

1. Considered May 1 1961
2. Name of Applicant JAMES L. SUTTON, JR.
3. Post Office Address Box 33, ONIDA, S.D. 57564
4. Amount of Water Claimed 23.26
5. Source of Water Supply MISSOURI RIVER
6. Water to be used for IRR
7. Acres to be irrigated 1628.60 maximum acre feet
8. Water to be diverted and used in SULLY County about 16W 8 miles NORTH of ONIDA
9. PROOF OF PUBLICATION Received (10/1) 5-6-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

Priority _____ Date Received 3/24/81 Application Complete yes _____ no _____ FEE 875⁰⁰
Remarks _____

WATER QUALITY _____ Date information and/or fee or corrected Application received _____
Period of Annual use APRIL - OCTOBER
Received yes 4/10/81 no _____ APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

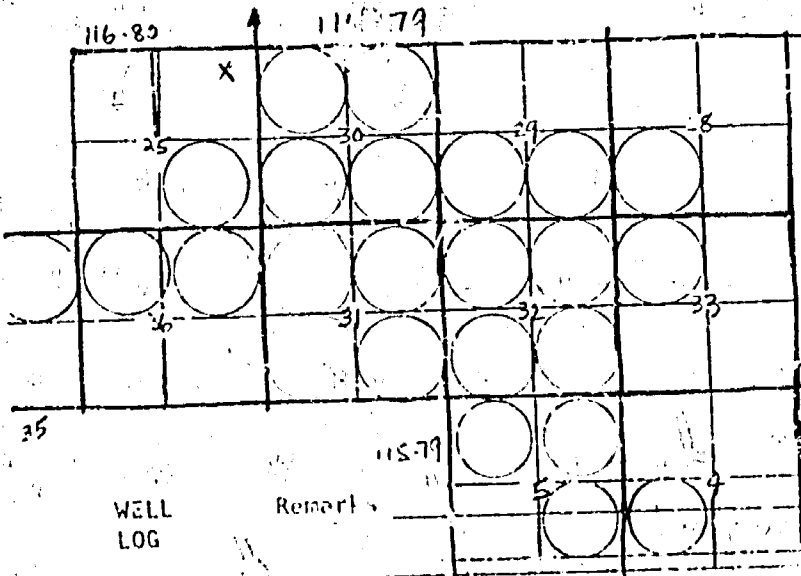
Diversion Point _____

NE⁴ NE⁴ SEC 25-116-80

Lands to be irrigated SW⁴-4; E² & NW⁴-5
115-29; NW⁴-33; Sec 32; Sec 31; SW⁴-28;

S²-29; Sec 30-116-77 and

SE⁴-25; NW²-26 & NE⁴ 35-116-80



Driller _____

Depth _____

Licensed yes _____ no _____

Water Right No. 4687-3

MAP

Map No. 3897-3 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by Morris Eeg 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 5-1-81

Daily Woodland
(Signed)

PROTESTS

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

REMARKS

F.F. & C

OF LAW,

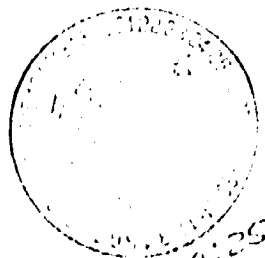
FINAL

DECISIONS

ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

No. 4687-3Map No. 3897-3 Water Division No. 3 Missouri River District
Above for Office Use 10301

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 James L. Sutton, Jr. Phone No. 605/258-2540
 Post Office Address Box 33 Onida State South Dakota 57564
 (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) contract3. Name of diversion work James Sutton Irrigation Project - Phase II4. Amount of water claimed (cubic feet per second) 23.26 CFS5. Source of water supply Missouri River6. Location of point of diversion NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 25, T116N, R80WCounty Sully7. Annual period or periods during which water is to be used irrigation season8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 1628.60

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.
See attached sheet			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required
 to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Onida Watchman

12. Principal Features of the Proposed Water Supply System.

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

Turbine pumps

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

Buried pipeline

C. Works proposed to apply water to beneficial use.

Center pivot irrigation systemsEstimated Total Cost \$ 1,350,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

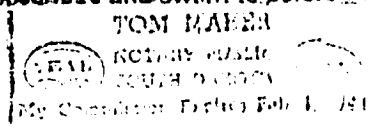
STATE OF SOUTH DAKOTA)

County of Deuel) ss.

I, JAMES L. SUTTON, JR. 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 James L. Sutton
16 day of March, 1991
Tom Maher
 Notary Public (or other qualified officer)

Subscribed and sworn to before me this

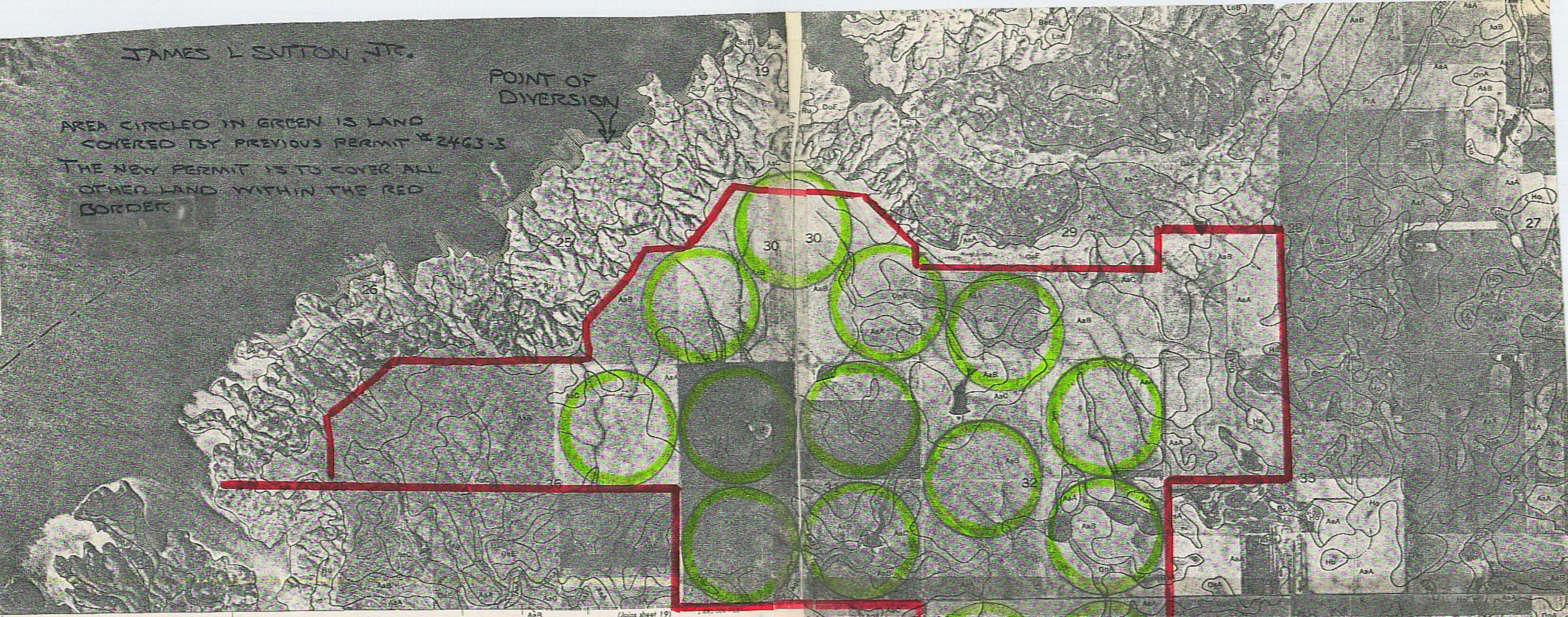




JAMES L. SUTTON, JTC.

AREA CIRCLED IN GREEN IS LAND COVERED BY PREVIOUS PERMIT #2463-3
THE NEW PERMIT IS TO COVER ALL OTHER LAND WITHIN THE RED BORDER

POINT OF DIVERSION



(Joins sheet 19)
R. 80 W. | R. 79 W.

Map # 3897-3 (Appel 4687-3)



STATE OF SOUTH DAKOTA
COUNTY OF STANLEY
I, JAMES L. SUTTON, REGISTERED PROFESSIONAL ENGINEER NO. 2142, IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE LANDOWNER, I HAVE SHOWN THE LAND TO BE IRRIGATED WITHIN SAID BOUNDARIES FOR WHICH APPLICATION FOR APPROPRIATE WATER RIGHT IS MADE AND THAT THE MAP IS A TRUE REPRESENTATION THEREOF.
WITNESSE MY HAND AND SEAL THIS 10th DAY OF FEBRUARY, 1961.
JAMES L. SUTTON
REGISTERED PROFESSIONAL ENGINEER
(Appel # 4687-3)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4687-3

JAMES L. SUTTON, JR. Box 33, ONIDA
(Applicant) (Post Office Address)
SOUTH DAKOTA 57564 With the following qualifications:
(State)

Date of first receipt of application MARCH 24, 1981
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application MAY 6, 1981
Approved MAY 1, 1981 Recorded in Book 22 Page 110

WATER RIGHT PERMIT NO. 4687-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4687-3 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 MARCH 24, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 1, 1983
3. The whole of said work is to be completed on or before MAY 1, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1990
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 23.26 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 MAY 1, 1990; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 7th day of MAY, 1981

THE WATER MANAGEMENT BOARD

By John H. H. H.
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

LAND DESCRIPTIONNO. ACRES IRRIGATED

SW $\frac{1}{4}$, Sec. 4, T115N-R79W	160
SE $\frac{1}{4}$, Sec. 5, T115N-R79W	160
NE $\frac{1}{4}$, Sec. 5, T115N-R79W	25.34
NW $\frac{1}{4}$, Sec. 5, T115N-R79W	25.26
NW $\frac{1}{4}$, Sec. 33, T116N-R79W	160
SE $\frac{1}{4}$, Sec. 32, T116N-R79W	25
SW $\frac{1}{4}$, Sec. 32, T116N-R79W	92.50
NE $\frac{1}{4}$, Sec. 32, T116N-R79W	25
NW $\frac{1}{4}$, Sec. 32, T116N-R79W	57.50
SE $\frac{1}{4}$, Sec. 31, T116N-R79W	25
SW $\frac{1}{4}$, Sec. 31, T116N-R79W	25
NE $\frac{1}{4}$, Sec. 31, T116N-R79W	25
NW $\frac{1}{4}$, Sec. 31, T116N-R79W	25
SE $\frac{1}{4}$, Sec. 30, T116N-R79W	40
SW $\frac{1}{4}$, Sec. 30, T116N-R79W	45
NE $\frac{1}{4}$, Sec. 30, T116N-R79W	40
NW $\frac{1}{4}$, Sec. 30, T116N-R79W	18.50
SE $\frac{1}{4}$, Sec. 29, T116N-R79W	92
SW $\frac{1}{4}$, Sec. 29, T116N-R79W	15
SW $\frac{1}{4}$, Sec. 28, T116N-R79W	160
SE $\frac{1}{4}$, Sec. 25, T116N-R80W	62.50
NE $\frac{1}{4}$, Sec. 36, T116N-R80W	25
NW $\frac{1}{4}$, Sec. 36, T116N-R80W	160
NE $\frac{1}{4}$, Sec. 35, T116N-R80W	<u>140</u>

TOTAL ACRES 1628.60

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4687-3

OWNERS NAME: James L. Sutton, Jr. OWNERS ADDRESS: Onida, South Dakota

COUNTY LAND LOCATED IN: Sully PHONE: 605/251-2540

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)

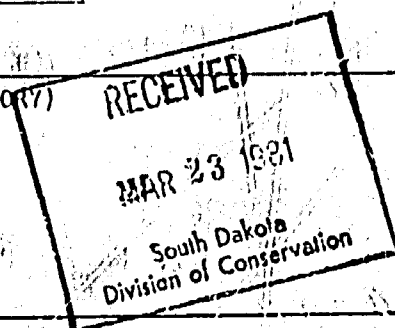
1. WELL LOCATION OR DIVERSION POINT: NE 1/4, NE 1/4, Sec. 25, T116N-R80W, Sully County
2. SURFACE WATER SOURCE: Missouri River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
See Attached Sheet			

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: xx GUN: OTHER: (Specify)
5. CROPS TO BE IRRIGATED: Corn, beans, alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 75
LEGAL DESCRIPTION: See attached sheet
IN WHAT NAME: same

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

7. WATER SAMPLE NUMBER: Missouri River
8. SALINITY (EC X 10⁶): 529
9. SODIUM (SAR): 1.4
10. ADJUSTED (SAR): 2.6



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 _____ a.m./p.m., on _____, 19____, at the following location: _____ by _____ (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

16 DAY OF March, 1981

Tom Miller
(NOTARY PUBLIC)

TOM MILLER

James L. Sutton, Jr.
APPLICANT'S SIGNATURE

Tom M. Miller
Director, Division of Conservation

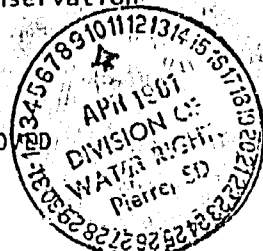
IMPORTANT

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.

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



LAND DESCRIPTIONNO. ACRES IRRIGATED

SW $\frac{1}{4}$, Sec. 4, T115N-R79W	160
SE $\frac{1}{4}$, Sec. 5, T115N-R79W	160
NE $\frac{1}{4}$, Sec. 5, T115N-R79W	25.34
NW $\frac{1}{4}$, Sec. 5, T115N-R79W	25.26
NW $\frac{1}{4}$, Sec. 33, T116N-R79W	160
SE $\frac{1}{4}$, Sec. 32, T116N-R79W	25
SW $\frac{1}{4}$, Sec. 32, T116N-R79W	92.50
NE $\frac{1}{4}$, Sec. 32, T116N-R79W	25
NW $\frac{1}{4}$, Sec. 32, T116N-R79W	57.50
SE $\frac{1}{4}$, Sec. 31, T116N-R79W	25
SW $\frac{1}{4}$, Sec. 31, T116N-R79W	25
NE $\frac{1}{4}$, Sec. 31, T116N-R79W	25
NW $\frac{1}{4}$, Sec. 31, T116N-R79W	25
SE $\frac{1}{4}$, Sec. 30, T116N-R79W	40
SW $\frac{1}{4}$, Sec. 30, T116N-R79W	45
NE $\frac{1}{4}$, Sec. 30, T116N-R79W	40
NW $\frac{1}{4}$, Sec. 30, T116N-R79W	18.50
SE $\frac{1}{4}$, Sec. 29, T116N-R79W	92
SW $\frac{1}{4}$, Sec. 29, T116N-R79W	25
SW $\frac{1}{4}$, Sec. 28, T116N-R79W	160
SE $\frac{1}{4}$, Sec. 25, T116N-R80W	62.50
NE $\frac{1}{4}$, Sec. 36, T116N-R80W	25
NW $\frac{1}{4}$, Sec. 36, T116N-R80W	160
NE $\frac{1}{4}$, Sec. 35, T116N-R80W	140

TOTAL ACRES 1628.50

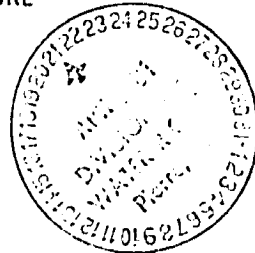


4687-3

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT James L. Sutton, Jr.



SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

GcE - Gettys Clay loam - This soil can not be irrigated because of steep slopes.

THESE SOILS CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS

- OrA- Onita DeGrey Silt loam
- OkA- Oko clay loam
- OkC- Oko clay loam
- Ho - Hoven silt loam
- OtB- Opal Clay
- OsA- Onita Hoven silt loam

RECOMMENDED MANAGEMENT

These soils are poorly drained and contain excess sodium. If problems with ponding or traction occur these soils should be returned to permanent vegetation or drained.

These soils are indicated by red hatch marks.

All drainage ways should be kept in permanent vegetation to prevent erosion.

No. 4637-3

Publish first publication, on or before April 16, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given James L. Sutton, Jr. whose post office

address is Onida, 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 23.26 cubic feet of

water per second of time from the Missouri River through the James Sutton Irrigation Project
-- Phase II, the point ~~(XX)~~ of diversion of which is ~~(XX)~~ to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 25, Twp. 116N, Range 80W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, Section 4; E $\frac{1}{4}$ and NW $\frac{1}{4}$, Section 5, T116N-R79W; NW $\frac{1}{4}$, Section 33; Section 32; Section 31; SW $\frac{1}{4}$, Section 28; S $\frac{1}{4}$, Section 29; Section 30; all in T116N-R79W; NE $\frac{1}{4}$, Section 36; NE $\frac{1}{4}$, Section 35 and SE $\frac{1}{4}$, Section 25 all in T116N - R80W

This Application No. 4637-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 1st day of May 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: James L. Sutton, Jr.
Box 33
Onida, SD 57664

BETTY WESTLUND
Water Rights Specialist

WNR-8067-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Bernice A. Zeburka hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Oreda Waterman

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

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

4/16/81

4/23/81

Bernice A. Zeburka
(Signature)

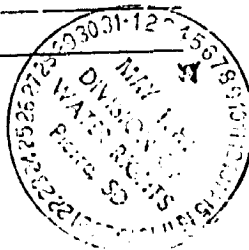
Bookkeeper
(Title)

5/1/81

(Date Signed)

4/16 & 11-20-81
Cost of Printing: \$1 line @ 154/1 =
1242 4/23 @ 100% = 498
total cost \$ 2245

WNR-808-7/79
Proof of Publication



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

No. 4687-3
April 10, 1981

Notice is hereby given
James L. Sutton, Jr. whose
post office address is Onida,
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, and Board Rules
AKSD 52:01:01:01 thru 52:01:
01:13 for a permit to appropri-
ate for beneficial use 23.26
cubic feet of water per second
of time from the Missouri
River through the James Sut-
ton Irrigation Project-Phase
II, the point of diversion of
which is to be located in the
NE 1/4 NE 1/4 of Section 25, Twp.
116N, Range 80W. Said water
to be used for the purpose of
providing irrigation on por-
tions of the following described
land: SW 1/4 Section 4; E 1/2 and
NW 1/4, Section 5, T116N-
R79W; NW 1/4, Section 33;
Section 32; Section 31; SW 1/4,
Section 33; S 1/2, Section 29;
Section 30; all in T116N-R79W;
N 1/2, Section 36; NE 1/4, Section
35 and SE 1/4, Section 25 all in
T116N-R80W.

This Application No. 4687-3
will be considered by the
Water Management Board at
the Civil Defense Room, State
Capitol Building, Pierre, South
Dakota upon the 1st day of
May 1981 at 10 A.M. The
Board is authorized to make a
determination on this applica-
tion at the hearing. All inter-
ested persons may appear and
be heard. Any person who may
be affected by a Board decision
who desires to present evi-
dence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Board in writ-
ing 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 hear-
ing. 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, DWNR, Joe Foss
Building, Pierre, SD prior to
the hearing date for assistance
to assure access to the hearing.

Water Management Board
c/Betty Westlund
BETTY WESTLUND
Water Rights Specialist

cc: James L. Sutton, Jr.
Box 33
Onida, SD 57564

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8095

PIERRE, March 24, 1981

RECEIVED OF James L. Sutton, Jr., Box 33, Onida, SD 57564

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

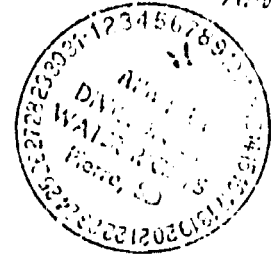
Fee for Application for Permit to Appropriate Water No. 4687-3 (examination, processing, recording and filing)	875.00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and Issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, 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	875.00

WATER RIGHTS COMMISSION

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



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



REPLY TO
ATTENTION OF

PERMITS BRANCH
PO BOX 5, OMAHA, NE 68101

MROOP-N
SD 2SB OXT 1 001007
James L. Sutton
Irrigation Intake Structure
Missouri River Mile 1132.80L

2 April 1981
Expiration Date: 2 May 1981

AMENDMENT NO. 1
DEPARTMENT OF THE ARMY PERMIT
NO. SD 2SB OXT 1 001007

On 22 November 1977, James L. Sutton, Box 35, Onida, South Dakota 57564, was issued a Department of the Army permit to construct a permanent irrigation water intake system consisting of five 15-horsepower skid mounted submersible pump pumping to five 100-horsepower electric booster pumps permanently mounted on a concrete base and protected in a small pump house.

The applicant now requests permission to increase his pumping capacity by removing the existing structure and installing four 150-horsepower skid mounted submersible pumps pumping to four 400-horsepower electrical turbine booster pumps as shown on the attached drawing. The total pumping capacity will be 17,100 gallons per minute and the intake velocity at the intake screening device will be 0.41-foot per second.

The purpose of the project is to provide irrigation water to additional farmland.

A preliminary assessment of the proposed Amendment indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this Amendment does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed Amendment. The left bank of Lake Oake in South Dakota was surveyed for cultural resources by the University of Nebraska in 1979. A rock cairn (59SL325) was located in the project area. This cairn should be avoided if the irrigation intake structure is located nearby.

In compliance with the Endangered Species Act, our review indicates that the proposed Amendment will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

Executive Order 11988, Floodplain Management, seeks decision that will reduce loss of lives and property caused by flooding and loss of natural floodplain functions caused by unwise floodplain development. By this public notice, we are requesting comments from those individuals or agencies which feel that this Amendment will have an adverse impact upon flooding and the floodplain.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed Amendment on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this Amendment. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 2 May 1981. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this Amendment.

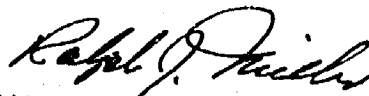
Comments received after public notice expiration date will not be considered.

The Amendment, if approved, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 USC 403).

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

FOR THE DISTRICT ENGINEER:

Attachment
is stated

A handwritten signature in cursive script, appearing to read "Ralph J. Miller".

RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

4-ELECTRIC VERTICAL TURBINE PUMPS AND MOTORS, 400 HP. EACH.

ELEV. 1624.8
— OHW. ELEV. 1618.2

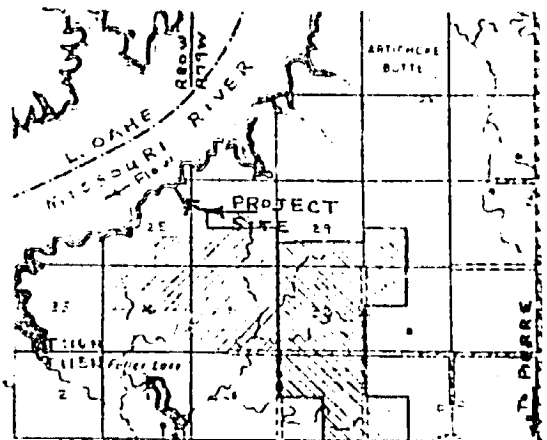
NOTE:

ALL ELEVATIONS REFER TO SEA LEVEL DATUM.

INTAKE SCREEN HAS SOLID BOTTOM, SCREENED ON ALL SIDES AND TOP WITH STEEL WITH 1/4" HOLES STAGGERED AT 5/16" C/C.

TOTAL SCREENED AREA = 40.0 ft.²
58% OPEN AREA = 23.2 ft.²
INTAKE RATE 4,275 GPM. EA. = 9.5 cfs.
INTAKE VELOCITY = .41 f.p.s.

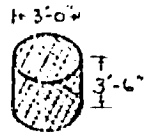
ELEVATION
16" SCALE



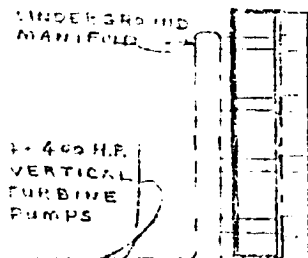
EXIST.
GROUND

— DENOTES AREA TO BE IRRIGATED—THIS PERMIT.
— DENOTES AREA—EXISTING PERMIT.

24" Ø STEEL CASING PIPE
14" Ø STEEL DISCHARGE LINE
INTAKE PUMP
150 HP. SUBMERSIBLE
SCREENED INTAKE
— ELEV. 1567.2



SCREEN DETAIL



4-400 HP. VERTICAL TURBINE PUMPS

OHW. ELEVATIONS

24" Ø DISCHARGE PIPE, STEEL.

EXISTING PUMP SITE
5-1000 HP. UNITS.

EXIST. UG.
ELEV. 1618"

PLAN
140' SCALE

In Missouri River, L. Oak
At N. of Pierre, Mile 11.30
County of Sully, State S.D.
Application by

JAMES SUTTON
Sheet 1 of 1 Date 3/4/91

TELEPHONE: 605-258-2854 — P. O. BOX 89 — ONIDA, SOUTH DAKOTA 57564

NOV 1981
DIVISION OF
WATER RIGHTS
Pierce, SD

Burton F. Jones
Water Rights Specialist
SOUTH DAKOTA DEPARTMENT OF
WATER & NATURAL RESOURCES
Joe Foss Building
Pierre, South Dakota 57501

I represent James L. Sutton, Jr., of Orinda, South Dakota. Permits numbered 2463-3 and 46873 are in the name of James L. Sutton. After some discussion with the Corps of Engineers, they have requested that we transfer these to Jim Sutton & Sons, Inc., a South Dakota corporation of which James L. Sutton owns the controlling interest.

Very truly yours,

Brian B. Meyer
Attorney at Law

BBM/ph

Water Rights Division
(605) 773-3352

November 18, 1981

Meyer Law Office
Brian B Meyer, Attorney
P.O. Box 89
Onida, SD 57564

Dear Mr. Meyer:

This will acknowledge your request of November 17, 1981 for transfer forms to transfer Water Permit Nos. 2463-3 and 4657-3 in the name of James L Sutton.

Enclosed are copies of our Form 20 "Notice of Transfer of Water Permit". Please have them checked over, dated, and notarized before returning them to this office with the required filing fee of \$2.50 each (\$5.00 total). The Permits will then be transferred to Jim Sutton & Sons, Inc. On the transfer forms, please include the complete mailing address of Mr. Sutton.

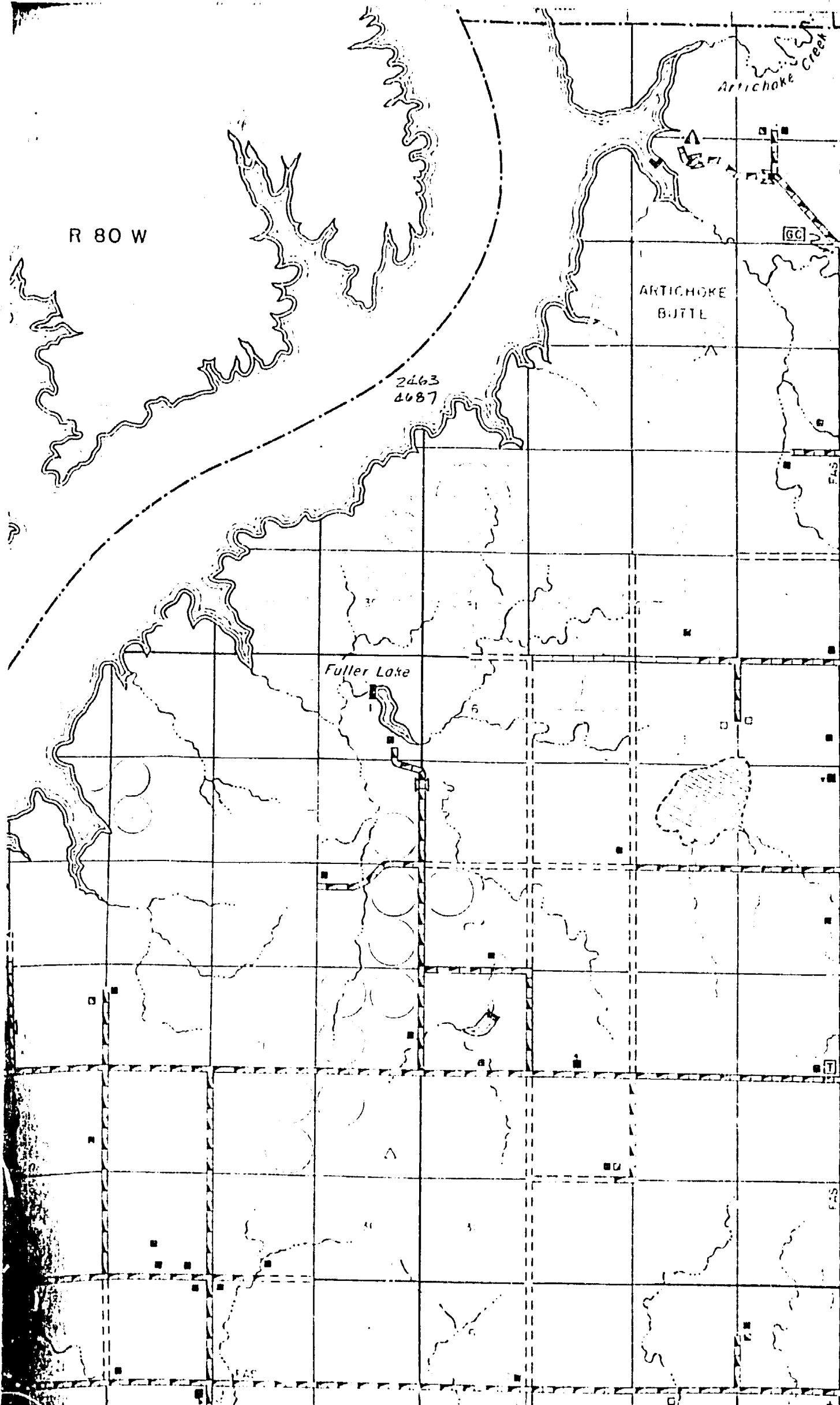
Please advise this office if you have any questions. On form of payment, please include permit numbers to insure proper credit.

Sincerely,

GEMMY YOUNG
Staff Assistant

gy

encl



R 80 W

Artichoke Creek

ARTICHOKE BUTTE

2463
4687

Fuller Lake

(6C)

(T)

4087-3
4867-3

WATER RIGHTS DIVISION (605) 773-3352

August 24, 1982

James L. Sutton, Jr.
Box 33
Onida, South Dakota 57564

C. E. Swenson
Star Route #4
Box 94
Pierre, South Dakota 57501

Dear Sir:

The Division of Water Rights has received a complaint from Mr. C. E. Swenson concerning runoff from irrigated fields under permit #4867-3. The nature of the complaint involves water which flows off fields in Section 5, T115N, R79W into a dam on Mr. Swenson's property. Mr. Swenson's main concern is that the water will not be suitable for livestock, but is also concerned because the excess water is causing his dam to overflow.

Mr. Swenson raised these objectives before at the Water Management Board meeting in May of 1981 when the application #4867-3 was approved. At the time the Board discussed this matter and concluded that any damages or possible damages would have to be decided in a civil suit after the fact and that the Board would not put any qualifications on the permit. Mr. Swenson is having the water tested. His concern is legitimate and I would think a better management system could be worked out to ease the runoff situation. I have informed Mr. Swenson that Water Rights believes this to be a private matter and should be worked out between the parties involved. I would urge you to do so.

Sincerely,

James A. Goodman
Hydrologist

JAG:ms

Water Rights Division - DWR
Conversation or File Documentation

File No. 2463-3
4687-3

NAME OF PERSON ~~OR FIRM~~: Bruce Meyer, attorney
ADDRESS: Oreida COUNTY _____
DATE: Sept 16, 1983 TELEPHONE 258-2654
RE: Transfer of permits RE letter dated 11-18-81 (see file)

COMMENTS:

A letter in file dated 11-18-81 sent to Meyer
for transfer of above permits from James L. Sutton
to Jim Sutton & Sons Inc - transfers never
received.

Mr Meyer indicated the permits are no
longer to be transferred. They are privately
owned by Sutton - not Corporation.

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: Benny McMath

2463-3

File No. 4687-3

Water Rights Division - DWHR

Conversation or File Documentation

NAME OF PERSON OR FILE: Brian Meyer - attorneyADDRESS: P.O. Box 89, Omida SD COUNTY SullyDATE: July 15, 1985 TELEPHONE 258-2654RE: Transfer of portions of land under Sutton's permit

COMMENTS:

Mr. Meyer called and indicated that the following lands are being assigned to Prudential Insurance Co. and they are soon to become owners of the property. The lands fall under both of Jim Sutton's permits. Permits will need to be split & transferred.

T115N-R79W Section 4 SW $\frac{1}{4}$ " 5 N $\frac{1}{2}$ & SE $\frac{1}{4}$ T116N-R79W Section 28 SW $\frac{1}{4}$ " 29 S $\frac{1}{2}$

" 32 All

" 33 NW $\frac{1}{4}$

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: Jenny M. Math

July 15, 1985

Brian Meyer, Attorney
PO Box 89
Onida, SD 57564

Dear Mr. Meyer:

Please find enclosed copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each, total of \$5.00.

Upon receipt of the enclosed forms and the \$5.00 filing fees, the permits will be split and those portions owned by the Insurance Company will be transferred to them under "B" numbers. Permit Nos 2463-3A and 4687-3A will be listed under Jim Sutton and Permit Nos. 2463-3B and 4687-3B will be listed under the Insurance Company.

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.

Please advise if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Meyer & Rogers

ATTORNEYS AT LAW

P.O. BOX 89 • ONIDA, SOUTH DAKOTA 57564 • TELEPHONE 605/253-2654

BRIAN B. MEYER
DARLA POLLMAN ROGERS

July 16, 1985

Genny McMath
Natural Resources Analyst
SOUTH DAKOTA DEPARTMENT OF
WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: James L. Sutton

Dear Genny:

I have forwarded to Prudential Insurance Company the forms you sent us by letter of July 15, 1985. At such time as this transaction is closed, they will execute and deliver the Notices to you.

Thank you very much for your prompt handling of this complicated matter. I hope the insurance company will move along as quickly as you did.

Very truly yours,


Brian B. Meyer
Attorney at Law

BBM/ph



July 17, 1985

Tom Adam
May, Adam, Gerdes & Thompson
Box 160
Pierre, South Dakota 57501

Dear Mr. Adam:

Regarding our telephone conversation of July 17, 1985, enclosed are copies of Water Permit Nos. 2463-3 and 4687-3 presently listed under the name of Jim Sutton. The following legal descriptions (authorized for irrigation under Permit No. 2463-3 and 4687-3) are the lands described to me by Brian Meyer to be transferred to the Insurance Company.

T115N-R79W	Section 4	SW $\frac{1}{4}$
	Section 5	N $\frac{1}{2}$ & SE $\frac{1}{4}$
T116N-R79W	Section 28	SW $\frac{1}{4}$
	Section 29	S $\frac{1}{2}$
	Section 32	ALL
	Section 33	NW $\frac{1}{4}$

Permit Nos 2463-3 and 4687-3 are the only two permits that relate to the above described land.

Since Permit Nos. 2463-3 and 4687-3 authorize irrigation of more lands than listed above, those portions still owned by Jim Sutton will remain under his name and be identified in Permit Nos 2463-3A and 4687-3A. The lands listed above will be deducted from the original permits and transferred to Prudential under 2463-3B and 4687-3B.

During our telephone conversation you inquired about lands still owned by Mr. Sutton and any irrigation being done on those lands. At the present time our office does not know the extent of irrigation development on these lands. All water permits specify a completion date for construction of the project. This date, for most permits, is five years from the date of Approval. When this date has lapsed, an inspection of the water use system and the extent of development is made. Since the completion date has not yet lapsed for Permit No. 4687-3, no inspection has been made of Mr. Sutton's irrigation project.

If you have any questions, please contact us.

Sincerely,

Genny McMATH
Natural Resources Analyst

GM:ms

L

WATER RIGHTS DIVISION
(605) 773-3852

May 20, 1986

Tom Adam, Attorney
May, Adam, Gerdes & Thompson
503 S. Pierre, P.O. Box 160
Pierre, South Dakota 57501

Dear Mr. Adam:

The inspection of the water use system and inspection of the extent of the application of water to beneficial use, as developed under Water Permit No. 4687-3, Jim Sutton & Sons, Incorporated, has been completed. The final water right document, the Water License, can now be issued. Water Permit No. 2463-3 will be incorporated into Water License No. 4687-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, the Water License will be issued to Jim Sutton & Sons, Incorporated.

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

Sincerely,

Genny McMath
Natural Resources Analyst

GN:ms
cc; Jim Sutton & Sons, Inc., Box 33, Onida, SD 57864

NOTE On form of payment, please include the number of the Water Permit.
This insures proper handling of the fee.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 22, 1986

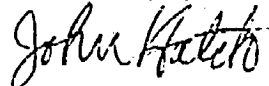
Thomas C Adam, Attorney
503 South Pierre
Pierre SD 57501

Dear Mr. Adam:

Enclosed is a copy of Water Right License No. 4687-3 (No. 2463-3 was incorporated into License No. 4687-3) which is being issued to James L Sutton, Jr. James L Sutton Jr. is the name on Water Permits No. 2463-3 and 4687-3. Although transfer forms were sent to Mr. Sutton's lawyer, Brian B Meyer in 1981, the forms were never returned to us requesting the transfer.

Pursuant to SDCL 46-5-33 and 46-5-34 irrigation water rights remain appurtenant to the lands. A transfer of title to the land carries with it all water rights to irrigate the land. When your client obtains title to the land irrigated under Water Right No. 4687-3, the name can be changed to the new land owner by submitting the enclosed transfer forms.

Very truly yours,



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

Equal Opportunity Employer

Permit No. 2463-3 + 4687-3Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by James L. ~~Jim~~ Sutton, Jr. JK~~Sons, Incorporated~~ of Box 33, Orinda, So. Dak. 57564 holder of
Permit No. *2463-3 + 4687-3, bearing the priority of 11-18-75 + 3-24-81 19 authorizingthe diversion of 27.0 + 23.26 cu. ft. per second of the waters of the Missouri River
for irrigation purposes, in Sully County.

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

A. Works used to divert the water: See attached sheets, 1A-3A

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

See attached sheet, 1B

C. Works used to apply water to beneficial use:

See attached sheet, 1CThe system is in the following condition goodThe point of diversion is located on the Missouri River, approximately
2150 ft. N. and 1600 ft. E. of the center of Sec. 25, T116N-R80WThe works are capable of diverting and conveying to the place of use 40.1
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

See attached land descriptions pp. 1-4.* Water Permit No. 2463-3 will be incorporated into Water License
No. 4687-3. A description of the lands and acreages permitted under
each priority date is located in attached pages 1-4.comprising a total of 277.6 acres of land and are license should be issued for 39.7 ctsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: Date 5-22-86Tom Barber
(signature)

Jim Sutton & Sons, Inc.
(Permit # 2463-3)

<u>Land Description</u>	<u>Acres</u>	<u>Land Description</u>	<u>Acres</u>
NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 5, T115N-R79W	33	NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 32, T116N-R79W	33
NW $\frac{1}{4}$, NE $\frac{1}{4}$	33	NW $\frac{1}{4}$, NE $\frac{1}{4}$	33
SW $\frac{1}{4}$, NE $\frac{1}{4}$	33	SW $\frac{1}{4}$, NE $\frac{1}{4}$	33
SE $\frac{1}{4}$, NE $\frac{1}{4}$	32	SE $\frac{1}{4}$, NE $\frac{1}{4}$	34
NE $\frac{1}{4}$, NW $\frac{1}{4}$	32	NE $\frac{1}{4}$, SE $\frac{1}{4}$	33
NW $\frac{1}{4}$, NW $\frac{1}{4}$	32	NW $\frac{1}{4}$, SE $\frac{1}{4}$	33
SW $\frac{1}{4}$, NW $\frac{1}{4}$	31	SW $\frac{1}{4}$, SE $\frac{1}{4}$	34
SE $\frac{1}{4}$, NW $\frac{1}{4}$	32	SE $\frac{1}{4}$, SE $\frac{1}{4}$	33
NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 31, T116N-R79W	33	NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 36, T116N-R90W	35
NW $\frac{1}{4}$, NE $\frac{1}{4}$	34	NW $\frac{1}{4}$, NE $\frac{1}{4}$	34
SW $\frac{1}{4}$, NE $\frac{1}{4}$	33	SW $\frac{1}{4}$, NE $\frac{1}{4}$	35
SE $\frac{1}{4}$, NE $\frac{1}{4}$	34	SE $\frac{1}{4}$, NE $\frac{1}{4}$	35
NE $\frac{1}{4}$, NW $\frac{1}{4}$	34		
NW $\frac{1}{4}$, NW $\frac{1}{4}$	33		
SW $\frac{1}{4}$, NW $\frac{1}{4}$	34		
SE $\frac{1}{4}$, NW $\frac{1}{4}$	33		
NE $\frac{1}{4}$, SW $\frac{1}{4}$	35		
NW $\frac{1}{4}$, SW $\frac{1}{4}$	35		
SW $\frac{1}{4}$, SW $\frac{1}{4}$	35		
SE $\frac{1}{4}$, SW $\frac{1}{4}$	35		
NE $\frac{1}{4}$, SE $\frac{1}{4}$	33		
NW $\frac{1}{4}$, SE $\frac{1}{4}$	32		
SW $\frac{1}{4}$, SE $\frac{1}{4}$	33		
SE $\frac{1}{4}$, SE $\frac{1}{4}$	33		

Jim Sutton & Sons, Inc.

(Permit # 4687-3)

<u>Land Description</u>	<u>Acres</u>
NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 4, T115N-R79W	33
NW $\frac{1}{4}$, SW $\frac{1}{4}$	32
SW $\frac{1}{4}$, SW $\frac{1}{4}$	32
SE $\frac{1}{4}$, SW $\frac{1}{4}$	32
NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 5, T115N-R79W	31
NW $\frac{1}{4}$, SE $\frac{1}{4}$	32
SW $\frac{1}{4}$, SE $\frac{1}{4}$	32
SE $\frac{1}{4}$, SE $\frac{1}{4}$	31
NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 28, T116N-R79W	32
NW $\frac{1}{4}$, SW $\frac{1}{4}$	32
SW $\frac{1}{4}$, SW $\frac{1}{4}$	32
SE $\frac{1}{4}$, SW $\frac{1}{4}$	31
NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 33, T116N-R79W	31
NW $\frac{1}{4}$, NW $\frac{1}{4}$	31
SW $\frac{1}{4}$, NW $\frac{1}{4}$	30
SE $\frac{1}{4}$, NW $\frac{1}{4}$	31
NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 36, T116N-R80W	34
NW $\frac{1}{4}$, NW $\frac{1}{4}$	34
SW $\frac{1}{4}$, NW $\frac{1}{4}$	34
SE $\frac{1}{4}$, NW $\frac{1}{4}$	35

Jim Sutton + Sons, Inc.

[Combined permits 2463-3 & 4687-3 (on quarter sections)]

Land Description	Acres	
	Priority 2463-3	Priority 4687-3
NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 29, T116N-R79W	8	7
NW $\frac{1}{4}$, SW $\frac{1}{4}$	7	8
SW $\frac{1}{4}$, SW $\frac{1}{4}$	40	-
<u>SE $\frac{1}{4}$, SW $\frac{1}{4}$</u>	40	-
NE $\frac{1}{4}$, SE $\frac{1}{4}$	-	25
NW $\frac{1}{4}$, SE $\frac{1}{4}$	6	18
SW $\frac{1}{4}$, SE $\frac{1}{4}$	34	6
SE $\frac{1}{4}$, SE $\frac{1}{4}$	-	40
NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 30, T116N-R79W	-	-
NW $\frac{1}{4}$, NE $\frac{1}{4}$	-	4
SW $\frac{1}{4}$, NE $\frac{1}{4}$	20	15
<u>SE $\frac{1}{4}$, NE $\frac{1}{4}$</u>	-	-
NE $\frac{1}{4}$, NW $\frac{1}{4}$	-	7
NW $\frac{1}{4}$, NW $\frac{1}{4}$	-	-
SW $\frac{1}{4}$, NW $\frac{1}{4}$	-	12
<u>SE $\frac{1}{4}$, NW $\frac{1}{4}$</u>	40	-
NE $\frac{1}{4}$, SW $\frac{1}{4}$	28	5
NW $\frac{1}{4}$, SW $\frac{1}{4}$	29	5
SW $\frac{1}{4}$, SW $\frac{1}{4}$	29	5
<u>SE $\frac{1}{4}$, SW $\frac{1}{4}$</u>	29	5
NE $\frac{1}{4}$, SE $\frac{1}{4}$	30	3
NW $\frac{1}{4}$, SE $\frac{1}{4}$	30	3
SW $\frac{1}{4}$, SE $\frac{1}{4}$	30	2
SE $\frac{1}{4}$, SE $\frac{1}{4}$	30	3

Jim Sutton & Sons, Inc.

[Combined permits 2463-3 + 4687-3 (on quarter sections)]

Land Description	Acres	
	priority 2463-3	priority 4687-3
NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 32, T116N-R79W	18	13
NW $\frac{1}{4}$, NW $\frac{1}{4}$	18	13
SW $\frac{1}{4}$, NW $\frac{1}{4}$	33	-
SE $\frac{1}{4}$, NW $\frac{1}{4}$	34	-
NE $\frac{1}{4}$, SW $\frac{1}{4}$	34	-
NW $\frac{1}{4}$, SW $\frac{1}{4}$	34	-
SW $\frac{1}{4}$, SW $\frac{1}{4}$	-	29
SE $\frac{1}{4}$, SW $\frac{1}{4}$	-	29
NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 25, T116N-R80W	13	2
NW $\frac{1}{4}$, SE $\frac{1}{4}$	5	3
SW $\frac{1}{4}$, SE $\frac{1}{4}$	15	2
SE $\frac{1}{4}$, SE $\frac{1}{4}$	32	2

<u>Permit</u>	<u>Acres</u>
2463-3	1868
4687-3	908

Total Permitted Acreage = 2776 acres

Diversion Rate $\rightarrow$ 2776 acres = 39.7 cfs
70 acres/cfs

A. Works used to divert water

Pump station at Missouri River.

Location: = 2150 ft. N. and 1600 ft. E. of
the center of Sec. 25, T116N, R80W.

Pumping Plant

4 Johnston Submersibles - 100 Hp each

3 Pioneer Submersibles - 20 Hp each

Booster Pumps at Pump Station

1. Motors and pumps (N to S) for Johnston
Submersibles.

a) Motor: General Electric (GE)

Serial no. ^(SN): DTJ415013

400hp, 1775 rpm

pump: Johnston Vertical

Serial no. ^(SN): ATP-21305

b) Motor: GE

SN: ETJ506018

400hp, 1775 rpm

pump: Johnston Vertical

SN: ATP-21306

c) Motor: GE

SN: ETJ506016

400hp, 1775 rpm

pump: Johnston Vertical

SN: ATP-21303

d) Motor: GE

SN: ETJ506017

400hp, 1775 rpm

pump: Johnston Vertical

SN: ATP-21304

2. Motors and pumps (N to S) for Pioneer submersibles.

a.) North pump and motor missing.

b.) motor: GE

SN: DMJ421372

100hp, 3550 rpm

pump: Cornell, impeller $9\frac{3}{16}$ "

MN: 4YBVM 100-2

SN: E2269

c.) motor: GE

SN: DMJ421389

100hp, 3550 rpm

pump: Cornell, imp. $9\frac{3}{16}$ "

MN: 4YBVM 100-2

SN: E2319

d.) motor: GE

SN: LMJ1124412

100hp, 3550 rpm

pump: Cornell, imp. $9\frac{3}{16}$ "

MN: 4YBVM 100-2

SN: E2271

e.) motor: GE

SN: LMJ1124416

100hp, 3550 rpm

pump: Cornell, imp. $9\frac{3}{16}$ "

MN: 4YBVM 100-2

SN: E2320

Booster Station for Pivots

Location: Approximate $\frac{1}{4}$ corner between sections 30+31, T116N, R79W.

Motors and pumps (N to S) at pivot booster station

a.) motor: GE

MN: SK324JL146

50hp, 3555 rpm

pump: Cornell, imp. $7\frac{11}{16}$ "

MN: 5WB50-2

SN: E2280

b) motor : GE

MN : 5K324JL146

50hp, 3555rpm

pump : Cornell, imp. - $7\frac{11}{32}$ "

MN : 5WB50-2...

SN : E2281

c) motor : GE

MN : 5K326JL156A

60hp, 3550 rpm

pump : Cornell, imp. - $7\frac{1}{2}$ "

MN : 5WB60-2

SN : E2417

B. Works used to transport water to place of use

<u>Pipeline</u>	<u>size (in)</u>	<u>type</u>	<u>approximate length (ft.)</u>
	28	steel	6200
	24	pvc	6200
	15	pvc	20150
	12	pvc	9900
	8	pvc	36600

C. Works used to apply water to beneficial use

1. 20 center pivots

a) 19 Electrogator center pivots

1. No. of towers: 18 pivots with 8 towers
1 pivot with 9 towers
(operates on only $\frac{1}{2}$ circle)

2. capacity: 850 gpm avg.

3. rainbird sprinklers

4. length: 8 tower pivots - App. 1284' to 1312'
9 tower pivot - App. 1620'

b) 1 Zimmatic center pivot

1. No. of towers: 1 pivot with 5 towers

2. capacity: 700 gpm avg.

3. rainbird sprinklers

4. length: 5 tower pivot - App. 960'

2. 1 linear sideroll system

a) 1 Maxigator linear sideroll system

1. No. of towers: 13

2. capacity: 850 gpm avg.

3. rainbird sprinklers

5. length: 13 towers on linear - App. 2020'

State of South Dakota

Water License No. 4687-3

James L Sutton, Jr.

(1) Box 33, Onida SD
of made Application No. 4687-3, March 24, 1981 for a water permit of appropriate
23.26 cubic feet per second of water from the Missouri River,
Sully County, South Dakota for irrigation purposes.
Permit No. 4687-3, with a priority date of March 24, 1981
was approved May 1, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 1, 1986 and for the application to beneficial use of said
water on or before May 1, 1990.

The applicable portions of Water Permit No. 2463-3 have been incorporated into
this Water License No. 4687-3. Specific priority dates for the lands irrigated are
described in Attachment A.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 39.7 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the Missouri River approximately
2150 feet N and 1600 feet E of the center of Section 25, T116N, R80W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, see Attachment A

(4) Pursuant to §46-5-30.1 James L. Sutton, Jr.

of Box 33, Onida SD

the holder(s) and/or owner(s) of Water Permit No. 4687-3 is issued a license to appropriate water, the right to use 39.7 cubic feet per second of water from the Missouri River with a priority date of November 18, 1975 & March 24, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4687-3 and subject to South Dakota State Law.

John Blatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAY 22 1986,

JAMES L SUTTON, JR
WATER LICENSE NO. 4687-3
ATTACHMENT A

LAND DESCRIPTION	PRIORITY 11-18-75	PRIORITY 3-24-81
SECTION 5, T115N, R79W NE 1/4 NE 1/4	33 ACRES	ACRES
NW 1/4 NE 1/4	33	
SW 1/4 NE 1/4	33	
SE 1/4 NE 1/4	32	
NE 1/4 NW 1/4	32	
NW 1/4 NW 1/4	32	
SW 1/4 NW 1/4	31	
SE 1/4 NW 1/4	32	
NE 1/4 SE 1/4		31
NW 1/4 SE 1/4		32
SW 1/4 SE 1/4		32
SE 1/4 SE 1/4		31
SECTION 4, T115N, R79W NE 1/4 SW 1/4		33
NW 1/4 SW 1/4		32
SW 1/4 SW 1/4		32
SE 1/4 SW 1/4		32
SECTION 28, T116N, R79W NE 1/4 SW 1/4		32
NW 1/4 SW 1/4		32
SW 1/4 SW 1/4		32
SE 1/4 SW 1/4		31
SECTION 29, T116N, R79W NE 1/4 SW 1/4	8	7
NW 1/4 SW 1/4	7	8
SW 1/4 SW 1/4	40	
SE 1/4 SW 1/4	40	
NE 1/4 SE 1/4		25
NW 1/4 SE 1/4	6	18
SW 1/4 SE 1/4	34	6
SE 1/4 SE 1/4		40
SECTION 30, T116N, R79W NW 1/4 NE 1/4		4
SW 1/4 NE 1/4	20	15
NE 1/4 NW 1/4		7
SW 1/4 NW 1/4		12
SE 1/4 NW 1/4	40	
NE 1/4 SW 1/4	28	5
NW 1/4 SW 1/4	29	5
SW 1/4 SW 1/4	29	5
SE 1/4 SW 1/4	29	5
NE 1/4 SE 1/4	30	3
NW 1/4 SE 1/4	30	3
SW 1/4 SE 1/4	30	2
SE 1/4 SE 1/4	30	3
SECTION 31, T116N, R79W NE 1/4 NE 1/4	33	
NW 1/4 NE 1/4	34	
SW 1/4 NE 1/4	33	
SE 1/4 NE 1/4	34	
NE 1/4 NW 1/4	34	
NW 1/4 NW 1/4	33	

ATTACHMENT A
page 2

	SW 1/4 NW 1/4	34	
	SE 1/4 NW 1/4	33	
	NE 1/4 SW 1/4	35	
	NW 1/4 SW 1/4	35	
	SW 1/4 SW 1/4	35	
	SE 1/4 SW 1/4	35	
	NE 1/4 SE 1/4	33	
	NW 1/4 SE 1/4	32	
	SW 1/4 SE 1/4	33	
	SE 1/4 SE 1/4	33	
SECTION 32, T116N, R79W	NE 1/4 NE 1/4	33	
	NW 1/4 NE 1/4	33	
	SW 1/4 NE 1/4	33	
	SE 1/4 NE 1/4	34	
	NE 1/4 SE 1/4	33	
	NW 1/4 SE 1/4	33	
	SW 1/4 SE 1/4	34	
	SE 1/4 SE 1/4	33	
	NE 1/4 NW 1/4	18	13
	NW 1/4 NW 1/4	18	13
	SW 1/4 NW 1/4	33	
	SE 1/4 NW 1/4	34	
	NE 1/4 SW 1/4	34	
	NW 1/4 SW 1/4	34	
	SW 1/4 SW 1/4		29
	SE 1/4 SW 1/4		29
SECTION 33, T116N, R79W	NE 1/4 NW 1/4		31
	NW 1/4 NW 1/4		31
	SW 1/4 NW 1/4		30
	SE 1/4 NW 1/4		31
SECTION 25, T116N, R80W	NE 1/4 SE 1/4	13	2
	NW 1/4 SE 1/4	5	3
	SW 1/4 SE 1/4	15	2
	SE 1/4 SE 1/4	32	2
SECTION 36, T116N, R80W	NE 1/4 NW 1/4		34
	NW 1/4 NW 1/4		34
	SW 1/4 NW 1/4		34
	SE 1/4 NW 1/4		35
	NE 1/4 NE 1/4	35	
	NW 1/4 NE 1/4	34	
	SW 1/4 NE 1/4	35	
	SE 1/4 NE 1/4	35	
		1268 ACRES	908 ACRES
	TOTAL	2776 ACRES	

No. 4687-3

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

MAY 22 1986

James L Sutton, Jr.
Box 33
Onida SD 57564

Dear Mr. Sutton:

Enclosed herewith is, Water License No. 4687-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

cc: Tom Adam, Attorney

WNR-817 3/83
Transmittal of Water License

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410451

Pierre, May 22, 1966

RECEIVED OF Law Office of May, Adam, Gerdes & Thompson, Pierre SD 57501

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

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. <u>4687-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50	00

By John Hatch
Chief Engineer JOHN HATCH (TS)

Attachment to Water Right No. 4687-3

Portions of land irrigated under Water License No. 4687-3 has been transferred to a new owner. Water License No. 4687-3 is being divided and reissued as No. 4687-3A, James L. Sutton, Jr., and No. 4687-3B, Prudential Insurance Company of America.

Water License No. 4687-3A is being reissued for irrigation of 1,253 acres in portions of Sections 30 & 31, T116N, R29W and Sections 25 & 26, T116N, R30W and authorizes diversion of 17.9 cfs.

Water License No. 4687-3B is being reissued for irrigation of 1,525 acres in portions of Sections 4 & 5, T115N, R29W and Sections 28, 29, 32 & 33, T116N, R29W and authorizes diversion of 21.3 cfs.

Priority strictly 4687-3

Combined Priority

2463-3 + 4687-3

R 80 W

Artichoke Crp

ARTICHOKE BUTTE

2463
4687

Fuller Lake

R 80 W

R 79 W

4687-3

R 80 W

Artichoke Creek

ARTICHOKE BUTTE

2463
4687

Fuller Lake

