

Additional Acreage on 4610-3

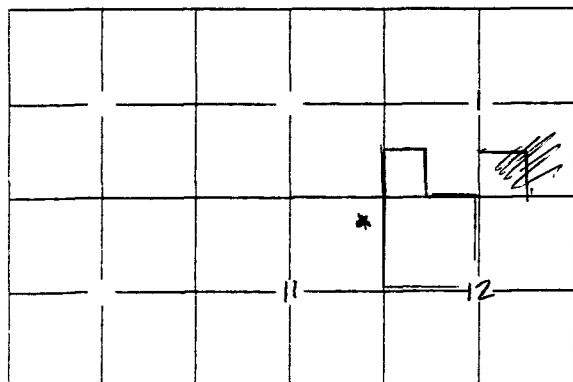
1. Considered: April 7, 1982 Water Right No. 4862-3
2. Name of Applicant Orris or Milton Swayze
3. Post Office Address Rt 2, Wilmot, SD 57279
4. Amount of Water Claimed no add'l (2.5) maximum acre feet
5. Source of Water Supply dam & 133' well (well ^{and dam} existing under 4610-3)
6. Water to be used for IRR acres to be irrigated 160
7. County ROBERTS about 7.5, 1.3 miles EAST of PEEVER
8. PROOF OF PUBLICATION: Received 4-7-82 Not Received
 APPLICATION: Approved ✓ Subject to
 Not Approved Action Deferred

PRIORITY Dated Received 1-4-82 Application complete (yes) no FEE \$250.00
 Remarks

Corrected Application received Period of Annual Use APRIL - OCTOBER

WATER Received yes X no APPROVED (CONDITIONAL) (Circle one)
 QUALITY WI-1 Description same as application - (yes) no Remarks

Disapproved Returned



Diversion Point NE 1/4 NE 1/4 11, 123N-51W

Land to be irrigated SW 1/4 SW 1/4 Sec 1,
NW 1/4 Sec 12, T123N, R51W

WELL LOG Driller Lee Well Drilling Licensed - yes XXX no
 Depth 133' deep

Remarks

MAP Map No. Sails 4067-3 Map located in Water Right ✓ Map file _____
Type of Map Sails Prepared by Wiersma PE

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

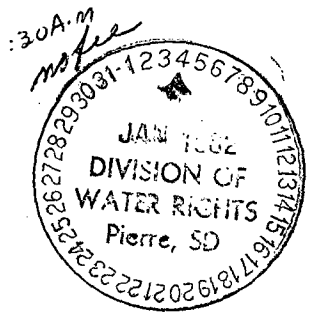
3/1/82.

Dusty Westlund
(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 was
DECISIONS adopted _____
ETC. Remarks _____

No. 4862-3Map No. 4067-3 Water Division No. 3 MINNESOTA District

Above for Office Use

07020001**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 ✓ ON 4610-3

1. Name of Applicant Orvis & Milton Swagze Phone No. 938-4141
 Post Office Address Wilmet 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 S.D. relief labor3. Name of diversion work Swagze Irrigation Project #44. Amount of water claimed (cubic feet per second) 2.5 (No ADD'L) original permit5. Source of water supply combination dam & well

6. Location of point of diversion Same as permit # 4610-3 - well pumped into dam
supplemented by natural runoff - location of well is N44°N 158°W
at SE corner of Sec 2 - 123-51 County Roberts

7. 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 160

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>SW 1/4 of SW 1/4 of Sec 1 - 123-51</u>	<u>37 ✓</u>
<u>NW 1/4 of NW 1/4 of Sec 12 - 123-51</u>	<u>20 31</u>
<u>NE 1/4 of NW 1/4 of Sec 12 - 123-51</u>	<u>30 31</u>
<u>SW 1/4 of NW 1/4 of Sec 13 - 123-51</u>	<u>27 31</u>

Land Description	No. Acres Irr.
<u>SE 1/4 of NW 1/4 of Sec 13 - 123-51</u>	<u>36 31</u>

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 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Wilmet Enterprise

12. Principal Features of the Proposed Water Supply System.

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

Dam & well with pumps - same as under permit
4610-3

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

closed conduit

C. Works proposed to apply water to beneficial use.

Big gun irrigation system

Estimated Total Cost \$ _____

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 Brookings) ss.

I, Orvis Swagze 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 Orvis SwagzeSubscribed and sworn to before me this 12-20-80 day of Dec, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4862-3

ORRIN OR MILTON SWAYZE

(Applicant)

RT 2 - WILMOT

(Post Office Address)

SOUTH DAKOTA 57279

(State)

With the following qualifications.

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.

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used for irrigation 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.

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

Date of first receipt of application JANUARY 4, 1982

Date of return to applicant for correction, amendments or changes required JANUARY 11, 1982

Date of receipt of corrected application JANUARY 19, 1982

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4862-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4862-3 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 JANUARY 4, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1984
3. The whole of said work is to be completed on or before APRIL 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 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 NO ADDITIONAL 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 APRIL 7, 1990; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

December 30, 1981



Orris Swayze
Wilmot, SD 57279

Dear Mr. Swayze:

Enclosed is your copy of the laboratory report of analysis for water sample No. 80-939.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 80-939 is classified as a high saline, low to medium sodic water. It is marginally suitable as a source for irrigation due to the presence of substantial amounts of calcium and sodium salts.

Irrigation application rates should exceed crop requirements. This will allow the moderately heavy salt load dissolved in your water to pass through the soil rooting zone (top two feet). A two inch application rate should do the job.

The Peever clay loam found in the NE 1/4 of the NE 1/4 of Section 11-123-51 and the NW 1/4 of Section 12-123-51 is compatible with the quality of your water. However, the Hattie clay loam and Loamy Fluvisols may pond under irrigation. Persistent wet spots that develop on these soils should be maintained in grass or a grass/alfalfa mixture.

If a salt build-up or a rising water table occurs, please contact your county extension agent or this office.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb

Enclosures

cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8660

PIERRE, January 19, 1982, 19

RECEIVED OF Orrin or Milton Swayze, Route #2, Wilmot, SD 57279

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

Fee for Application for Permit to Appropriate Water No. 4862-3 (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

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: ORRIS SWAYZE
 Address: Wilmot, SD 57279

Date Rec'd. October 22, 1980
 Sample No. 80-939
 Identification Well 133'
NE $\frac{1}{4}$ Section 11-T123N. R51W

WATER ANALYSIS

Calcium (Ca)	168	ppm*	8.40	me/l**
Magnesium (Mg)	60	ppm	4.92	me/l
Sodium (Na)	100	ppm	4.35	me/l
Potassium (K)	17	ppm	0.44	me/l
Sulfate (SO ₄)	480	ppm	9.98	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.17	me/l
Bicarbonate (HCO ₃)	371	ppm	6.08	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	304	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1578	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.70	Adjusted SAR	4.55	
Sodium	24.00	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.61			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 18.11
 Total anions 16.23

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. _____

Amount Enclosed \$ _____

Signed _____

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT

Orris Swayze

NW $\frac{1}{4}$ 12-123-51; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1-123-51 = 160 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

The drainage ways should be kept in grass or an alfalfa grass mixture to prevent problems with erosion. These areas are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

2998

OWNERS NAME: Orvis Swartz OWNERS ADDRESS: Willow St

COUNTY LAND LOCATED IN: Roberts PHONE: 605-938-4141

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: NE 1/4 NE 1/4 SEC 11-123-51
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>NW 1/4 SEC 12-123-51</u>	<u>130</u>	<u>Willow St</u>	
<u>SW 1/4 SEC 11-123-51</u>	<u>30</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: Corn and small grains

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 81

LEGAL DESCRIPTION: This land does not hold a permit but will use water
IN WHAT NAME: Orvis Swartz

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

7. WATER SAMPLE NUMBER: 80-929
8. SALINITY (EC X 10⁶): 1578
9. SODIUM (SAR): 1.70
10. ADJUSTED (SAR): 4.55 (3.18)



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

30 DAY OF Dec, 1981.

John W. Swartz
(NOTARY PUBLIC)

Orvis Swartz
APPLICANT'S SIGNATURE

John W. Swartz
Director, Division of Conservation

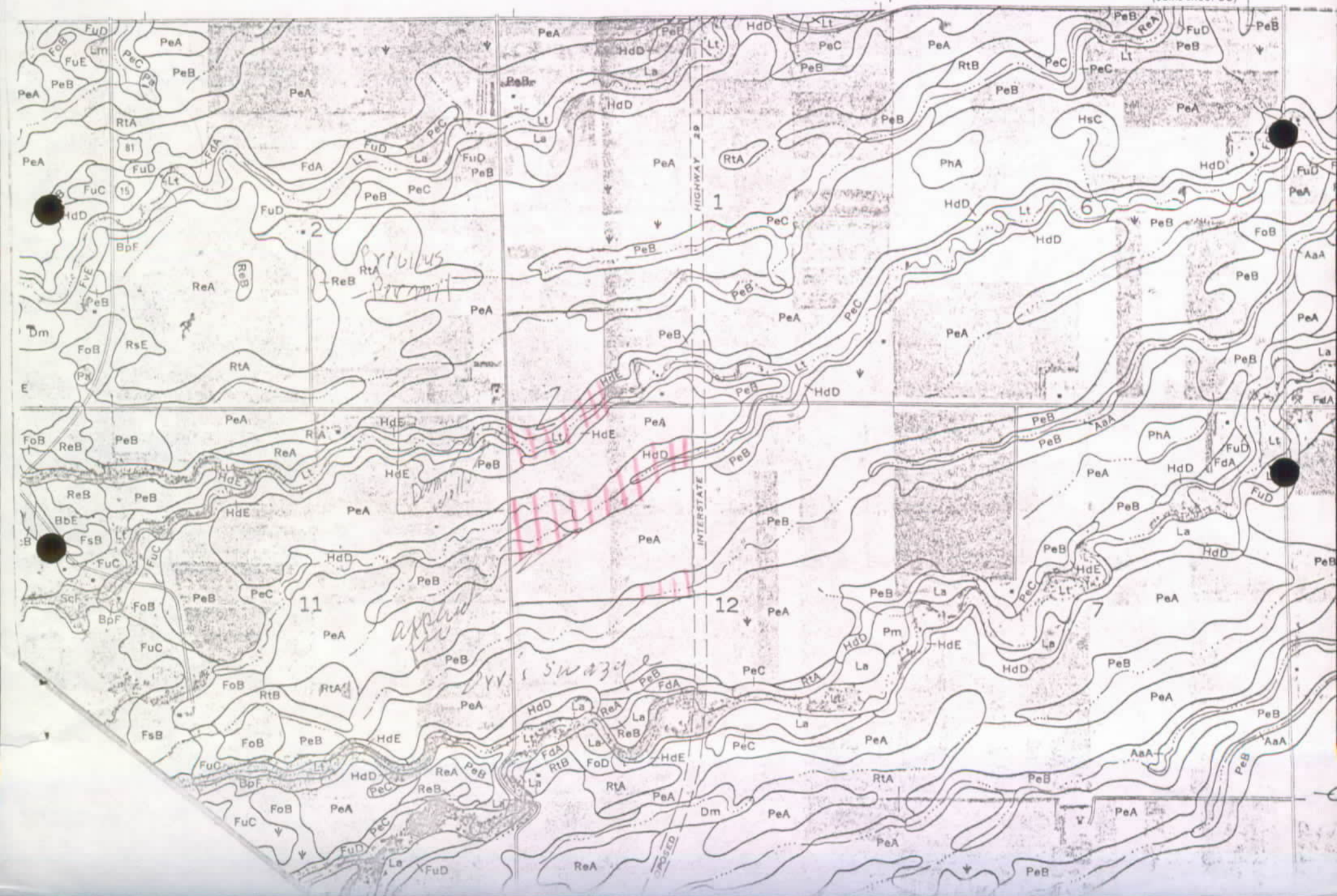
APPROVED _____
DISAPPROVED _____
X CONDITIONALLY APPROVED _____

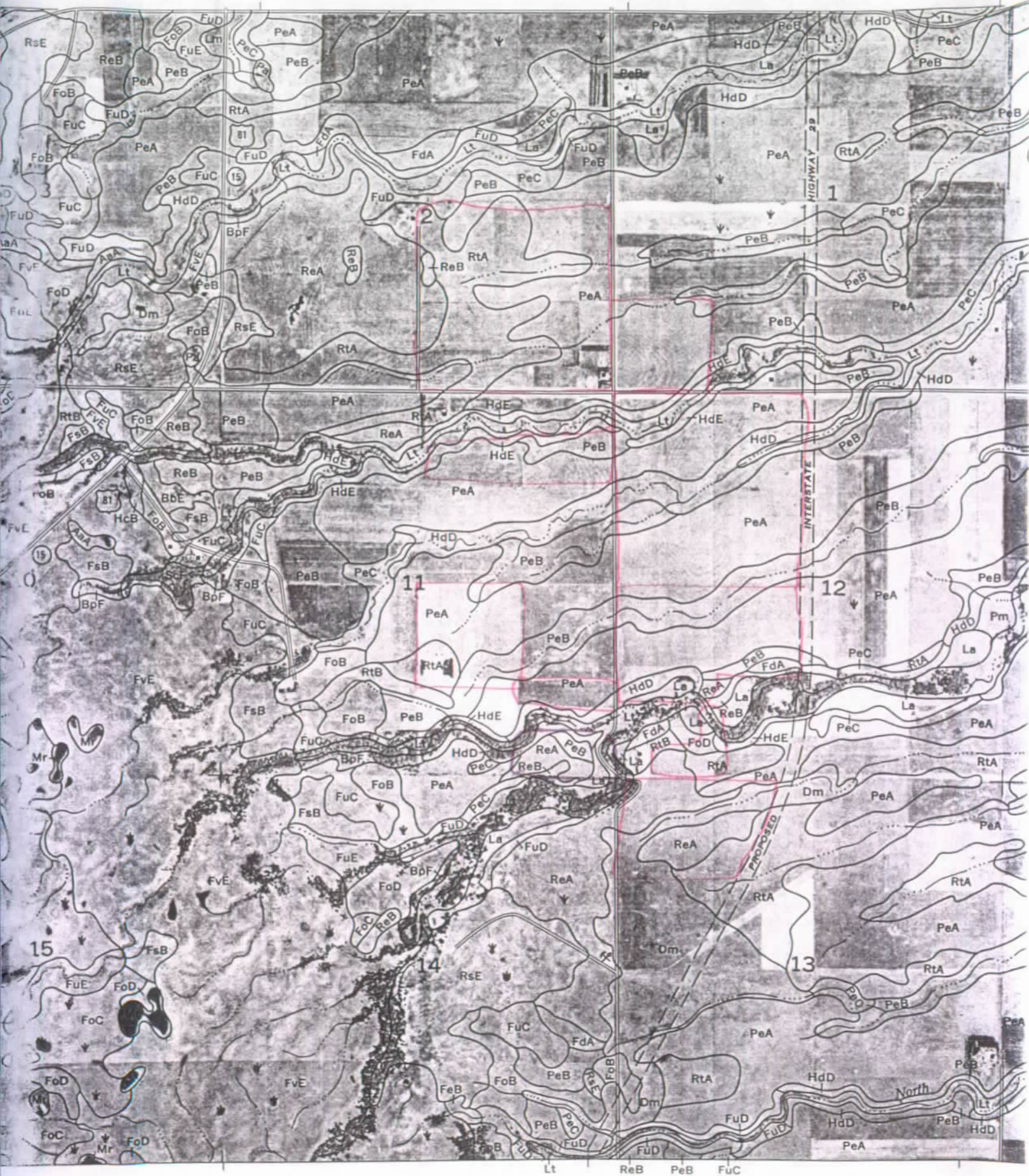
IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

ROBERTS COUNTY, SOUTH DAKOTA — SHEET NUMBER 69

R. 51 W. | R. 50 W.

(Joins sheet 63)





Publish first publication, on or before March 18, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 2, 1982

Notice is hereby given Orrin or Milton Swayze whose post office

address is Rt 2, Wilmot, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-38, (transfer lands) 46-5-39 thru 46-5-39~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:05~~, for a permit to appropriate for beneficial use

no add'l cubic feet of water per second of time from groundwater (1 well existing)

through the Swayze Irrigation Project #4, the point ~~SCS~~ of diversion which

is ~~(are)~~ to be located in the NE 1/4 NE 1/4

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

SW 1/4 SW 1/4, Section 1, and the NE 1/4 Section 12, both in T123N, R51W

(additional acreage on an existing permit)

This Application No. 4362-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Charles D. Floro 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 Wilmot of _____

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

March 11, March 18, 1982

Charles D. Floro
(Signature)

Publisher

(Title)

April 5, 1982

(Date Signed)

Date 4-5-82 JMB
Notary Public, S. D.

My Commission Expires: June 25, 1983

Cost of Printing: 29.48

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
March 2, 1982
No. 4862-3

Notice is hereby given Orris or
Milton Swayze whose post office
address is Rt. 2, Wilmot, South Dakota,
has made an application in accordance
with the provisions of SDCL 46-1-1
thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41,
46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10,
46-6-13, 46-6-14, and Board Rules
ARSD 74:02:01:01 thru 74:02:01:15, for
a permit to appropriate for beneficial
use no add'l cubic feet of water per
second of time from groundwater (1
well existing) through the Swayze
Irrigation Project #4, the point of
diversion which is located in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Twp. 123N,
Range 51W. Said water to be used for
purpose of providing irrigation on
portions of the following described
land: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and the
NW $\frac{1}{4}$ Section 12, both in T123N,
R51W (additional acreage on an exist-
ing permit).

This Application No. 4862-3 will be
considered by the Water Management
Board at Meeting Room #1, Kneip
Bldg. Church & Illinois, Pierre, SD
upon the 7th day of April, 1982 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
Circuit Court and the State Supreme
Court 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.

For the Water Management Board
BETTY WESTLUND,
Water Rights Specialist
(March 11, 18, 1982)

October 22, 1990

Mr. Orris Swayze
RR 2 Box 18
Wilmot, SD 57279

Dear Mr. Swayze,

This is in regards to the inspection I performed on your irrigation system on August 29, 1990. At that time I found that water from both dams was being used to irrigate all of the acreage. The existing permits only allow part of the acreage to be irrigated from one dam and the rest of the acreage to be irrigated from the other dam. Because of this, a new permit which will correct this problem must be applied for.

Enclosed is an instruction sheet and a partially completed application, you should carefully review, complete, sign before a notary public, and return the application along with a \$50 fee to this office. You will need to have a water sample from each dam tested for the soil/water permit.

If you have any questions feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
605-773-3352

enclosure

South Dakota



GREAT FACES. GREAT PLACES.

May 23, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

Orris Swayze
RR 2, Box 18
Wilmot SD 57279

Dear Mr. Swayze:

On October 22, 1990, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 2673-3, 3599-3, 4610-3 and 4862-3 by Mark Rath, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding the application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. An application fee of \$50 is required. You will need to have a water sample from each dam tested for the soil/water compatibility permit. See Items No. 4 & 5 on the attached instruction sheet.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. The permits can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



4862-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

ORRIS & 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:

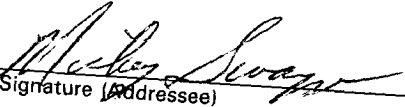
1. Suspend or cancel Permit No(s) 4610-3 & 4862-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2673-3 & 3599-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☒ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to:		4a. Article Number	
ORRIS & MILTON SWAYZE RR #2 WILMOT SD 57279		P 837 692 580	
5. Signature (Addressee)		4b. Service Type	
		☐ Registered ☐ Insured	
6. Signature (Agent)		☒ Certified ☐ COD	
		☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery	
		2-17-94	
		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 1994

4862-3

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

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2673-2, 3599-3, 4610-3 and 4862-3, was completed August 29, 1990. At that time, application forms were sent to you for an additional point of diversion (dam). The 1994 Legislature passed legislation allowing diversion points to be changed or additional diversion points under certain circumstances. Because of this legislative action, the application for an additional diversion point is no longer required. Therefore, your final water right document, the Water License, can now be issued.

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, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181**

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

Sincerely,

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

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

RECEIPT

414344

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 28 _____, 19 94

RECEIVED OF Swayze Brothers, RR 2 Box 18, Wilmot SD 57279

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4862-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Orris and Milton Swayze

ADDRESS: RR 2, Box 18, Wilmot SD COUNTY: Roberts

DATE: 7-27-94 TELEPHONE:

RE: S/W Compatibility Permit

COMMENTS:

We are proceeding with the readvertisement of this permit based on the repeal of the Soil/Water Compatibility Permit statutes by the 1994 Legislature.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 1995

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

Dear Sirs:

The original notice of hearing for Water Permit Nos. 4610-3 and 4862-3 were published with errors. The notices did not include the 21 acre-feet storage dam located in the NE 1/4 Section 11-T123N-R51W. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Wilmot Enterprise printed at Wilmot SD (Ph # 605 938-4651). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING ON APPLICATION NOS. 4610-3 and 4862-3 to Appropriate Water

Notice is given of readvertisement of Water Permit Nos. 4610-3 and 4862-3 held by Orris and Milton Swayze, RR 2, Box 18, Wilmot, SD 57279. An inspection of Water Permit Nos. 2673-3, 3599-3, 4610-3 and 4862-3 found 2 dams (total storage capacity 41 acre-feet) located in the NE 1/4 NE 1/4 and the SE 1/4 SE 1/4 Section 11 capable of diverting 1.78 cubic feet of water per second to irrigate 498 acres located in the SW 1/4 SW 1/4 Section 1; SE 1/4 Section 2; NE 1/4 NE 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4 Section 11; NW 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 12; N 1/2 NW 1/4 Section 13; all located in the T123N-R51W. Readvertisement of the notice of hearing for Water Permit Nos. 4610-3 and 4862-3 published on January 15 and 22, 1981, and March 11 and 18, 1982, is needed to include the 21 acre-feet storage dam located in the NE 1/4 NE 1/4 Section 11-T123N-R51W. The storage dam was omitted on the original publications. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application Nos. 4610-3 and 4862-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 13, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Roberts) SS

I, Cheryl Rondeau-Bassett

certify that the attached printed Notice was
taken from the Wilmot Enterprise

printed and published in Wilmot, SD

County of Roberts and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

October 25, 1995

November 1, 1995

Cost of Printing: \$45.63

[Signature]
(Signature)
Editor/Publisher
(Title)

November 1, 1995
(Date Signed)

NOTICE OF HEARING ON APPLICATION NOS. 4610-3 and 4862-3 to APPROPRIATE WATER

Notice is given of readvertisement of Water Permit Nos. 4610-3 and 4862-3 held by Orris and Milton Swayze, RR2, Box 18, Wilmot, SD 57279. An inspection of Water Permit Nos. 2673-3, 3599-3, 4610-3 and 4862-3 found 2 dams (total storage capacity 41 acre-feet) located in the NE1/4NE1/4 and the SE1/4SE1/4 Section 11 capable of diverting 1.78 cubic feet of water per second to irrigate 498 acres located in the SW1/4SW1/4 Section 1; SE1/4 Section 2; NE1/4NE1/4, NW1/4SE1/4, SE1/4SE1/4 Section 11; NW1/4, N1/2SW1/4, SW1/4SW1/4 Section 12; N1/2NW1/4 Section 13; all located in the T123N-R51W. Readvertisement of the notice of hearing for Water Permit Nos. 4610-3 and 4862-3 published on January 15 and 22, 1981, and March 11 and 18, 1982, is needed to include the 21 acre-foot storage dam located in the NE1/4NE1/4 Section 11-T123N-R51W. The storage dam was omitted on the original publications. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application Nos. 4610-3 and 4862-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 13, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Oct. 25 & Nov. 1, 1995)



PAYMENT REQUEST FORM

PAYEE: Wilmot Enterprise
P.O. Box 37
Wilmot, SD 57279-0037

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Notice of Hearing On Application
Nos. 4610-3 and 4862-3 to Appropriate Water.

AMOUNT: \$45.63

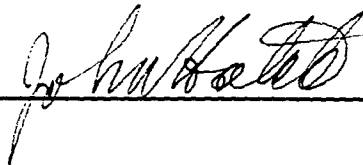
FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____



11-14-95

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



4862-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

ORRIS & MILTON SWAYZE
RT 2
WILMOT SD 57279

4a. Article Number

Z 348 318 813

4b. Service Type

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

7. Date of Delivery

2-1-96

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Milton Swayze*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



4862-3

**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,

A handwritten signature in cursive script that reads "Genny McMath".

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

Permit No. 2673-3,3599-3,4610-3 & 4862-3

Minnesota River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

On **August 29, 1990** I made a thorough examination of the water use system constructed by **Orris and Milton Swayze** of **RR2 Box 18, Wilmot SD 57279** holder of Permit Nos. **2673-3, 3599-3, 4610-3 and 4862-3**, bearing the priority of **June 13, 1974 (1.30cfs); April, 1 1976 (2.06cfs); February 22, 1977 (0.57cfs); December, 9 1980 (2.50cfs); January 4, 1982 (no add'l)** authorizing the diversion of **6.43 cu. ft. per second** and the storage of **41 acre-feet** of the waters of **surface water** for **irrigation** purposes, in **Grant** County.

Roberts

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

A. Works used to divert the water:

A 6 inch pump with an 800gpm capacity.

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

7900 feet of aluminum 6,7 and 8 inch pipe.

C. Works used to apply water to beneficial use:

A Zimmatic center pivot and a Nelson Easy Rain big gun.

The system is in the following condition **fair**. The point of diversion is located **NE1/4 NE1/4 and SE1/4 SE1/4 of Section 11 T123N-R51W (2 dams)**. The works are capable of diverting and conveying to the place of use **1.78 cu. ft. per second** of water and storing **41 acre-feet** of water which is to be used for. Water has been put to beneficial use to the maximum extent as follows:

All land located in T123N-R51W:

SECTION 1:	SW1/4 SW1/4 - 37ac		
SECTION 2:	NW1/4 SE1/4 - 31ac	NE1/4 SE1/4 - 31ac	SE1/4 SE1/4 - 31ac
	SW1/4 SE1/4 - 31ac		
SECTION 11:	NE1/4 NE1/4 - 20ac	NW1/4 SE1/4 - 38ac	SE1/4 SE1/4 - 12ac
SECTION 12:	NW1/4 NW1/4 - 31ac	NE1/4 NW1/4 - 31ac	SE1/4 NW1/4 - 31ac
	SW1/4 NW1/4 - 31ac	NW1/4 SW1/4 - 38ac	NE1/4 SW1/4 - 36ac
	SW1/4 SW1/4 - 15ac		
SECTION 13:	NW1/4 NW1/4 - 36ac	NE1/4 NW1/4 - 18ac	

comprising a total of **498** acres of land and the license should be issued for **1.78 cfs** and **41** acre-feet of storage.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **NONE**

Date: **8/29/90**



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

REPORT ON INSPECTION OF PERMIT NO. 2093-3, 2673-3, 3599-3, 4610-3 & 4862-3

DATE OF INSPECTION: August 29, 1990

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: NE1/4 NE1/4 and SE1/4 SE1/4 of Section 11 T123N-R51W

Pump:

- 1) Make Berkley
- 2) Model 3EPBL
- 3) Size 6 inch
- 4) Capacity 800 GPM

Motor:

- 1) Make Century
- 2) Model No. 6-323061-01
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8, 7 & 6 inches
- 3) Length 7900 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic Towable
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) low pressure
- 6) Capacity 800 GPM

Gun:

- 1) Make Nelson Easy Rain
- 2) Nozzle size 1.5 inches

- 3) Capacity 650 GPM
- 4) Hose size 4.5 inches

DAM INFORMATION: South Dam

- 1) Height to crest 16 feet
- 2) Height to primary spillway 14 feet
- 3) Height to secondary spillway 15 ft
- 4) Crest width 15 feet
- 5) Crest length 300 feet
- 6) Spillway length 50 feet
- 7) Spillway width 25 feet
- 8) Approx. storage 20 ac-ft
- 9) Approx. storage to crest 50 ac-ft
- 10) Date constructed: 1974
- 11) Outlet tubes:
 - a) diameter 12 inches
 - b) type cmpl
 - c) valved N
 - d) valve type

DAM INFORMATION: North Dam

- 1) Height to crest 24 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway 19 ft
- 4) Crest width 10 feet
- 5) Crest length 500 feet
- 6) Spillway length 50 feet
- 7) Spillway width 40 feet
- 8) Approx. storage 21 ac-ft
- 9) Approx. storage to crest 50 ac-ft
- 10) Date constructed: 1980
- 11) Outlet tubes:
 - a) diameter 6 inches
 - b) type steel
 - c) valved Y
 - d) valve type plate

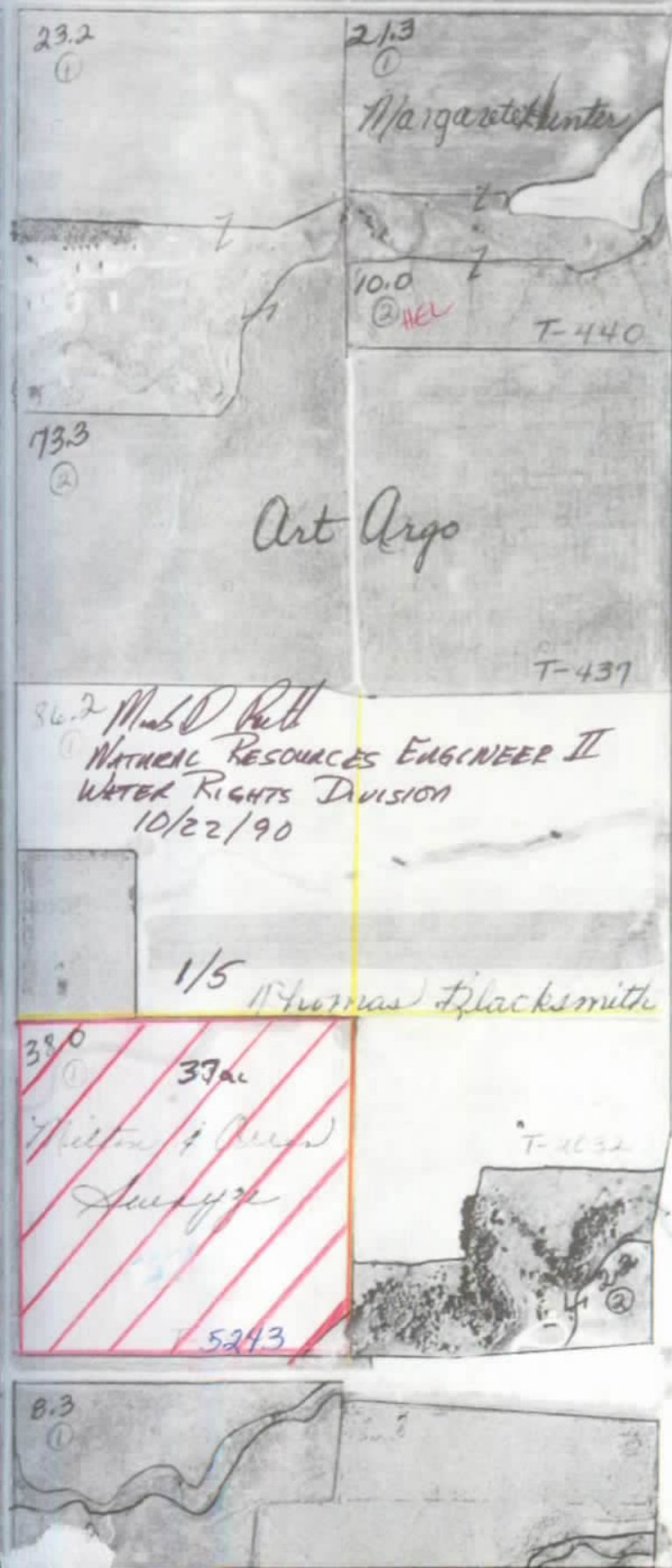
CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE



2109
NOT TO SCALE

90

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2-6

Art Argo

Mark D. Roth
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION

10/20/90 Argo, Jr. Dale & David Argo

~~Arnold Kurasch Est~~

2/5

T-10166

Charles Pond

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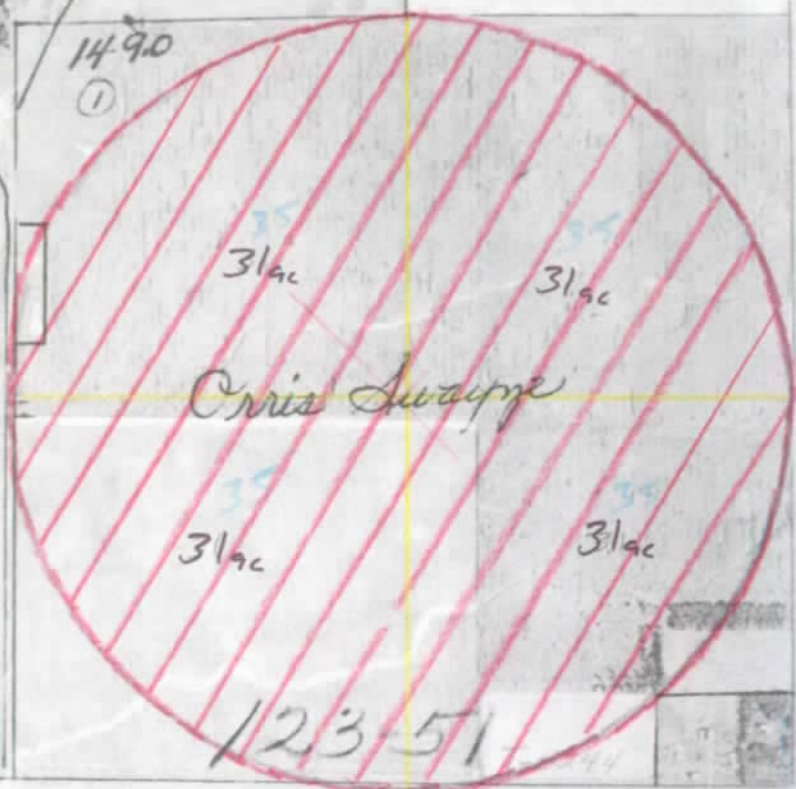
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Chris Swayne

NOT TO SCALE

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North

Lloyd Backman

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Куратор:

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 ①
 Mrs. D. K. Hall
 NATURAL RESOURCES ENGINEER II
 WATER RIGHTS DIVISION
 Lullwater, N. M.
 10/22/80

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Charles Paul Neide

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Chris Sawyer

St Hippolyte Ranch

~~Atty~~ Edick Spider Est.

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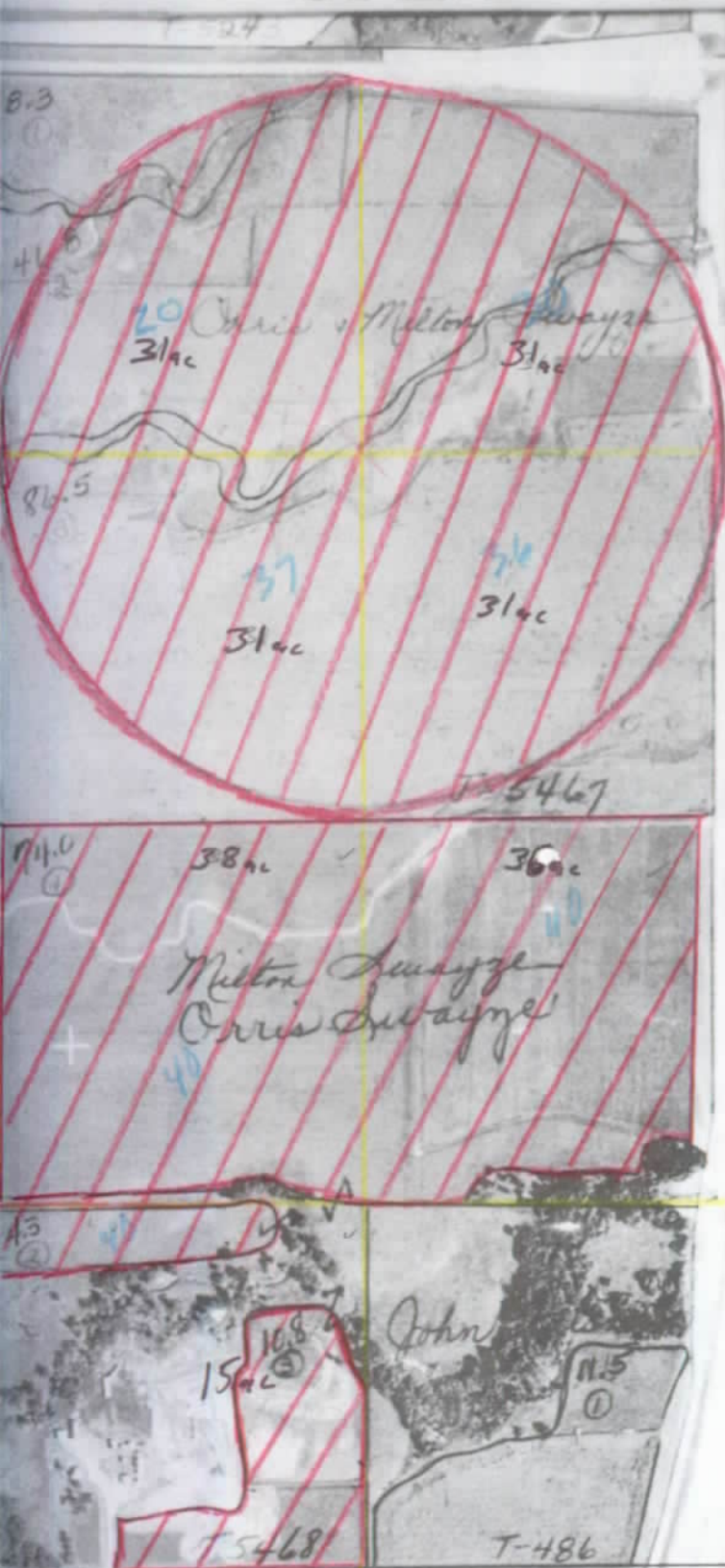
SOUTH

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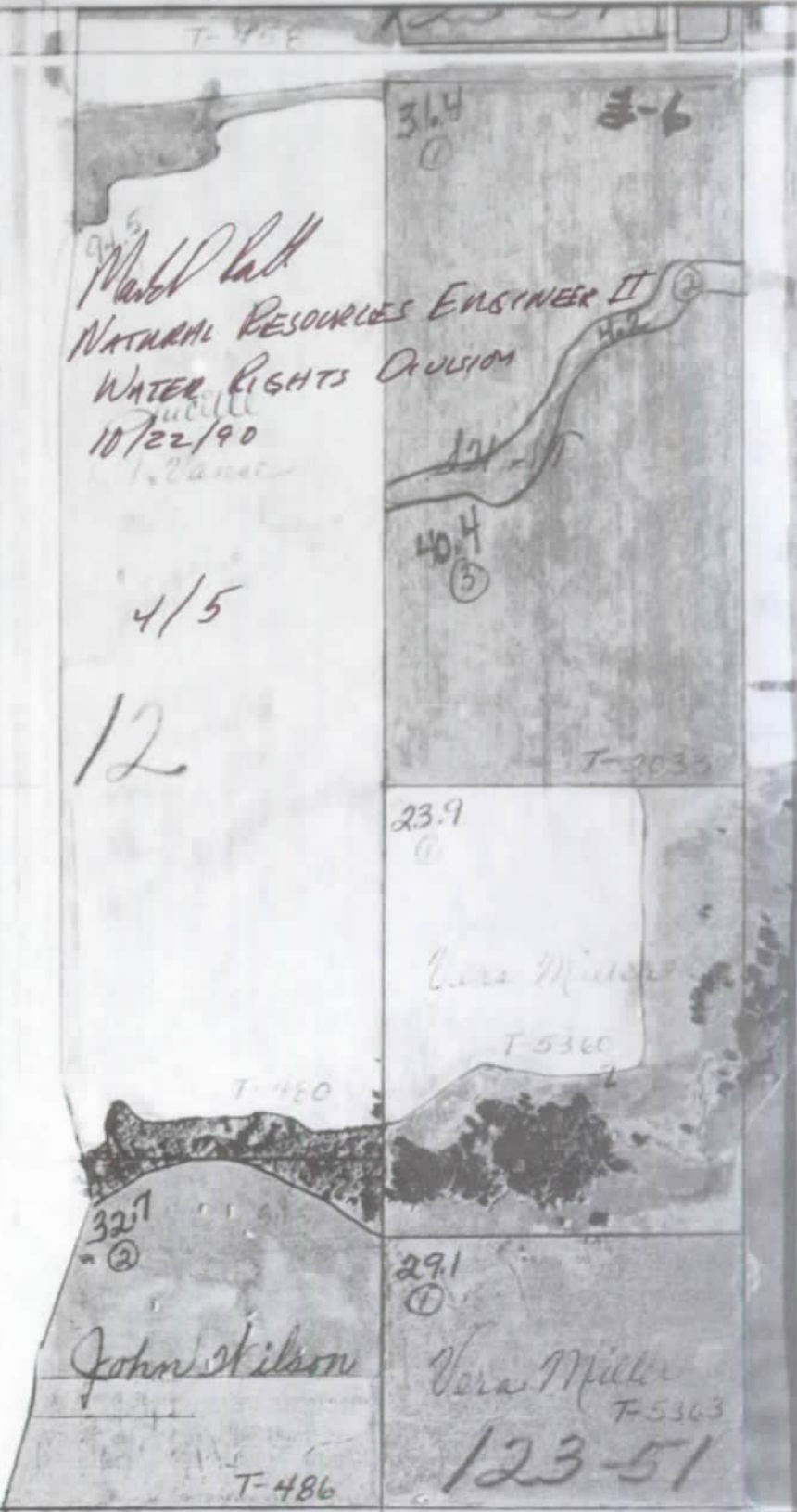
NOT TO SCALE



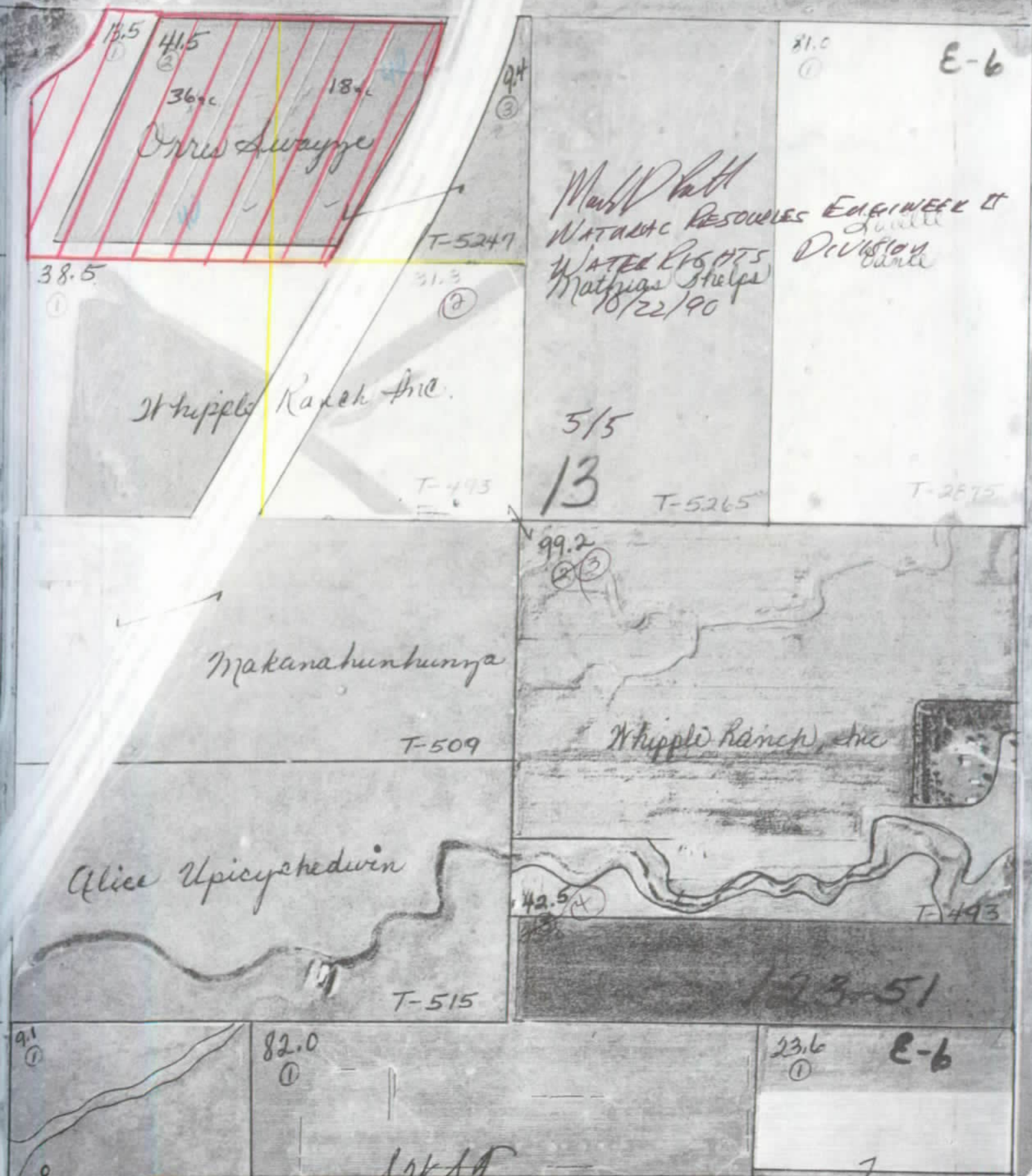
Mark Platt
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
10/22/90
1.2 acres

4/5

12



NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4862-3

(1) Orris & Milton Swayze, RR 2 Box 18, Wilmot, SD 57279 made Application No. 4862-3, January 4, 1982 for a water permit to add additional acreage to the project described in Water Permit No. 4610-3 for irrigation purposes in Roberts County. Water Permit No. 4862-3 did not allow for an increase in the diversion rate from the storage dam and well authorized under No. 4610-3. Permit No. 4862-3, with a priority date of January 4, 1982 was approved April 7, 1982 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 7, 1987 and for the application to beneficial use of said water on or before April 7, 1990.

Other permits associated with this irrigation project are as follows:

- Water Permit No. 2673-3 authorizing irrigation of 235 acres with a diversion rate of 3.36 cfs from spring flows into a 19.9 acre feet storage dam located in the SE¼ SE¼ Section 11, T123N, R51W. No. 2673-3 carries priority dates of June 13, 1974 for 1.3 cfs and April 1, 1976 for 2.06 cfs.
- Water Permit No. 3599-3 authorizing diversion of 0.57 cfs and irrigation of an additional 40 acres from the storage dam described in Water Permit No. 2673-3. No. 3599-3 carries a priority date of February 22, 1977.
- Water Permit No. 4610-3 authorizing diversion of 2.5 cfs from ground water and a storage dam* located in the NE¼ NE¼ Section 11, T123N, R51W to irrigate 178 acres. No. 4610-3 carries a priority date of December 9, 1980.

* Water Permit Nos. 4610-3 and 4862-3 were readvertised on October 25 and November 1, 1995 to include the 21 acre feet storage dam located in the NE¼ NE¼ Section 11. The dam was described in Water Permit Nos. 4610-3 and 4862-3, however had been omitted from the original publication notices. The readvertisement did not allow for an increase in the acreage or developed diversion rate.

The applicable portions of Water Permit Nos. 2673-3, 3599-3 and 4610-3 are being incorporated into this Water License No. 4862-3. The priority dates, as they pertain to the acreage irrigated, are described in (3) of this license.

(2) It is certified that the applicants have 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 1.78 cubic feet of water per second with storage of 41 acre feet of water for beneficial use. The location of the storage dams are as follows:

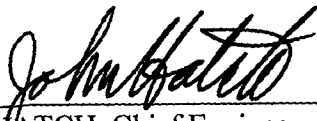
- NE¼ NE¼, Section 11, T123N, R51W (21 acre feet storage capacity)
- SE¼ SE¼ Section 11, T123N, R51W (20 acre feet storage capacity)

-continued-

(3) The applicants have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of 498.00 acres located in T123N, R51W:

LEGAL DESCRIPTION		ACRES	PRIORITY DATES
Section 1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.00 acres	January 4, 1982
Section 2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.00 acres	December 9, 1980
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.00 acres	December 9, 1980
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.00 acres	December 9, 1980
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.00 acres	December 9, 1980
Section 11	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00 acres	December 9, 1980
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.00 acres	February 22, 1977
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.00 acres	June 13, 1974 and April 1, 1976
Section 12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.00 acres	June 13, 1974 and April 1, 1976
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.00 acres	June 13, 1974 and April 1, 1976
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.00 acres	June 13, 1974 and April 1, 1976
Section 13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.00 acres	June 13, 1974 and April 1, 1976
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.00 acres	June 13, 1974 and April 1, 1976

(4) Pursuant to South Dakota Water Law 46-5-30.1 Orris & Milton Swayze, RR 2 Box 18, Wilmot, SD 57279 the holders and/or owners of Incorporated Water Permit No. 4862-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from two storage dams (41 acre feet storage capacity) with priority dates of June 13, 1974, April 1, 1976, February 22, 1977, December 9, 1980 and January 4, 1982 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4862-3 and subject to South Dakota State Law.


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

JUN 12 1997

date





**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.

ATTACHMENT TO WATER RIGHT NO. 4862-3

DIVISION OF NO. 4862-3 INTO NOS. 4862A-3 & 4862B-3

On March 17, 2003, Orris & Milton Swayze filed ownership changes with the water right. Water Right No. 4862-3 was divided and reissued to reflect separate ownership as follows:

- No. 4862A-3, Orris Swayze, authorizes diversion of 0.87 cfs from two storage dams to irrigate 243 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T123N, R51W;
- No. 4862B-3, Milton Swayze, authorizes diversion of 0.91 cfs from two storage dams to irrigate 255 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; SE $\frac{1}{4}$ Section 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, all in T123N, R51W.



4862B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: MILTON SWAYZE, RR 2 BOX 18, WILMOT, SD 57279

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4862B-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4862B-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4862B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4862B-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9715

Your item was delivered at 11:23 am on January 15, 2004 in WILMOT, SD 57279. The item was signed for by M SWAYZE.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

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Track & Confirm

Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9715

MILTON SWAYZE
RR 2 BOX 18
WILMOT SD 57279

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2004

4862B-3

Milton Swayze
RR 2 Box 18
Wilmot SD 57279

Dear Mr. Swayze:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4862B-3.

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

If you have any questions, please contact me.

Sincerely,

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

