

Considered: _____

WATER PERMIT NO. 5040-3

MAP No. same

Name of Applicant Sully Buttes Irrig. Inc. % Lowell West

Post Office Address Star RT. 98 Pierre

Amount of Water Claimed 0.83 Total Acres 58.2

Source of Water Supply surface water (Missouri River)

Water to be used for Irrigation County Sully

About _____ miles N of Pierre

PROOF OF PUBLICATION: Received 1st 2-5-85 Not Received _____

APPLICATION: Approved 3-6-85 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 12-31-84 Fee \$250.00 Remarks _____

12-31-84

Corrected Application Received _____ Period of Annual Use April 1 to Oct. 31

WATER QUALITY APPROVAL RECEIVED 1-14-85 APPROVED CONDITIONAL (Circle one)

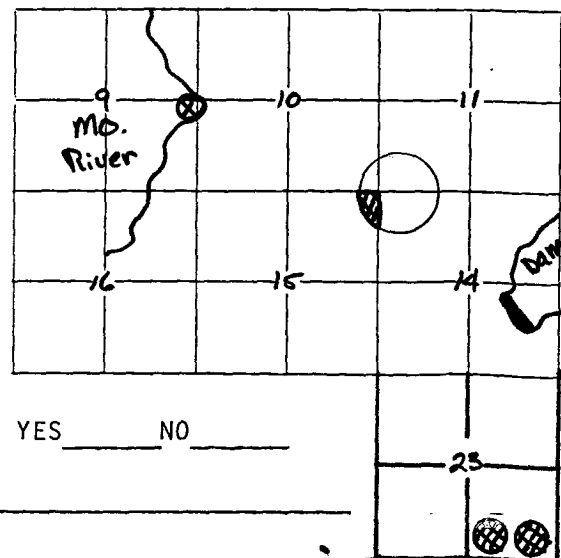
WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point NE⁴ NE⁴ SE⁴ sec. 9 NE⁴ SE⁴

sec. 14 T115N R80W

Land to be Irrigated NE⁴ NE⁴ sec. 15, SE⁴ SE⁴ sec. 23,

SW⁴ SE⁴ sec. 23 T115N-R80W



Well Log: Driller N.A. Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

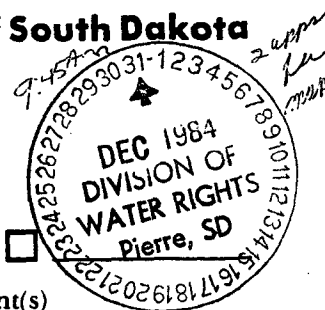
Type of Map Aerial PREPARED BY Ron Duvall Reviewed and the Number _____

assigned on 1-15-85 By Merwin C. Larson

No. 5040-3 Hydrologic Unit 10130105
 Map No. Same Basin Missouri
 Newspaper Onida Watchman, Box 9 Onida, SD

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☒ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Sully Buttes Irrig. & Lowell West Phone No. _____Post Office Address Star Rt. 98 Pierre State S.D. 57501
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 0.83 Total acres irrigated 58.23. Source of Water supply Missouri River4. Location of point of diversion Missouri River: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9;dry draw dam: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; Small ponds to regulate system flows:SE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 14; NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 23; all in T115N, R80W County Sully5. Counties where water will be used Sully

6. Annual period during which water is to be used _____

7. 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.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 15	9.2
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23	24.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23	24.5

Land Description	No. Acres Irr.
all in T115N, R80W	

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Two small ponds to regulate system flows. The pond in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 holds approximately 10 acre-feet; the other pond in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23 holds 1 to 2 acre feet

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

STATE OF SOUTH DAKOTA)
 County of Sully)^{ss}

I, Sully Buttes Irrig. & Lowell West the applicant, certify that I have read the foregoing application, 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 Sully Buttes Irrig. & Lowell West
28th day of Dec. 1984
Patty Hoffer
 Notary Public (or other qualified officer)

Subscribed and sworn to before me this _____ day of _____ 1984

NOT TO SCALE

NOT TO SCALE

115-80
61-12
23-12
John West
Charles Serbousek

115-80
62-12
124.6
Wm. A. Serbousek
L. 12

Zimmerman
7 tower

(6-34) (25-89) (23-107)
Charles R. Serbousek

Elizabeth Serbousek
(6-45)

(6-44)

Zimmerman
7 tower

all 8 in
plastic (PVC)

115-80
61-L
Garrett
Ranch Inc.
133-3

(6-31) (23-89)
Chas. R. Serbousek

62-L
(6-49)
Wm. A. Serbousek Est.

1344
John T. Hughes
(6-11)

(6-31)
Chas. R. Serbousek

(23-107)
Chas. R.
Serbousek

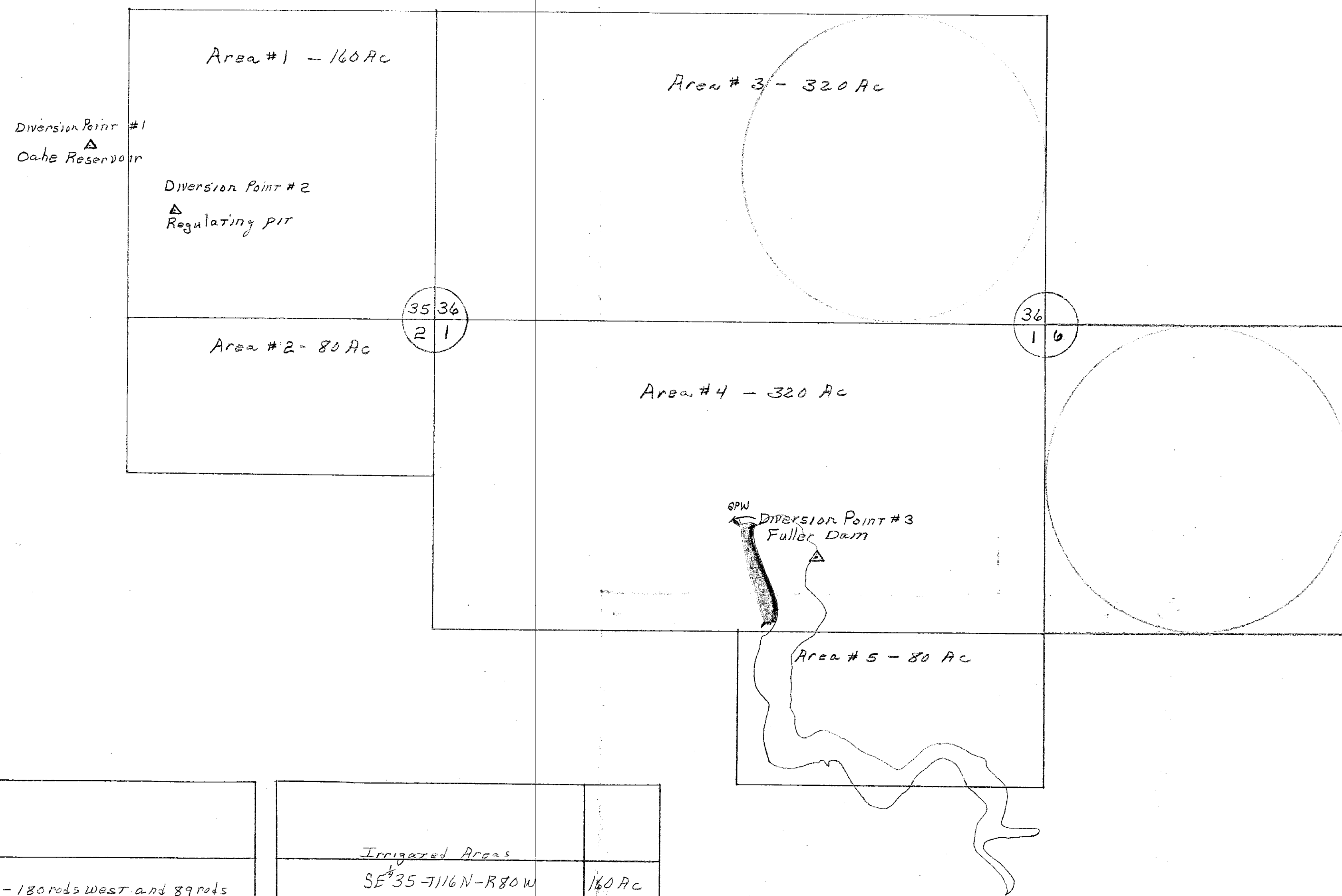
(23-108)
Chas. Serbousek

115-80
61-L
Juanita Nuttall
(6-26)

1322
John T. Hughes
(6-11)

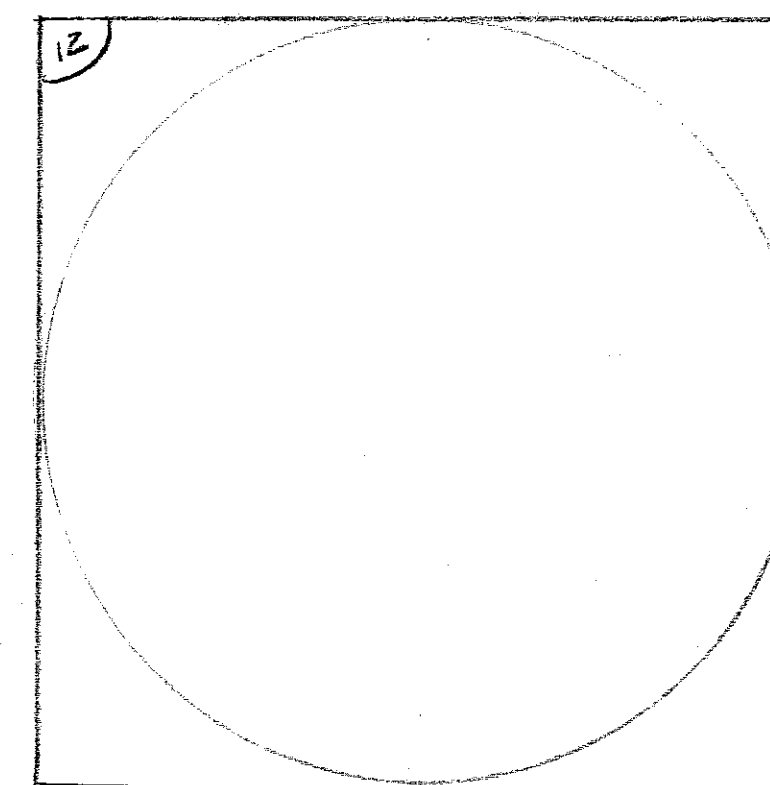
115-80
62-L
(23-18)
Chas. R. Serbousek

5040-3



Diversion Points
Diversion Point #1 - 180 rods west and 89 rods North of SE Corner Sec. 35-T116N-R80W
Diversion Point #2 - 135 rods west and 55 rods North of SE Corner Sec. 35-T116N-R80W
Diversion Point #3 - 119 rods West and 121 rods South of NE Corner Sec. 1-T115N-R80W

Irrigated Areas	
SE $\frac{1}{4}$ 35-T116N-R80W	160 Ac
S $\frac{1}{2}$ 36-T116N-R80W	320 Ac
N $\frac{1}{2}$ NE $\frac{1}{4}$ 2-T115N-R80W	80 Ac
N $\frac{1}{2}$ 1-T115N-R80W	320 Ac
N $\frac{1}{2}$ SE $\frac{1}{4}$ 1-T115N-R80W	80 Ac
Total Acres	960 Ac



Scale 8 inches to 1 mile

Darland Irrigation System

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn <u>Norman R. Kempf</u> 8-27-74	Title _____	_____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. _____	_____

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5040-3
Sully Buttes Irrig. Star Rt. 98 Pierre
(Applicant) (Post Office Address)
South Dakota 57501 With the following qualifications.
(State) (Zip Code)

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

Date of first receipt of application December 31, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved March 6, 1985.

The Water Management Board hereby approves this Water Permit No. 5040-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 31, 1984.
2. One-fifth of the work is to be completed on or before —, 19—.
3. The whole of said work is ~~to be completed on or before~~ —, 19—.
4. The time limit for proof of beneficial use of water is —, 19—.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.83 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. 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 —, 19—; said water to be used during the following described annual period: April 1 To October 31, 19—.

WATER MANAGEMENT BOARD

By: John H. Hahn
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

APR 23 1985

, 19—

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

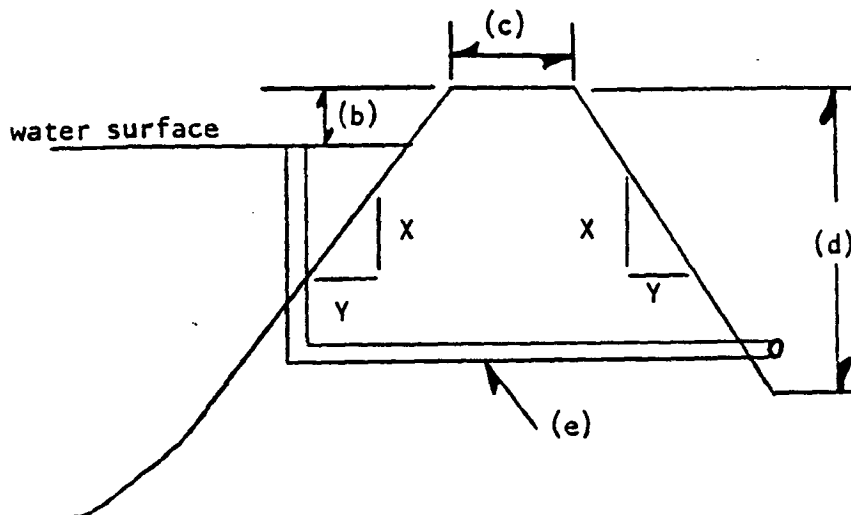
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

- b) Freeboard _____
10 feet
25 feet
- c) Crest Width _____
600 feet
Crest Length _____
60 feet
- d) Height _____

- e) Outlet Dimensions:
Pipe diameter _____ none
Spillway width _____ 40 feet
- f) X & Y Slope
Upstream _____
Downstream _____



Surface Area of Impoundment _____ 18 acres
Storage _____ 360 _____ acre feet
Drainage area above dam _____ 263 acres

Sully Better Irrigation Inc.
Signature of Applicant

By Lowell B. West

RECEIPT

Division of Water Rights

No 4 9872

South Dakota Department of Water and Natural Resources

Pierre, December 31, 19 84

RECEIVED OF Lowell West, SR 98, Pierre, SD 57501 (Sully Buttes Irrigation, Inc.,)

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
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	250 00

By

John Hatch

Chief Engineer

JOHN HATCH MS

Missouri Water District

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

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

 I have this day made a thorough examination of the water use system constructed by Sully Buttes Irrig. Co.

Lowell West of SR 98, Pierre SD 57501 holder of
 * 2251-3 3003-3 4/15/75 9/15/76
 Permit No. 2509-3 5040-3, bearing the priority of 1/5/76 12/31/84 19____ authorizing
 the diversion of 7.50 25.90 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:

Pipeline :	size -	<u>24 in</u>	<u>15 in</u>	<u>12 in</u>	<u>8 in</u>
	type -	<u>steel</u>	<u>PVC</u>	<u>PVC</u>	<u>PVC</u>
	length -	<u>2000 ft</u>	<u>2640 ft</u>	<u>16,700 ft</u>	<u>41,300 ft</u>

C. Works used to apply water to beneficial use:

see attached sheet 1B

 The system is in the following condition good

 The point of diversion is located Missouri River : 2200 ft N and 200 ft W from the SE corner of sec. 9 - T115N - R80W.

 The works are capable of diverting and conveying to the place of use 12.44

 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 sheets 1 & 2

* Permit Nos. 2251-3, 2509-3, and 2509-3 are incorporated
 into Permit No. 5040-3. The developed acreages have priority dates
 as specified on sheets 1 & 2.

 comprising a total of 1478.1 acres of land and the license should be issued for 12.44 cfs

 Applicable permit qualifications have been complied with ☒ Yes ☐ No

 Exceptions to compliance are: _____ Date Feb. 22, 1984

Ron Duvall
 (signature)

2251-3
2509-3
3003-3
5040-3

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump _____
no. of stages _____

3. Distribution lines:

a) size of lines	<u>24 in</u>	<u>15 in</u>	<u>12 in</u>	<u>8 in</u>
b) type	<u>steel</u>	<u>PVC</u>	<u>PVC</u>	<u>PVC</u>
c) length	<u>2000 ft</u>	<u>2640 ft</u>	<u>16,700 ft</u>	<u>41,300 ft</u>

4. Dam information: NE 1/4 SE 1/4 sec 14
SE 1/4 NW 1/4 sec 14
15 ft
small tube
10 ft
300 ft
600 ft
30 ft
10 ac-ft

a) height to crest 60 ft
b) height to spillway 50 ft
c) crest width 25 ft
d) crest length 600 ft
e) spillway length 600 ft
f) spillway width 40 ft
g) approx. storage 360 ac-ft

i) Outlet tubes: NE 1/4 SE 1/4 sec 14
1) diameter none
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

Regulating pond in NE 1/4 SE 1/4 sec 23.
Holds approximately 1 to 2 ac-ft.

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

1 pivot	1 pivot	5 pivots	3 pivots
G.H.	G.H.	Gifford Hill	Zimatic
<u>3</u>	<u>8</u>		

1) make Gifford Hill Zimatic

2) number of towers 10 7

3) distance between towers _____

4) overall length _____

5) End gun (Y/N) yes yes

6) high or low pressure high high

7) make & size of nozzles rainbird

8) PSI reading while system is running 55 55

9) GPM 800 800

d) Gate Pipe

1) length _____

2) diameter _____

3) spacing of gates _____

e) Siphons

1) number _____

2) size _____

f) Portable boom

1) make _____

2) serial number _____

3) nozzle size _____

4) capacity (GPM) _____

5) PSI _____

g) Gun

1) make _____

2) serial number _____

3) nozzle size _____

4) capacity (GPM) _____

5) PSI _____

6) hose size _____

7) hose length _____

h) Hydromatic

1) make _____

2) model _____

3) serial number _____

4) length _____

5) nozzle size _____

6) spacing _____

7) PSI _____

8) capacity (GPM) _____

YES

NO

Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

For pumping equipment - see attached sheets 1A thru 3A

Permit # 2251-3

Acres

Acres

one
c.p.

SE $\frac{1}{4}$ SE $\frac{1}{4}$	sec 10-T115N-R80W	13.7
SW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 11-T115N-R80W	40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$		6.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$		1.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$		23.5
NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 14-T115N-R80W	36.2
NE $\frac{1}{4}$ NW $\frac{1}{4}$		17.0
priority 4/15/75	Subtotal	138.0

SW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 26-T115N-R80W	30.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$		30.8
NW $\frac{1}{4}$ NE $\frac{1}{4}$		31.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$		32.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$		30.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$		30.8
priority 9/15/76	Subtotal	755.6

Permit Nos. 2509-3 and 3003-3

Permit No. 3003-3

NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 25-T115N-R80W	32.8
NE $\frac{1}{4}$ NW $\frac{1}{4}$		34.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$		32.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$		34.4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 24-T115N-R80W	33.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$		34.0
priority 1/5/76	Subtotal	201.2

one
c.p.

SW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 12-T115N-R80W	29.7
NW $\frac{1}{4}$ SE $\frac{1}{4}$		32.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$		32.3
SE $\frac{1}{4}$ SE $\frac{1}{4}$		29.9
NW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 13-T115N-R80W	31.1
NE $\frac{1}{4}$ NE $\frac{1}{4}$		28.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$		29.8

Permit No. 2509-3

SW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 24-T115N-R80W	29.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$		30.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$		33.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$		34.7
SW $\frac{1}{4}$ NW $\frac{1}{4}$		29.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$		35.2
NW $\frac{1}{4}$ NE $\frac{1}{4}$		34.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$		34.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$		31.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$		32.4
priority 1/5/76	Subtotal	325.1

one
c.p.

NW $\frac{1}{4}$ SE $\frac{1}{4}$		31.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$		31.7
SW $\frac{1}{4}$ SE $\frac{1}{4}$		30.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$		31.2
NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 18-T115N-R79W	33.1
NE $\frac{1}{4}$ NW $\frac{1}{4}$		35.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$		32.7
SE $\frac{1}{4}$ NW $\frac{1}{4}$		34.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 26-T115N-R80W	31.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$		32.1

1st part of	Permit No. 5040-3	Acres
1st G.P.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 15 - T11S N - R80W	9.2
3rd G.P.	SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 23 - T11S N - R80W	24.5
5th G.P.	SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	<u>24.5</u>
priority 12/31/84	Subtotal	58.2

Total acreage 1,478.1

River pump station: Location - 2200 ft N and 200 ft W From
the SE corner of sec 9-T115N-R80W.

North station	motor: U.S. Electrical I.D. R-9446-04-186M 3540 rpm, 150 hp.	pump: Aurora, 1300 gpm size 5X6X11C S.N. 81-06127-2
---------------	--	---

Center station	motor: Marathon M.N. 40STSTD57001FE 3550 rpm, 150 hp	pump: Aurora, 1300 gpm size 5X11C S.N. 81-3136-2
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South station	motor: U.S. Electrical I.D. R-9446-04-186M 3540 rpm, 150 hp.	pump: Aurora, 1300 gpm 5 X 11C S.N. 81-3136-1
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Booster station at small dam. (used to regulate flows)
Location - 530 ft. N and 530 ft W From center of sec 14-T115N-R80W.

motor: Gould, Century Part No. 6-339173-01 100 hp., 1770 rpm	pump: Berkeley, imp. 14 $\frac{7}{8}$ in. S.N. 7971424 M.N. B6EXPBL
--	---

motor: Gould, Century Part No. 6-339173-01 100 hp., 1770 rpm	pump: Berkeley, imp. 14 $\frac{7}{8}$ in. S.N. 7971423 M.N. B6EXPBL
--	---

Booster station for pivot in the SW $\frac{1}{4}$, sec. 11 and NW $\frac{1}{4}$, sec 14 ; T115N-R80W

Location - at pivot center , SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec 11 - T115N-R80W

motor : Lister, diesel	generator : Fidelity Loadstar	pump: Berkeley, imp. 13 $\frac{1}{2}$ in.
6 cyl., 88 hp.	S.N. 104-20HA, 1800rpm	S.N. 7682845
S.N. 89HR6A28	M.N. H17-41-131	M.N. B4JQBM

Booster station at large dam in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec 14 - T115N-R80W.

Pumps location - 1485 ft N from the SE corner of sec 14 - T115N-R80W.

pump to small dam in NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 23 - T115N-R80W	motor : Marathon	pump: Berkeley, imp. 9 $\frac{3}{16}$ in.
	M.N. FA 284TDR7639BB	S.N. 7737770
	25 hp., 1760 rpm	M.N. B5EPH
	motor : Marathon	pump: Berkeley, imp. 9 $\frac{3}{16}$ in.
	M.N. FA 284TDR7639BB	S.N. 7737771
	25 hp., 1760 rpm	M.N. B5EPH

to pivots in N $\frac{1}{2}$ sec 24 - T115N-R80W	motor : Century	pump: Berkeley, 12 $\frac{3}{8}$ in.
	M.N. 6-323058-01	S.N. 7737769
	40 hp., 1765 rpm	M.N. 51733

to pivots in secs. 12, 13, & 18	motor: Century	pump: Berkeley, imp. 10 $\frac{7}{16}$ in.
	M.N. 6-323050-01	S.N. 7735758
	25 hp., 1750 rpm	M.N. B5EPH
	motor: Century	pump: Berkeley, imp. 10 $\frac{7}{16}$ in.
	M.N. 6-323050-01	S.N. 7735757
	25 hp., 1750 rpm	M.N. B5E

Booster station at small dam in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec 23-T115N-R80W.

Pumps location - 1470 ft N and 90 ft W from SE corner of sec 23-T115N-R80W.

to pivots in SE $\frac{1}{4}$, sec 23; sec 26; NW $\frac{1}{4}$, sec 25; SW $\frac{1}{4}$, sec 24; all in T115N-R80W	motor: Century P.N. 6-332996-02 10hp., 3500rpm	pump: Berkeley, imp. 6 $\frac{1}{2}$ in. S.N. 7737772 M.N. B2TPM
	motor: Electric (no plate) 50hp. ?	pump: Berkeley, imp. 8 $\frac{1}{8}$ in. S.N. 7737767 M.N. B4EPBL
	motor: Marathon M.N. FA 324TDR70258BW-F1 50hp., 3550 rpm	pump: Berkeley, imp. 7 $\frac{3}{16}$ in. S.N. 7737768 M.N. B4EPBL

Irrigation system: Center Pivots

Make -	Gifford Hill 3 towers 1 pivot	Gifford Hill 8 towers 1 pivot	Gifford Hill 10 towers 5 pivots	Zimmatic 7 towers 3 pivots
--------	-------------------------------------	-------------------------------------	---------------------------------------	----------------------------------

End guns - yes

High pressure systems - 55 psi

Rainbird sprinklers

Capacity - G.H. 3 tower → 300 gpm
all other pivots → 800 gpm



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

December 10, 1984

Lowell D West
Star Rt 98
Pierre SD 57501

Dear Mr. West:

On February 22, 1984, I visited your farm for the final inspection of your water permit Nos. 2251-3 and 3003-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that some of your developed acreage is not covered by permit Nos. 2251-3 and 3003-3. The lands listed on the enclosed application are the areas which are not covered. The time for developing or amending permit Nos. 2251-3 and 3003-3 ended on September 30, 1981; therefore, a new permit is required for any developed acreage not covered by permit Nos. 2251-3 and 3003-3.

Soil and water compatibility is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water approval. Contact the Division of Conservation if you have any questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. The forms must then be notarized and returned with an application fee of \$250.00. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

enclosures

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Sully Buttes Irrig. Inc.
Lowell D. West

OWNERS ADDRESS: St Rt 98
Pierre SD 57501

COUNTY LAND LOCATED IN: Sully

PHONE: _____

TENANT'S NAME AND ADDRESS: _____



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

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Missouri River and dry draw

Diversion Location: NE 1/4 NE 1/4 SEC 1, sec 9 - T115N - R80W dry draw: NE 1/4 SEC 14, T115N, R80W

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 NE 1/4 sec 15</u>	<u>9.2</u>		
<u>SE 1/4 SEC 23</u>	<u>24.5</u>	<u>all in T115N, R80W</u>	
<u>SW 1/4 SEC 23</u>	<u>24.5</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 75

LEGAL DESCRIPTION: NE 1/4 sec 9, E 1/2 sec 13, E 1/2 sec 26, W 1/2 sec 10, NW 1/4 sec 24, S 1/4 SW 1/4 sec 23, all in T115N, R80W

IN WHAT NAME: Lowell D. West SE 1/4 sec 10, SE 1/4 sec 11, all in T115N, R80W

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	
7. WATER SAMPLE NUMBER: <u>Missouri River</u>	10. ADJUSTED (SAR): _____
8. SALINITY (EC X 10 ⁶): _____	11. PERCENT SODIUM: _____
9. SODIUM (SAR): _____	

I hereby certify that I personally obtained or that I personally observed that 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.

Signature _____

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4)

SUBSCRIBED AND SWORN BEFORE ME THIS

28th DAY OF Dec., 19 84

Patty Hofer
(NOTARY PUBLIC)

Sully Buttes Irrig. Inc. by Lowell D. West
APPLICANT'S SIGNATURE

Ted M. Field
Director, Division of Conservation

Date

APPROVED
DISAPPROVED
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 RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Sully Butte Irrig. Inc.LEGAL DESCRIPTION: NE1/4 NE1/4 15; S1/2 SE1/2 23-115-80 - 58.2SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

Conservation tillage to reduce runoff and to conserve soil moisture.

Note: Although the waters of the Missouri River are of suitable quality for irrigation, you may find that the runoff waters maybe of poorer quality. Therefore we recommend that if the storage dam is dominately runoff water, that a sample be taken for analysis.

SIGNATURE

DATE

REPORT ON APPLICATION NO. 5040-3
SULLY BUTTES IRRIGATION INC., %LOWELL WEST
January 16, 1985

Application No. 5040-3 proposes to divert 0.83 cfs from the Missouri River to irrigate 58.2 acres. Flows will be diverted to a storage dam and will then be pumped to portions of the acreage to be developed. The storage dam is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T115N, R80W, stores approximately 360 acre-feet, has a surface area of 18 acres, and a drainage of 263 acres. The height of the storage dam is 60 feet with a freeboard of 10 feet. Two other smaller ponds are used to regulate the flow within the irrigation system. The two small flow regulating ponds are located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, all in T115N, R80W.

The large storage dam is located in the Missouri River breaks with approximately 2.5 channel miles between the river and storage dam. The storage dam and acreage have been developed. The developed acreage consists of a pivot and a portion of another pivot which were not covered by Permit No. 2251-3 and 3003-3. Application No. 5040-3 covers the storage dam, the two flow regulating ponds and acreages which were omitted from the earlier permits.

Unappropriated water is available from the Missouri River and existing rights will be not impaired. Approval of Application No. 5040-3 is recommended.



RON DUVALL
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5040-3, Sully Buttes Irrigation, Inc.

Pursuant to SDCL 46-2A-3, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit No. 5040-3, Sully Buttes Irrigation, Inc., % Lowell West, Star Rt 98, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5040-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See the attached report for additional information.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
January 18, 1985

No. 5040-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 24, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5040-3 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Sully Buttes Irrigation, Inc., c/o Lowell West whose mailing address is
SR 98, Pierre, South Dakota has made an application for a permit

to appropriate an additional 0.83 cubic feet per second from the Missouri River. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9-T115N-R80W. Water will be used to irrigate 58.2 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, S $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23-T115N-R80W. The 58.2 acres will be in addition to those acres authorized by Permits No. 2251-3 and No. 3003-3. The irrigation project includes a dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14-T115N-R80W which stores 360 acre-feet and will be filled from local runoff and by pumping from the Missouri River as needed. Permit No. 5040-3 will be used with Permits No. 2251-3 and No. 3003-3 to form one project.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5040-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at 523 E. Capitol,
Joe Foss Building, Room 216, Pierre, South Dakota, March 6 19 85 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 22, 1985.

No. 5040-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Parker Knox hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Onida Watchman

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

City of Onida

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

Thursday, Jan. 24, 1985

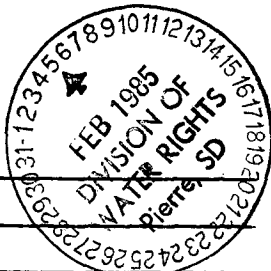
Thursday, Jan. 31, 1985

Parker Knox
(Signature)

owner
(Title)

Feb. 4, 1985
(Date Signed)

Cost of Printing: \$ 40.05



NOTICE OF HEARING
On Application No. 5040-3
To Appropriate Water

Notice is hereby given that Sully Buttes Irrigation, Inc., c/o Lowell West whose mailing address is SR98, Pierre, South Dakota has made an application for a permit to appropriate an additional 0.83 cubic feet per second from the Missouri River. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9-T115N-R80W. Water will be used to irrigate 58.2 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23-T115N-R80W. The 58.2 acres will be in addition to those acres authorized by Permits No. 2251-3 and No. 3003-3. The irrigation project includes a dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14-T115N-R80W which stores 360 acre-feet and will be filled from local runoff and by pumping from the Missouri River as needed. Permit No. 5040-3 will be used with Permits No. 2251-3 and No. 3003-3 to form one project.

Pursuant to SDCL46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 5040-3 because (1) unappropriated water is available, (2) will be no unlawful impairment of existing rights, (3) is beneficial use of water and (4) is in the public interest.

This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, South Dakota, March 6, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 22, 1985.



5040-3

Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

APR 23 1995

Sully Buttes Irrigation
c/o Lowell West
Star Route 98
Pierre, SD 57501

Dear Mr. West:

Enclosed is your Water Permit No. 5040-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 5040-3

September 16, 1985

Sully Buttes Irrigation
% Lowell West
St Rt 98
Pierre SD 57501

Dear Mr. West:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 5040-3 has been completed. 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 issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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,

KAREN SCHLAACK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

RECEIPT

Division of Water Rights

No 410221

South Dakota Department of Water and Natural Resources

Pierre, October 24, 1985

RECEIVED OF Sully Buttes Irrigation Assoc., c/o Lowell West, SR A, Box 98, Pierre, SD
the following amount in fees for services rendered as provided for by law: 57501

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>5040-3</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/ins

 **Department of
Water & Natural Resources**

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

December 1, 1986

Lowell West
Sully Buttes Irrigation
HCR 37, Box 98
Pierre, SD 57501

Dear Mr. West:

I am contacting you in regard to the 1986 irrigation questionnaire you returned for Sully Buttes Irrigation. You indicated on the questionnaire the individuals involved in the corporation irrigate and not the corporation itself.

This is understandable, however, one of the qualifications listed in Permit No. 5040-3 is that the irrigation questionnaire must be returned each year. You will need to get the irrigation data from each of the individuals who irrigate under Sully Buttes Irrigation, compile, and transfer the data onto the questionnaire.

Enclosed is the irrigation questionnaire for Sully Buttes Irrigation. Upon completion of the form, please return it to this office. A postage-paid envelope is enclosed for your convenience in returning the form.

If you have any questions or need assistance in completing the questionnaire, please contact our office.

Sincerely,

Genny McMath
Natural Resources Analyst

gm

encl

Equal Opportunity Employer

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 20, 1988

1988 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

October, 1988

5040-3 WEST-SULLY BUTTES IRRIG
LOWELL HCR 37 BOX 98
PIERRE SD 57501

Telephone No. _____

SURFACE WATER _____ GROUNDWATER _____
Did you irrigate during 1988? Yes _____ No _____
Number of acres irrigated in 1988 _____
Has your system been constructed? Yes _____ No _____
Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes _____ No _____
Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater)

- Type of Power _____ No. of acres Irrigated _____
1. Electric _____
 2. Gravity _____
 3. Gasoline _____
 4. Nat. Gas pipeline _____
 5. Diesel _____
 6. Propane _____
 7. Other _____
 - Type of System _____
 1. Hand moved sprinklers _____
 2. Portable booms _____
 3. Center pivots (# of) _____
 4. Gated pipes _____
 5. Sidewheels _____
 6. Towlines _____
 7. Big gun _____
 8. Siphons _____
 9. Flood _____
 10. Other _____
- Owner or address change, if any: _____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimate Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other Months							

COMMENTS:

Sully Buttes Irrigation does not own any land and is reported separately by each member.



Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

No. 5040-3

Date:



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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412979

Pierre, December 24, 1991

RECEIVED OF Loweal or Catherine West, HCR 37 Box 98, Pierre, SD

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 5040-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH

(Signature)

NOTICE OF TRANSFER OF OWNERSHIP

5040-3
No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I/We request that Water Permit/Right No. 5040-3formerly owned by: Sully Buttes Irrigationbe transferred to: (name & address) Ardeth Serbousek, 111 S Tyler, Pierre, SD

(telephone No.) _____

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23, T115N, R80W

I/We understand that the validity of Water Permit/Right No. 5040-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Hughes)

I/We Ardeth Serbousek being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ardeth Serbousek
(Signed)

Subscribed and sworn to before me this 24 day of December, 1991.

Brenda Anderson
(Notary Public)

BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 1996

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412975

Pierre, December 24, 1991

RECEIVED OF M. Ardeth Serbousek, 111 S. Tyler, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5040-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John H. Hotal
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Lowell WestADDRESS: HCR 37 Box 98, Pierre, SD 57501 COUNTY SullyDATE: 8-17-92 TELEPHONE (605) 264-5381

RE: _____

COMMENTS:

Mr. West has purchased the pump site and Sully Irrigation
Association is no more. Ardeth Serbousek and William
Serbousek no longer have a pump site.

Mr. West has a large dam he believes to be 500 ac-ft
and a smaller one at 40 ac-ft.

Send back irrigation map along with info. on channelization.

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: Lowell WestADDRESS: _____ COUNTY SullyDATE: 8-27-92 TELEPHONE _____

RE: _____

COMMENTS:

Spoke with Mr. West by phone, the pipe layout
is the same as the layout from insp. in '84' except
no pipe to the S. from the large dam.

There is a pump and motor at c.p. Secs. 10, 11, 14, 15.
Motor air cooled diesel, 70 hp and pump is identical
to the one at the river.

The large dam was built in 1977.

The small dam was built in the 30's or 40's

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.

Conversation or File Documentation

NAME OF PERSON OR FILE: Lowell WestADDRESS: HCR 37 Box 98, Pierre SD 57501 COUNTY SullyDATE: 8-31-92 TELEPHONE (605) 264-5381

RE: _____

COMMENTS:

Mr. West called with questions about filling out the
application for his two storage dams.

When the large dam was built it was estimated that
it covered 27 ac. The depth at center is 73', dirt
was removed from bottom to put in dam embankment.

The drainage is appr. 60 ac. The dam was built by
Edward (Buzz) Kusser, Highmore; no plans and specs.

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.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4730

WR#

OWNERS NAME: LOWELL D & CATHERINE WEST

OWNERS ADDRESS: HCR 37 BOX 98
PIERRE, SD 57501

COUNTY LAND LOCATED IN: SULLY PHONE: 264-3381

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION: Missouri River & Runoff NE 1/4 SE 1/4 T115N-R80W

Depth: Storage Dam NE 1/4 SE 1/4 14-T115N-R80W JLS 10-23-92

LEGAL DESCRIPTION:

SE 1/4 SE 1/4 10-T115N-R80W = 12 A	NE 1/4 NE 1/4 15-T115N-R80W = 9 A
NW 1/4 SW 1/4 11-T115N-R80W = 7 A	NE 1/4 SW 1/4 11-T115N-R80W = 1 A
SW 1/4 SW 1/4 11-T115N-R80W = 40 A	SE 1/4 SW 1/4 11-T115N-R80W = 21 A
NW 1/4 NW 1/4 14-T115N-R80W = 16 A	NE 1/4 NW 1/4 14-T115N-R80W = 16 A
NW 1/4 SE 1/4 12-T115N-R80W = 31 A	NE 1/4 SE 1/4 12-T115N-R80W = 31 A
SW 1/4 SE 1/4 12-T115N-R80W = 31 A	SE 1/4 SE 1/4 12-T115N-R80W = 31 A
NW 1/4 NE 1/4 13-T115N-R80W = 31 A	NE 1/4 NE 1/4 13-T115N-R80W = 31 A
SW 1/4 NE 1/4 13-T115N-R80W = 31 A	SE 1/4 NE 1/4 13-T115N-R80W = 31 A
NW 1/4 SE 1/4 13-T115N-R80W = 31 A	NE 1/4 SE 1/4 13-T115N-R80W = 31 A
SW 1/4 SE 1/4 13-T115N-R80W = 31 A	SE 1/4 SE 1/4 13-T115N-R80W = 31 A
NW 1/4 NW 1/4 18-T115N-R79W = 31 A	NE 1/4 NW 1/4 18-T115N-R79W = 31 A
SW 1/4 NW 1/4 18-T115N-R79W = 31 A	SE 1/4 NW 1/4 18-T115N-R79W = 31 A
638 TOTAL ACRES	

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Missouri River & Runoff

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

That a water sample be taken during the irrigation season to comply with ARSD 12:08:03:08.



Russell J. Hare
Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

OCTOBER 20, 1992
Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

2251-3
3003A-3
5040-3

Permit No. ~~5722-3~~

Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Lowell D. and Catherine West of HCR 37 Box 98, Pierre, SD 57501 holder of Permit No. 2251-3, 3003A-3 and 5040-3, bearing the priority of April 15, 1975; September 15, 1976; December 31, 1984 authorizing the diversion of 7.5, 12.49, 0.83 cu. ft. per second and/or the storage of 372 acre-feet of the waters of 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:

At the Missouri River: Lincoln Multiguard motor, fr. no. 365TS, 100 hp; PACO pump, model
no. 29-4011-340501, 1250 gpm capacity.

At the center pivot: Lister diesel motor, 88 hp; Berkeley pump, model no. B6JQBM,
13.5", 900 gpm capacity.

At the small dam: Case diesel motor, 85 hp; Berkely pump, model no. B6JOBM-CW, 1250
gpm capacity.

At the large dam: 2-Gould, Century motors, model no. 6-323058-01, 25 hp each;
2-Berkeley pumps, model no. B5EPH, 10 7/8 ", 750 gpm each.

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

2000' of 24" steel pipe, 1283' of 15" steel pipe, 8225' of 12" pvc and 8025' of 8" pvc.

One 360 acre-feet dam located in Sec. 14-115-80.

One 10 acre-feet dam located in Sec. 14-115-80.

C. Works used to apply water to beneficial use:

One Gifford Hill long span center pivot, 9 towers, 1350' long, end gun, high pressure
nozzles, 900 gpm capacity.

Two Gifford Hill center pivots, 10 towers, 1320' long, end gun, high pressure nozzles, 750 gpm each.

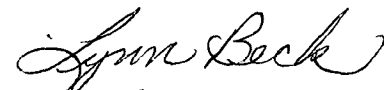
The system is in the following condition good. The point of diversion is located 2200' N and 200' W of the SE corner Sec. 9-115-80, at the Missouri River; 190' N and 790' E of the SE corner Sec. 10-115-80, booster at center pivot; 530' N and 530' W of the center of Sec. 14-115-80, at the small dam; 1485' N and 225' W of the SE corner Sec. 14-115-80, at the large dam. The works are capable of diverting and conveying to the place of use 5.33 cu. ft. per second of water and/or storing 370 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

see attachment

comprising a total of 638 acres of land and the license should be issued for 5.33 cfs and/or 370 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 8-17-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

5040-3

REPORT ON INSPECTION OF PERMIT NUMBER 5722-3

DATE 8-17-92

Other permit(s) associated with the project 2251-3, 3003A-3 and 5040-3

DIVERSION POINT LEGAL LOCATION: At the Missouri River: 2200' N and 200' W of the SE corner Section 9-T115N-R80W; at small dam: 530' N and 530' W of the center of Section 14-T115N-R80W; at large dam: 1485' N and 225' W of the SE corner Section 14-T115N-R80W; at booster station f center pivot: 190' N and 790' E of the SW corner Section 11-T115N-R80W.

PUMP SITE INFORMATION: Location of pump site At the Missouri River

- b) Pump
 - 1) make PACO
 - 2) model 29-4011-340501
 - 3) size inches
 - 4) capacity 1250 GPM
 - 5) turbine pump - No. of stages
 - 6) operating pressure PSI

a) Motor:

- 1) make Lincoln Multiquard
- 2) model No. Fr. No. 365TS
- 3) horsepower rating 100 hp

PUMP SITE INFORMATION: Location of pump site At the center pivot

- b) Pump
 - 1) make Berkeley
 - 2) model B4JOEM
 - 3) size 13.5 inches
 - 4) capacity 900 GPM
 - 5) turbine pump - No. of stages
 - 6) operating pressure PSI

a) Motor:

- 1) make Lister diesel
- 2) model No.
- 3) horsepower rating 88 hp

PUMP SITE INFORMATION: Location of pump site At the small dam

- b) Pump
 - 1) make Berkeley
 - 2) model B6JOEM-CW
 - 3) size inches
 - 4) capacity 1250 GPM
 - 5) turbine pump - No. of stages
 - 6) operating pressure PSI

a) Motor:

- 1) make Case diesel
- 2) model No.
- 3) horsepower rating 85 hp

PUMP SITE INFORMATION: Location of pump site At the large dam

- b) Pump
 - 1) make 2-Berkeley
 - 2) model B5EPH
 - 3) size 10 7/8 inches
 - 4) capacity 750 each GPM
 - 5) turbine pump - No. of stages
 - 6) operating pressure PSI

a) Motor:

- 1) make 2-Gould Century
- 2) model No. 6-323058-01
- 3) horsepower rating 25 each hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|----------------------|----------------------------|------------------------------|
| a) type <u>steel</u> | b) size <u>24</u> inches | c) length <u>2000</u> feet |
| a) type <u>steel</u> | b) size <u>2-15</u> inches | c) length <u>2565</u> feet |
| a) type <u>pvc</u> | b) size <u>2-12</u> inches | c) length <u>16,450</u> feet |
| a) type <u>pvc</u> | b) size <u>8</u> inches | c) length <u>16,050</u> feet |

One of the 15" and one of the 12" pipes are capped and not used.

SYSTEM TYPE:

- a) Center pivot: covers parts of Sec. 10, 11, 14 and 15. - *diverts from canal*

- 1) make Gifford Hill
- 2) overall length 1350 feet
- 3) number of towers 9
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 900 GPM

- a) Center pivot: used on circles in Sec. 12, 13-T115N-R80W and 18-T115N-R79W. - *diverts from storage ponds*

- 1) make 2-Gifford Hill
- 2) overall length 1320 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 750 each GPM

DAM INFORMATION: small dam in Sec. 14-115-80

- | | |
|--|--|
| a) height to crest <u>15</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>12</u> feet | 1) diameter inches |
| c) height to secondary spillway feet | 2) type |
| d) crest width <u>10</u> feet | 3) valved (Y/N) |
| e) crest length <u>300</u> feet | 4) valve type |
| f) spillway length <u>600</u> feet | 5) location on structure |
| g) spillway width <u>30</u> feet | |
| h) approximate storage <u>10</u> ac-ft | |
| i) approximate storage to crest ac-ft | |
| j) date constructed <u>1930's</u> | l) category of dam (I,II,III) |
| | m) inspection sheet completed (Y/N) |

n) name of contractor:

DAM INFORMATION: large dam in Sec. 14-115-80

- | | |
|--|--|
| a) height to crest <u>60</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>50</u> feet | 1) diameter inches |
| c) height to secondary spillway feet | 2) type |
| d) crest width <u>25</u> feet | 3) valved (Y/N) |
| e) crest length <u>640</u> feet | 4) valve type |
| f) spillway length <u>600</u> feet | 5) location on structure |
| g) spillway width <u>40</u> feet | |
| h) approximate storage <u>360</u> ac-ft | |
| i) approximate storage to crest ac-ft | |
| j) date constructed <u>1977</u> | l) category of dam <u>III</u> (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: <u>Edward (Buzz) Kusser, Highmore, SD</u> |

CHEMIGATION EQUIPMENT:

- | | |
|---|--|
| a) does chemigate <u>N</u> (Y/N) | |
| b) main line check valve (Y/N) | c) inspection port/air relief (Y/N) |
| d) low pressure drain (Y/N) | e) discharge is 20' from source (Y/N) |
| f) interlock type | g) injection pump type |
| h) injection check valve (Y/N) | i) injection line check valve or positive displacement pump (Y/N) |
| j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules (Y/N) | |
| k) comments : | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

Attachment - Land Description

Lowell D. and Catherine West

all in T115N-R80W

Section 10	SE 1/4 SE 1/4	12 ac
Section 15	NE 1/4 NE 1/4	9 ac
Section 11	NW 1/4 SW 1/4	7 ac
	NE 1/4 SW 1/4	1 ac
	SW 1/4 SW 1/4	40 ac
	SE 1/4 SW 1/4	21 ac
Section 14	NW 1/4 NW 1/4	36 ac
	NE 1/4 NW 1/4	16 ac
Section 12	NW 1/4 SE 1/4	31 ac
	NE 1/4 SE 1/4	31 ac
	SW 1/4 SE 1/4	31 ac
	SE 1/4 SE 1/4	31 ac
Section 13	NW 1/4 NE 1/4	31 ac
	NE 1/4 NE 1/4	31 ac
	SW 1/4 NE 1/4	31 ac
	SE 1/4 NE 1/4	31 ac
	NW 1/4 SE 1/4	31 ac
	NE 1/4 SE 1/4	31 ac
	SW 1/4 SE 1/4	31 ac
	SE 1/4 SE 1/4	31 ac

all in T115N-R79W

Section 18	NW 1/4 NW 1/4	31 ac
	NE 1/4 NW 1/4	31 ac
	SW 1/4 NW 1/4	31 ac
	SE 1/4 NW 1/4	31 ac

Total 638 ac

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5040-3**

(1) Sully Buttes Irrigation, of Pierre, SD 57501 made Application No. 5040-3, December 31, 1984 for a water permit to appropriate 0.83 cubic feet of water per second from the Missouri River, Sully County, South Dakota for irrigation purposes. Permit No. 5040-3, with a priority date of December 31, 1984 was approved March 6, 1985 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Portions of Water Permit No. 5040-3 were transferred on December 24, 1991 to Lowell and Catherine West. The remaining portion of No. 5040-3, transferred to Ardeth Serbousek, is no longer irrigated.

The water use system authorized under Water Permit Nos. 2251-3, 3003A-3 and 5040-3 is operated as one system. The applicable portions of Nos. 2251-3 and 3003A-3 have been incorporated in to this Water License No. 5040-3. The priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.78 cubic feet of water per second from the Missouri River for irrigation and to fill two dams (combined storage capacity of 370 acre feet) utilized in the irrigation system. A maximum diversion rate of 5.33 cubic feet of water per second is authorized for irrigation of the acreage (listed below). The location of the diversion points are: at the Missouri River - 2200'N and 200'W of the SE corner of Section 9, T115N, R80W; booster pump at center pivot - 190'N and 790'E of the SE corner of Section 10, T115N, R80W; at the small dam - 530'N and 530'W of the center of Section 14, T115N, R80W; at the large dam - 1485'N and 225'W of the SE corner of Section 14, T115N, R80W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T115N, R80W

Section 10	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 ac	Section 13	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31 ac
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 ac
Section 15	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9 ac		SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31 ac
			SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 ac
Section 11	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 ac		NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 ac		NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac		SW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 21 ac		SE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac
		<u>T115N, R79W</u>	
Section 14	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 36 ac	Section 18	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31 ac
	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 ac		NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 ac
			SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31 ac
Section 12	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac		SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 ac
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac		
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac		
			Total 638 acres

Section 10, 11 & 14, T115N, R80W - Priority date: April 15, 1975 (2251-3)

Section 12, 13, T115N, R80W & Section 18, T115N, R79W - Priority date: Sept 15, 1976 (3003A-3)

Section 15, T115N, R80W - Priority date: December 31, 1984 (5040-3)

WATER LICENSE NO. 5040-3
LOWELL D/CATHERINE WEST
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lowell D and Catherine West of HCR 37 Box 98, Pierre, SD 57501 the holders and/or owners of Incorporated Water Permit No. 5040-3 are issued a license to appropriate water, the right to divert 2.78 cubic feet of water per second from the Missouri River for irrigation and to fill two storage dams (370 acre feet annually) from locations specified in (2) of this license. The holders and/or owners have the right to divert at a rate of 5.33 cubic feet of water per second for irrigation of the land specified in (3) of this license with priority dates of April 15, 1975, September 15, 1976 and December 31, 1984. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5040-3 and subject to South Dakota State Law.



SEP 20 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

5040-3

Lowell D. and Catherine West
HCR 37, Box 98
Pierre, SD 57501

Dear Mr. and Ms. West:

Enclosed is Water License No. 5040-3 and Receipt No. 410221 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5040-3 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 Division
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Nos. 2251-3 and 3003A-3 have been incorporated in to this Water License No. 5040-3.

(6-22)
Kenneth Darland

115-80
45-47.9

(6-22)
Kenneth Darland

run 2 out of 3
pivots at one
time

(23-61)
Lowell D. West

115-80

(23-61)
Lowell D. West

62-R

124.2

32.1

17.8

98.4

all 8 in
PVC

10 tower
Gifford Hill
800

62-R
64 (6-17) 7.7
Wm. A. Serbousek

124.0

1977 ACP
Perm. Overlaid
100 Ac

50403

NOT TO SCALE



(6-44) 62-R
Wm. A. Serbousek Est.
17.4

(23-19)
Leslie Serbousek
105.7

5040-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2010

5040-3

Lowell & Catherine West
902 Ginseng Ave
Onida SD 57564 6108

Dear Mr. & Mrs. West:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 18163 285th Ave, Pierre. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 15, 2012

5040-3

Lowell & Catherine West
2222 Duluth Ave
Pierre SD 57501 5728

Dear Mr. & Mrs. West:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 902 Ginseng Ave, Onida, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

5040-3



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



October 27, 2014

5040-3

Catherine West
PO Box 33
Highmore SD 57345

Dear Ms. West:

Enclosed is a "Notice" dated October 17, 2014 concerning the 2014 irrigation questionnaire.

The notice was originally mailed to 2222 Duluth Ave., Pierre SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



5040-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: LOWELL/CATHERINE WEST, PO BOX 33, HIGHMORE, SD 57345 0033

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5040-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 5040-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** 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) 5040-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2018

5040-3

Catherine West
PO Box 33
Highmore SD 57345 0033

Dear Ms. West:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water 5040-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the questionnaire you marked the box "use abandoned". A review of past irrigation questionnaires indicates the acreage was last irrigated in 1992. Since you have made the decision to discontinue irrigation, the water right will be scheduled for cancellation consideration.

You will be notified of the time, date and place of the hearing once it has been scheduled. As long as you agree with the proceedings, you do not need to do anything further. If you feel an error has been made and you want to try and maintain the water right, please let us know.

Sincerely,

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

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Reported Water Use

02/06/2018

Permit No	Year	Name	Not Irrig	Not Constr
5040-3	1985	SULLY BUTTES%LOWELL WEST		
5040-3	1986	LOWELL WEST-SULLY BUTTES IRRI		
5040-3	1987	LOWELL WEST-SULLY BUTTES IRRI		
5040-3	1988	LOWELL WEST-SULLY BUTTES IRRI		
5040-3	1989	LOWELL WEST-SULLY BUTTES IRRI	X	
5040-3	1990	LOWELL WEST-SULLY BUTTES IRRI	X	
5040-3	1991	LOWELL WEST-SULLY BUTTES IRRI		
5040-3	1992	LOWELL WEST-SULLY BUTTES IRRI		
5040-3	1993	LOWELL/CATHERINEWEST	X	
5040-3	1994	LOWELL/CATHERINEWEST	X	
5040-3	1995	LOWELL/CATHERINEWEST	X	
5040-3	1996	LOWELL/CATHERINEWEST	X	
5040-3	1997	LOWELL/CATHERINEWEST	X	
5040-3	1998	LOWELL/CATHERINEWEST	X	
5040-3	1999	LOWELL/CATHERINEWEST	X	
5040-3	2000	LOWELL/CATHERINEWEST	X	
5040-3	2001	LOWELL/CATHERINEWEST	X	
5040-3	2002	LOWELL/CATHERINEWEST	X	
5040-3	2003	LOWELL/CATHERINEWEST	X	
5040-3	2004	LOWELL/CATHERINEWEST	X	
5040-3	2005	LOWELL/CATHERINEWEST	X	
5040-3	2006	LOWELL/CATHERINEWEST	X	
5040-3	2007	LOWELL/CATHERINEWEST	X	
5040-3	2008	LOWELL/CATHERINEWEST	X	
5040-3	2009	LOWELL/CATHERINEWEST	X	
5040-3	2010	LOWELL/CATHERINEWEST	X	
5040-3	2011	LOWELL/CATHERINEWEST	X	
5040-3	2012	LOWELL/CATHERINEWEST	X	
5040-3	2013	LOWELL/CATHERINEWEST	X	
5040-3	2014	LOWELL/CATHERINEWEST	X	
5040-3	2015	LOWELL/CATHERINEWEST	X	
5040-3	2016	LOWELL/CATHERINEWEST	X	

5040-3

McMath, Genny

From: Cathy West <cathyblueskyfarm@gmail.com>
Sent: Friday, February 23, 2018 10:32 AM
To: McMath, Genny
Subject: [EXT] Irrigation permit 5040-3

West Ranches (Catherine West) We would like to maintain our water rights as we still have pivots and all the equipment in the fields. Lowell just passed away this past year so the ranch is looking forward to some changes in operation and irrigation is a option, The box use abandoned was miss checked. Thank you



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 26, 2018

5040-3

Catherine West
PO Box 33
Highmore SD 57345 0033

Dear Ms. West:

Thank you for your email concerning Water Right No. 5040-3. It is my understanding you have not abandoned the use of irrigation as authorized and intend to irrigate the acreage.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

I am sending you the excerpts of the water right laws and board rules for informational purposes to give you an idea of what is required to maintain your water right. Based on your email communication, DENR will not schedule the water right for cancellation consideration at this time. Thank you for getting in touch with us. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



5040-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 5, 2018

5040-3

Catherine West
34280 205th St
Highmore SD 57345-5710

Dear Ms. West:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to PO Box 33, Highmore SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 11, 2018

5040-3

Sharon Suhn
West LLC
28362 182nd St
Pierre SD 57501

Dear Ms. Suhn:

I am writing to acknowledge receipt of the 2018 irrigation questionnaire for Water Right No. 5040-3. It is my understanding from the notation on the form that an ownership change has occurred.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

The annual irrigation questionnaire indicates the land was last irrigated in 1992. A review of those questionnaires indicate the reason cited for not irrigating varies to include 1) use abandoned, 2) no electricity, 3) water level too low, and 4) sufficient moisture. A review of Google Map shows that irrigation equipment is still present on some land that was authorized by the water right while other authorized land does not readily show equipment still in place. Prior to making a large capital investment in equipment to resume irrigation, DENR encourages you to find out the status of the water right. Resuming irrigation after a long period of nonuse does not cure past years of nonuse and provide clear legal standing to the water right.

The Water Management Board, a seven member citizen board, is entrusted with making determinations on the status of a water right. I urge you to petition the Water Management Board for a declaratory ruling on the status of Water Right No. 5040-3 to ensure it has not been forfeited for nonuse and/or abandoned. It would be useful if the petition for declaratory ruling includes the reasons for not irrigating for the extended period of time. The petition for declaratory ruling will need to be published in two newspapers at your expense. To help you understand the water rights law, I am enclosing applicable statutes and rules regarding when a water right is subject to cancellation and the rules dealing with petitioning for a declaratory ruling.

December 11, 2018
West LLC
Page 2

The other option if you do not believe the water right is still valid after reviewing the enclosed water rights law, you can agree to cancellation of the irrigation component of the water right and the water license will be reissued to reflect only the storage dams used for livestock watering. You can then file an application for a new water permit for the acres intended to be irrigated. Enclosed is a set of application forms.

If you want to discuss this further please feel free to call Eric Gronlund at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

PAID

JAN 02 2019

Ck# 1503

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

JAN 02 2019

WATER RIGHTS
PROGRAM

No. 5040-3

Date: _____

I/We request that Water Right No. 5040-3

formerly owned by: Lowell and Catherine West

be transferred to: (name & address) West LLC, 28362 182nd St, Pierre SD 57501

Telephone No. 605 220-0046

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

638 acres: SE ¼ SE ¼ Section 10; SW ¼ Section 11; SE ¼ Section 12; E ½ Section 13; N ½ NW ¼

Section 14; NE ¼ NE ¼ Section 15 all in T115N, R80W; NW ¼ Section 18, T115N, R79W

I/We understand that the validity of Water Right No. 5040-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We West LLC, the new owner, certify that the above information is true and correct.

Cathy Bonnicksen - manager
Deanna Smith - manager
John West - manager
Sharon Suhn - manager
(Signed by new owner)

Christine Sorenson manager

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 20 19

West Ranches LLC West LLC, 28361 182nd St Pierre SD 57501

RECEIVED OF _____

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5040-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08891**

By Janne Goodman
Chief Engineer
JMG



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 7, 2019

- 5040-3

Sharon Suhn
West LLC
28362 182nd St
Pierre SD 57501

Dear Ms. Suhn:

I am writing to acknowledge receipt of the transfer form and filing fee for changing ownership on Water Right No. 5040-3.

The ownership change has been completed. Water Right No. 5040-3 formerly held by Lowell and Catherine West is now listed in the name of West LLC. Enclosed for your records is Receipt No. 08891 in the amount of \$50 which you paid for filing the ownership change.

My letter of December 11, 2018 addressed the 25 plus years of non-irrigation and the steps to go through for getting a determination from the Water Management Board on the status of the water right. Please keep in mind that filing the ownership change does not cure past years of nonuse or provide clear legal standing to the water right. If you want to discuss this further please feel free to call Eric Gronlund at (605) 773-3352.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure