam plus runoff

Charles Pond

1030 verified correct

12-12-80 162A

John L. Weiss

Thomas
Ronelle

John Crook
Estate
Deed

well

Sec 11

Map #28073 Appl 4610-3

NOT TO SCALE

46.3
Charles
Pond

Luke M. Butler

Orris + Milton Swayze
Irrigation Project #4

24.8 Wilmot S. Dak.

Roberts Co

Arnold Kurrasch

Area irrigated - SE⁴ Sec 2-123-51 2
+ S² of NE⁴ of NE⁴ 38

Water supply - well pumped into a dam plus runoff

~~Raymond~~
~~Cleveland~~

Charles Pond

Brook 1971

1 Break 1970

John Crooks

Quinn

30 Green Cross St.

123-51

103 certified correct

12-12-80 162H

John L. Williams

Thomas
Kenille

John Crook
Estate
Dana

well

Sec 11

~~Ref 438273~~

Apple 4610-3