

Considered: \_\_\_\_\_

WATER PERMIT NO. 5291-3

MAP No. same 448-5687

Name of Applicant Penrhos Farms, Inc.

Post Office Address Route 2, Box 113, Britton SD 57430

Amount of Water Claimed 2.28 cfs Total Acres 160 add'l

Source of Water Supply diversion dam, Dam Nos 1-6 and 2 regulating ponds

Water to be used for irrigation County Marshall

About 5 miles S of Britton

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received Feb 26, 1988 Fee 275.00 Remarks fee for add'l

160 acres plus increase storage capacity by 90 ac-feet

Corrected Application Received Mar 28, 1988 Period of Annual Use Apr 1 - Oct 31

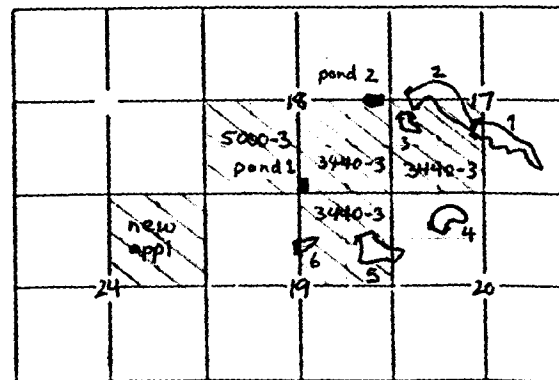
WATER QUALITY APPROVAL RECEIVED Mar 13, 1989 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO \_\_\_\_\_ REMARKS see yellow sheet in file

for comments pertaining to S/W permits

Diversion Point Dam Nos 1 thru 6; diversion dam  
and 2 pumping ponds

Land to be Irrigated S $\frac{1}{2}$  sec 18; SW $\frac{1}{4}$  sec 17; NE $\frac{1}{4}$   
sec 19; all in T126N-R57W and the NE $\frac{1}{4}$   
sec 24 - T126N-R58W



Well Log: Driller N/A Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map topo PREPARED BY Ron Duvall Reviewed and the Number  
assigned on Mar. 13, 1989 By Ron Duvall

**SOUTH DAKOTA**  
**WATER PERMIT No. 5291-3 FOR IRRIGATION**

Date of first receipt of application February 26, 1988.

Date Soil/Water Compatibility Permit received March 13, 1989.

Date of Return to applicant for required corrections, amendments, or changes March 8, 1988.

Date of receipt of corrected application March 28, 1988

The Water Management Board approved Water Permit Application No. 5291-3 on May 10, 1989 for Penrhos Farms, Inc., c/o Curtis Jones, Rt #2, Box 113, Britton, SD 57430 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5291-3 appropriates 2.28 cubic feet of water per second of impounded surface runoff to irrigate an additional 160 acres in the NE1/4 Section 24-T126N-R58W. Water is to be stored in 6 dry draw dams with the following storage capacities: Dam No. 1 - 135 acre-feet (authorized by Permit No. 4891A-3); Dam No. 2 - 110 acre-feet (authorized by Permit No. 3440-3); Dam No. 3 - 25 acre-feet; Dam No. 4 - 20 acre-feet; Dam No. 5 - 30 acre-feet (authorized by Permit No. 3440-3); Dam No. 6 - 10 acre-feet. This permit also allows an increase in the storage capacity of Dam No. 2 from 110 acre-feet to 150 acre-feet and for Dam No. 5 from 30 acre-feet to 80 acre-feet. Water is also stored and diverted from 2 pumping ponds with a combined storage of 15 acre-feet. The dams are located in the S1/2, SW1/4 NW1/4 Section 17 (Dam Nos. 1 through 3); N1/2 NW1/4 Section 20 (Dam No. 4); E1/2 NE1/4 Section 19 (Dam No. 5); SE1/4 NW1/4 Section 19 (Dam No. 6); and the pumping ponds are near the E1/4 corner and S1/4 corner of section 18; all in T126N-R57W. A diversion dam located in the SW1/4 SW1/4 Section 15-T126N-R57W is used to divert water to the drainage area of Dam Nos. 1 through 3 and pumping pond No. 2. Water impounded in the 6 dry draw dams and 2 pumping ponds via runoff or diversion from the diversion dam may also be used to irrigate acreage developed for irrigation in accordance with Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3. The acreage described on these permits is in the S1/2 Section 18; SW1/4 Section 17; NE1/4 Section 19; all in T126N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to October 31.
3. The date from which applicant may claim right is March 13, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

### QUALIFICATIONS

- 1) Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- 2) This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- 3) Approval of Permit No. 5291-3 authorizes additional storage of 160 acre-feet annually - Dam No. 2, 40 additional acre-feet, Dam No. 3, 25 acre-feet, Dam No. 4, 20 acre-feet, Dam No. 5, 50 additional acre-feet, Dam No. 6, 10 acre-feet and 15 acre-feet in 2 pumping ponds.

### WATER MANAGEMENT BOARD

By: \_\_\_\_\_

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

SEP 12 1989

\_\_\_\_\_  
(date)

Mail to: Water Rights Div.  
DWNr, Foss Bldg.  
Pierre, SD 57501  
(605) 773-3352

(See instructions)

No. 5291-3 Hydrologic Unit 10160003  
Basin James River  
Newspaper Britton Journal, Box 69 (wrd) 57430



**Application For Soil/Water Compatibility Permit and Permit To Appropriate Water**

- Application: ☒ New ☐ Vested Right ☐ Amend Permit No. \_\_\_\_\_  
☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)  
☒ Add Acreage ☐ Increase diversion rate ☐ Other See Permit Nos. 3440-3, 4891-3, 4891A-3 & 5000-3  
1. Name of Applicant Penrhos Farms, Inc. Phone No. 448-5687

Post Office Address Route 2, Box 113 Britton, South Dakota State 57430  
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 2.28 Total acres irrigated 160 add'l  
3. Source of Water supply dry draws Dams Nos. 1 thru 6 and diversion dam & 2 ponds  
4. Location of point of diversion See attachment No. 1

- County Marshall  
5. Counties where water will be used Marshall  
6. Annual period during which water is to be used April 1 - October 31  
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. |
|---------------------------------------------------------|----------------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T126N-R58W | 40             |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T126N-R58W | 40             |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T126N-R58W | 40             |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24-T126N-R58W | 40             |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: \_\_\_\_\_ Towline: \_\_\_\_\_ Center Pivot: X Gun: \_\_\_\_\_ Other: \_\_\_\_\_ (Specify) \_\_\_\_\_  
9. Crops to be Irrigated: Corn  
10. Give a description of proposed project. (Attach sheet if more space is needed)  
See Attachment No. 2

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)  
County of Hughes)<sup>ss</sup>

I, Curtis Jones, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

KAREN SCHLAACK  
NOTARY PUBLIC  
SOUTH DAKOTA  
My Commission Expires Apr. 1, 1993  
4-87

Signed Penrhos Farms Inc.  
By Curtis Jones  
26<sup>th</sup> day of February 1988  
Karen Schlaack  
Notary Public

ATTACHMENT NO. 1

Diversion Point Locations:

Dam No. 1 - 135 ac-ft (No. 4891A-3): NE1/4 SW1/4 section 17

Dam No. 2 - 150 ac-ft (No. 3440-3): quarter line between the  
NW1/4 and SW1/4 section 17

Dam No. 3 - 25 ac-ft: NW1/4 SW1/4 section 17

Dam No. 4 - 20 ac-ft: near center of the N1/2 NW1/4 section 20

Dam No. 5 - 80 ac-ft (No. 3440-3): near center of the NE1/4  
section 19

Dam No. 6 - 10 ac-ft: SE1/4 NW1/4 section 19

Diversion dam - no storage (No. 4891-3): SW1/4 SW1/4 section 15

Pumping Pond No. 1 - 4 to 5 ac-ft: near S1/4 corner section 18

Pumping Pond No. 2 - 8 to 10 ac-ft: near E1/4 corner section 18

ALL LOCATED IN T126N-R57W

ATTACHMENT NO. 2

This application is to do the following:

1. Irrigate an additional 160 acres located in the NE1/4 section 24-T126N-R58W with an appropriation of 2.28 cfs.
2. Include 3 existing dams (Dam No. 3 - 25 ac-ft, Dam No. 4 - 20 ac-ft, Dam No. 6 - 10 ac-ft) and 2 Pumping Ponds (Pond No. 1 - 5 ac-ft, Pond No. 2 - 10 ac-ft) not authorized by Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 (see map for locations).
3. Authorize use of water stored in Dam Nos. 1 thru 6, Pumping Pond Nos. 1 and 2 and water diverted by the diversion dam in the SW1/4 SW1/4 section 15-T126N-R57W on the following lands: SW1/4 section 17 (No. 3440-3); SE1/4 section 18 (No. 3440-3); NE1/4 section 19 (No. 3440-3); SW1/4 section 18 (No. 5000-3); all in T126N-R57W and the NE1/4 section 24-T126N-R58W.
4. Authorize an increase in storage capacity for Dam Nos. 2 (No. 3440-3) and 5 (No. 3440-3). The storage capacity for Dam No. 2 is to be increased from 110 ac-ft to 150 ac-ft and the storage capacity for Dam No. 5 is to be increased from 30 ac-ft to 80 ac-ft.
5. Authorize additional fills of Dam Nos. 1 thru 6 and Pumping Pond Nos. 1 and 2 for up to 160 ac-ft annually. The initial storage capacity and increased storage capacity of the dams included on this application need to be subtracted as follows to determine the annual amount of the additional fills:

{Irrigate an additional 160 acres (320 ac-ft annually pursuant to SDCL 46-5-6) minus storage of Dam No. 3 - 25 ac-ft, Dam No. 4 - 20 ac-ft, Dam No. 6 - 10 ac-ft, Pumping Pond No. 1 - 5 ac-ft, Pumping Pond No. 2 - 10 ac-ft, Dam No. 2 - 40 ac-ft (Storage Capacity Increase) and Dam No. 5 - 50 ac-ft (Storage Capacity Increase) = 160 ac-ft annually}.

# 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 to 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 Pumping Pond No. 1 storage: 4-5 ac-ft

- a) Surface Dimensions 200 X 400 feet Depth approx. 8 feet
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams Dam No. 2

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

SCS staked-out the dam

\_\_\_\_\_

b) Freeboard 6 feet

c) Crest Width 22 feet

Crest Length 700 feet

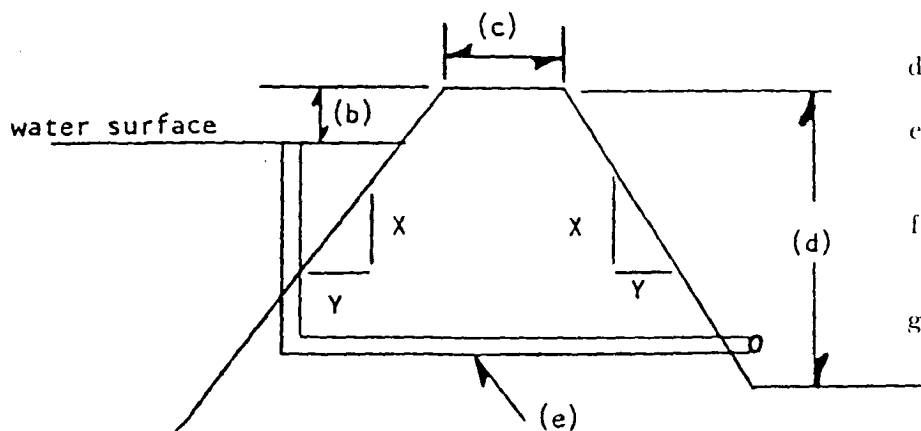
d) Height 30 feet

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter 6 in. plastic  
gate valve

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width 24 in. culvert\*

g) X & Y Slope  
Upstream 6:1

Downstream 3:1



\*Water is diverted to dam No. 3 via the culvert plus any other excess flow which (approx. 200 feet width) which the culvert can not bypass.

Surface Area of Impoundment approx. 17 ac.

Storage 150 acre feet

Drainage area above dam \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

# 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 to 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 Pumping Pond No. 2 storage: 8-10 ac-ft

- a) Surface Dimensions 200 X 900 feet Depth approx 8 feet
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams Dam No. 3 Filled by diverting water from Dam No.2

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 6 feet

c) Crest Width 14 feet

Crest Length 500 feet

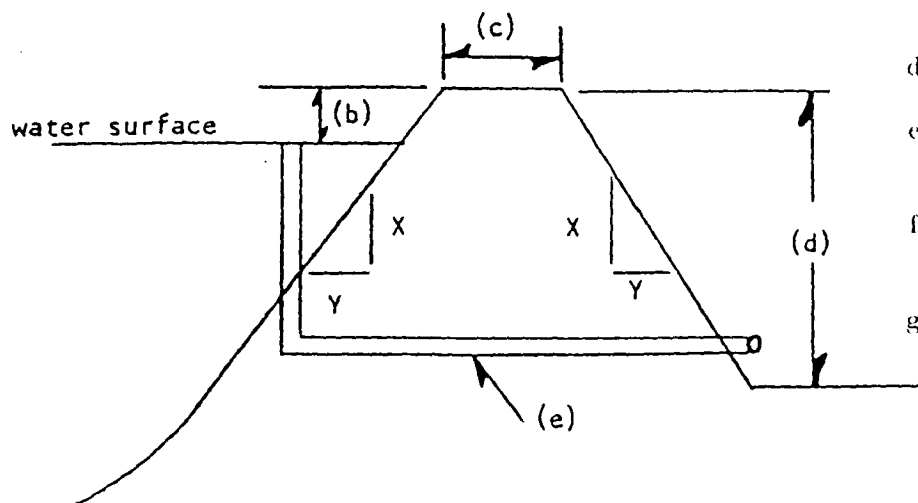
d) Height 30 feet

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter 6 in. plastic gate valve

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width 50 feet lined with rock

g) X & Y Slope  
Upstream 8:1

Downstream 3:1



Surface Area of Impoundment approx. 8 ac

Storage 25 acre feet

Drainage area above dam \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

# 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 to 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 Dam No. 4

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 4 feet

c) Crest Width 10 feet

Crest Length 160 feet

d) Height 18 feet

e) Primary Outlet Capacity \_\_\_\_\_  
 If Pipe, diameter 6 in. plastic  
gate valve

f) Secondary Spillway Capacity \_\_\_\_\_  
 Spillway width no defined channel

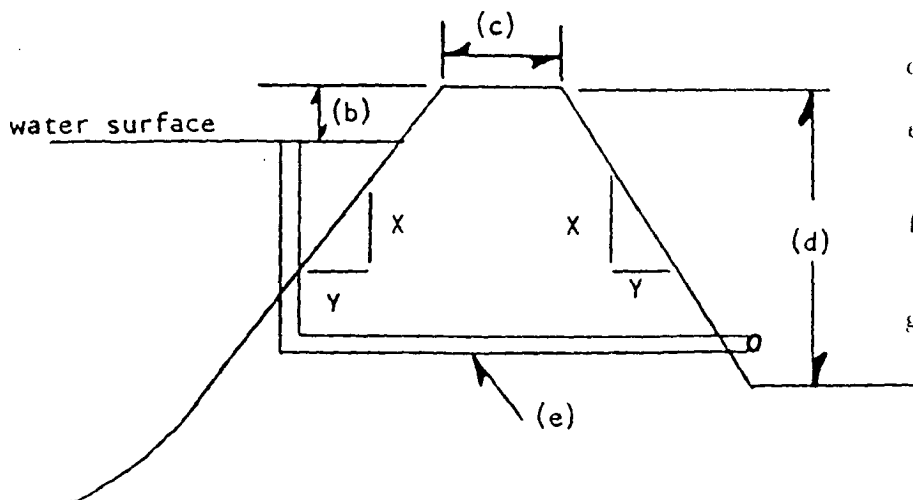
g) X & Y Slope  
 Upstream 5:1

Downstream 3:1

Surface Area of Impoundment approx 8 ac.

Storage 20 acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

# 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 to 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 Dam No. 5

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

SCS staked-out the dam  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_ 4 feet

c) Crest Width \_\_\_\_\_ 16 feet

Crest Length \_\_\_\_\_ 350 feet

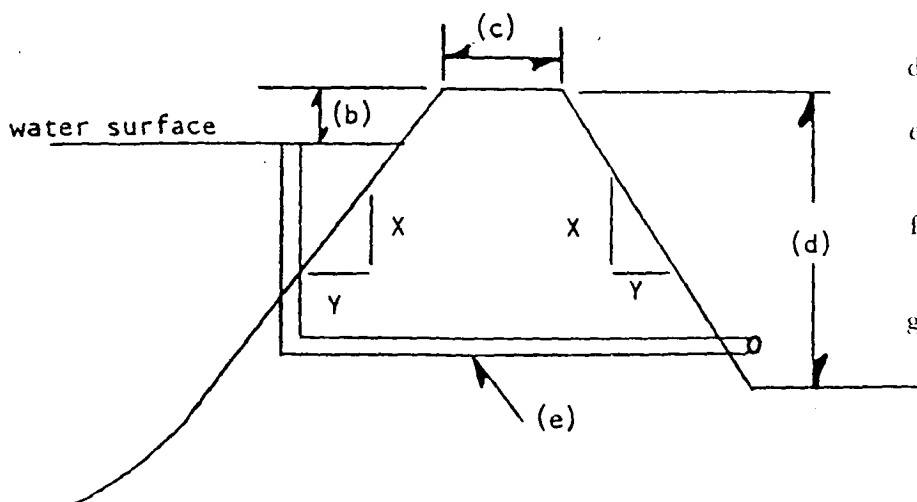
d) Height \_\_\_\_\_ 20 feet

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter 6 in. plastic  
gate valve

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width no defined channel  
150 + feet

g) X & Y Slope  
Upstream 6:1

Downstream 6:1



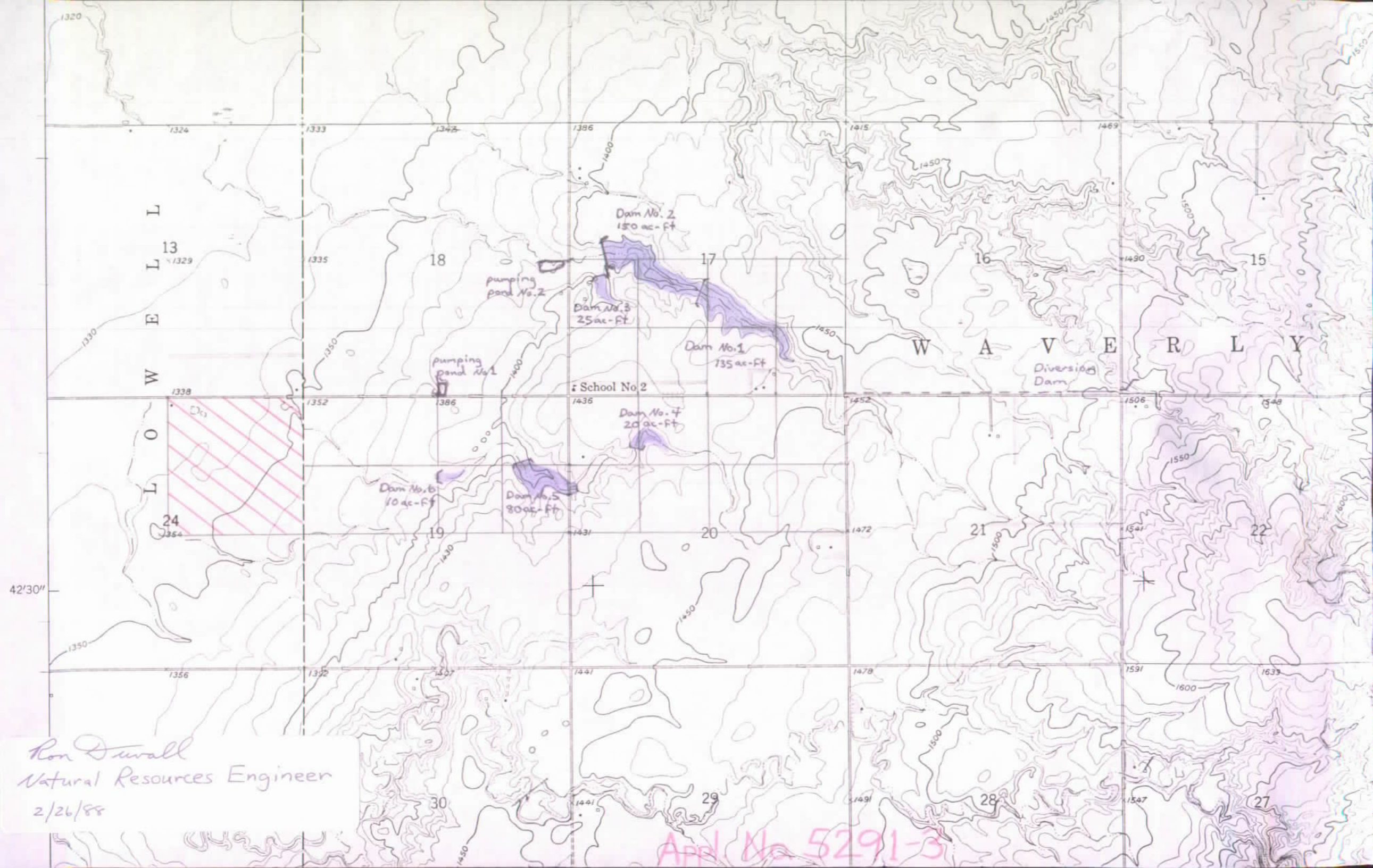
Surface Area of Impoundment approx. 17 ac

Storage \_\_\_\_\_ 80 \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_

Signature of Applicant \_\_\_\_\_





# RECEIPT

## Division of Water Rights

### South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_, 19\_\_\_\_

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 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 _____                                                                                         |              |  |
| 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)                                                                                           | <b>Total</b> |  |

By \_\_\_\_\_

Chief Engineer

**South Dakota** Department of  
**Water & Natural Resources**

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

March 8, 1988



Curtis Jones  
RR 2, Box 113  
Britton SD 57430

Dear Mr. Jones:

This letter is in response to the water permit application we completed on February 26, 1988. I have made some updates to Attachment Nos. 1 and 2 which are enclosed and should be placed with the water permit application. The following information is needed regarding Dam Nos. 1 through 6:

A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining hazard classifications for the dams (see Safety of Dams Rules Section 74:02:08:05). The SCS or other some other consultant can assist with the risk assessment. The hazard classification of the dams (Category 1,2 or 3) is needed to determine what provisions of the Safety of Dams Rules will apply to the dams.

Please contact me if you have any questions regarding the above risk assessment.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
enc.

*I hope this covers what you need. If  
not please let me know.*



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

Box 8  
Britton, SD 57430  
(605-448-2442)

March 23, 1988

Curtis Jones  
Route 2 Box 113  
Britton, SD 57430



Dear Mr. Jones:

This letter is in response to your request for assistance on hazard determinations of the various dams, under your control. Dams No. 1 thru 5 all have drawdown pipes.

Dam #1 (No. 4891A-3) NE 1/4 - SW 1/4 - 17 - 126 - 57

This dam is 24' high, and failure of this dam would likely cause the failure of dam #2 (No. 3440-3) because this is where it outlets. Failure here would probably cause damage to a township road which is immediately below dam #2. Other than that, there would be no damage of any consequence because the draw disappears in about 1/2 mile and outlets into a board flat flood plain where there are no roads, dwellings, or farmsteads.

This would place this dam in category 3 - low hazard.

Dam #2 (No. 3440-3) is 22' high, and failure would result in the same consequences as Dam #1, No. (4891A-3) because they are on the same draw.

This would place this dam in category 3 - low hazard.

Dam #3 in NW 1/4 - SW 1/4 - 17 - 126 - 57 is 20' high and stores only 25 acre feet of water. Because of its size, it does not meet the minimum requirement for a dam according to SDCL 46 - 1 to SDCL 46 - 7, Safety of Dams Rules Section 74:02:08:05.

Dam #4 near center of N 1/2 - NW 1/2 - 20 - 126 - 57

This dam is 11.5' high and stores only 20 acre feet. Therefore, it does not meet minimum requirements for a dam according to 74:02:08:01, SDCL 46 - 1 to SDCL 46 - 7.

Dam #5 (No. 3440-3) near center of NE 1/4 - 19 - 126 - 57 This dam is 14' high and stores 80 acre feet. This dam, if failure should occur, would do only minor damage. There are no roads in the vicinity or dwellings or farmsteads. It outlets into a broad floodplain.

This would place this dam in low hazard - Category 3.



Dam #6 in SW 1/4 - NE 1/4 - 19 - 127 - 56 is only 7' high and stores only 10 acre feet. Therefore it does not meet minimum requirements for a dam according to 74:02:08:01 - SDCL 46 - 1 to SDCL 46 - 7.

Diversion dam - No storage (No. 4891-3) SW 1/4 - S 1/4 - 15- 126 - 57 is 10' high. It has only temporary storage of 5 acre feet. It again does not meet minimum requirements for a dam.

Pumping Pond No. 1 - 4 to 5 acre feet near SW 1/4 corner of SE 1/4 of 18 - 126 - 57. Failure would result in negligible damage.

Pumping Pond No. 2 - 8 to 10 acre feet near middle of SE 1/4 on the north side of 18 - 126 - 57. Failure would result in negligible damage.

I hope this information will be of some assistance to you.

Sincerely,

Larry Mette  
Conservation Technician

Britton, So. Dak.  
Feb. 7, 1989

Mr. Jim Stukel  
Dept. of Ag. Division of Conservation  
Pierre, So. Dak.

Dear Jim:

The following is our proposed plan of operation for the NE $\frac{1}{4}$  of section 24 126N-58W. As we discussed on the phone yesterday.

It is our plan to raise mostly corn for livestock feed. We will plant and work to grow 100 to 125 bushels of corn, so most years we won't be putting on more than six to eight inches of water. We have learned that we have to put on three quarters to one inch per round for the first couple of years and then increase as we get the humus built up.

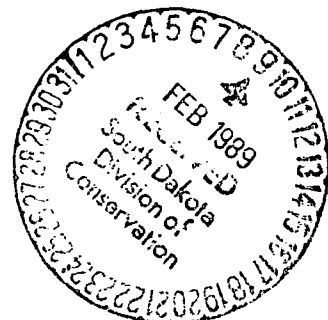
We plan on breaking up the hard pan by using a deep vibration digger that will go through the hard pan. We think if we do this every couple years it will slowly solve or at least make that problem manageable. We don't use a moldboard plow so the plant material will be worked back into the soil with a disk and diggers which will help improve soil conditions.

Crop rotation will be used to address weed and soil problems as the need arises, but corn for cattle feed will be the main purpose for irrigating this land. Very little silage will be cut on this land.

I hope this plan for operation addresses the concerns you have. We too are concerned about the same problems you point out, but feel we can work to manage those problems.

Sincerely,  
Penrhos Farms Inc.  
by Curtis Jones

*Curt Jones*



## Conversation or File Documentation

NAME OF PERSON OR FILE: Penrhos Farms, Inc.ADDRESS: Rt 2, Box 113, Britton SD 57430 COUNTY MarshallDATE: Mar 13, 1989 TELEPHONE 448-5687RE: S/W Compatibility permits vs sources & acreage irrigated

## COMMENTS:

The diversion dam and Dam Nos 2 and 5 are included as sources for the SW $\frac{1}{4}$  sec 17; SE $\frac{1}{4}$  sec 18; NE $\frac{1}{4}$  sec 19; and SW $\frac{1}{4}$  sec 18; all in T126N-R57W. Approval of Dam No. 1 did not require obtaining S/W according to Jim Stukel.

Dam Nos. 3, 4, 6 and the 2 pumping ponds are not included on existing S/W permits. I contacted Jim Stukel with the Division of Conservation regarding these impoundments to determine if any additional S/W permits were needed. Jim Stukel indicated that no additional S/W permits were needed because the dams were located within 2000 feet of permitted dams and on the same drainages.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron D. Small

Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT  
DIVISION OF CONSERVATION  
Pierre, SD



Office Use Only

4335

WR#

OWNERS NAME: Pearhos Farms, Inc. OWNERS ADDRESS: Route 2, Box 113  
Britton, SD 57430

COUNTY LAND LOCATED IN: Marshall PHONE: 448-5687

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION see attached

Depth \_\_\_\_\_

| Legal Description                                      | Acres | Legal Description | Acres |
|--------------------------------------------------------|-------|-------------------|-------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ A Sec. 24-T126N-R58W | 40    |                   |       |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ " "                  | 40    |                   |       |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ " "                  | 40    |                   |       |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "                  | 40    | TOTAL ACRES =     | 160   |

2. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: ☒ GUN: \_\_\_\_\_ OTHER: (Specify) \_\_\_\_\_

3. CROPS TO BE IRRIGATED: corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0033

7. ADJUSTED (SAR): 0.22

5. SALINITY (EC X 10<sup>6</sup>): 260

8. PERCENT SODIUM: 5.30

6. SODIUM (SAR): 0.15

Requirements: A three year rotation shall be used, with corn being the crop no more than two of the three years, with no corn silage to be taken.

A deep vibration digger shall be used to break the claypan up & keep it broke up.

A soil amendment such as gypsum shall be used, if necessary.

A sorghum-sudan grass hybrid cross may be used, if silage is to be taken. The first cutting of silage would be cut and the post growth left in the field for grazing & incorporation into the field.

☒

APPROVED

DISAPPROVED

WAIVER

☒

REQUIREMENTS

[Signature]  
Director, Division of Conservation

5/19/89  
Date

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



**ATTACHMENT NO. 1**

**Diversion Point Locations:**

- Dam No. 1 - 135 ac-ft (No. 4891A-3): NE1/4 SW1/4 section 17**
- Dam No. 2 - 150 ac-ft (No. 3440-3): quarter line between the  
NW1/4 and SW1/4 section 17**
- Dam No. 3 - 25 ac-ft: NW1/4 SW1/4 section 17.**
- Dam No. 4 - 20 ac-ft: near center of the N1/2 NW1/4 section 20**
- Dam No. 5 - 80 ac-ft (No. 3440-3): near center of the NE1/4  
section 19**
- Dam No. 6 - 10 ac-ft: SE1/4 NW1/4 section 19**
- Diversion dam - no storage (No. 4891-3): SW1/4 SW1/4 section 15**
- Pumping Pond No. 1 - 4 to 5 ac-ft: near S1/4 corner section 18**
- Pumping Pond No. 2 - 8 to 10 ac-ft: near E1/4 corner section 18**
- ALL LOCATED IN T126N-R57W**

3/17/89  
JDB

# SYSTEM

hello, this program estimates peak discharges and runoff volumes for 2, 5, 10, 25, 50, and 100 year floods based upon equations specified in USGS publication: Techniques for Estimating Flood Peaks Volumes, and Hydrographs on Small Streams, September 1980, Water Resources Investigations 80-30. Input data needed to run this program are: drainage basin size (sq. mi.), soil infiltration index (see Figure 13 in publication), and main channel slope in feet per mile.

WHAT IS THE DRAINAGE BASIN NAME?

? PENRHOSI

ENTER THE DRAINAGE BASIN AREA (SQ. MI.)

? 1.27

ENTER THE SOIL INFILTRATION INDEX FROM FIGURE 13

? 3.89

DO YOU WISH TO DETERMINE THE PEAK DISCHARGE? (Y/N)

? Y

ENTER SLOPE ALONG MAIN CHANNEL (FT/MILE)

? 66

THE ESTIMATED PEAK DISCHARGE FOR 2, 5, 10, 25, 50, AND 100 YEAR FLOODS FOR PENRHOSI DRAINAGE ARE:

Q2 = 31.8756 CFS  
Q5 = 78.93461 CFS  
Q10 = 134.8187 CFS  
Q25 = 228.7093 CFS  
Q50 = 318.0034 CFS  
Q100 = 426.354 CFS

THE ESTIMATED RUNOFF VOLUME FOR 2, 5, 10, 25, 50, AND 100 YEARS FLOODS FOR PENRHOSI DRAINAGE ARE:

V2 = 14.41505 ACRE-Feet  
V5 = 26.55075 ACRE-Feet  
V10 = 37.46724 ACRE-Feet  
V25 = 55.50808 ACRE-Feet  
V50 = 72.58588 ACRE-Feet  
V100 = 93.54471 ACRE-Feet

THE ACCURACY OF THE ESTIMATED PEAK DISCHARGES AND RUNOFF VOLUMES ARE SUBJECT TO THE LIMITATIONS AS SPECIFIED IN THE ABOVE USGS PUBLICATION

IF YOU WISH TO RUN THIS PROGRAM AGAIN, TYPE RUN.  
OK

RUN

3 1/7/89  
D.B.

Hello, this program estimates peak discharges and runoff volumes for 2, 5, 10, 25, 50, and 100 year floods based upon equations specified in USGS publications: Techniques for Estimating Flood Peaks Volumes, and Hydrographs on Small Streams, September 1980, Water Resources Investigations 80-80. Input data needed to run this program are: drainage basin size (sq. mi.), soil infiltration index (see Figure 13 in publication), and main channel slope in feet per mile.

WHAT IS THE DRAINAGE BASIN NAME?

? PENRHOS2

ENTER THE DRAINAGE BASIN AREA (SQ. MI.)

? .08

ENTER THE SOIL INFILTRATION INDEX FROM FIGURE 13

? 3.89

DO YOU WISH TO DETERMINE THE PEAK DISCHARGE? (Y/N)

? Y

ENTER SLOPE ALONG MAIN CHANNEL (FT/MILE)

? 41

THE ESTIMATED PEAK DISCHARGE FOR 2, 5, 10,  
25, 50, AND 100 YEAR FLOODS FOR PENRHOS2 DRAINAGE  
ARE:

Q2 = 21.13348 CFS

Q5 = 53.20936 CFS

Q10 = 89.45888 CFS

Q25 = 148.839 CFS

Q50 = 203.7124 CFS

Q100 = 269.8373 CFS

THE ESTIMATED RUNOFF VOLUME FOR 2, 5, 10, 25, 50,  
AND 100 YEARS FLOODS FOR PENRHOS2 DRAINAGE ARE:

V2 = 11.06891 ACRE-Feet

V5 = 20.38758 ACRE-Feet

V10 = 28.5647 ACRE-Feet

V25 = 42.23254 ACRE-Feet

V50 = 55.00043 ACRE-Feet

V100 = 70.52485 ACRE-Feet

THE ACCURACY OF THE ESTIMATED PEAK DISCHARGES AND RUNOFF  
VOLUMES ARE SUBJECT TO THE LIMITATIONS AS SPECIFIED IN  
THE ABOVE USGS PUBLICATION

IF YOU WISH TO RUN THIS PROGRAM AGAIN, TYPE RUN.

OK

3/17/89  
DLB

# SYSRTEXTM

Hello, this program estimates peak discharges and runoff volumes for 2, 5, 10, 25, 50, and 100 year floods based upon equations specified in USGS publications: Techniques for Estimating Flood Peaks Volumes, and Hydrographs on Small Streams, September 1980, Water Resources Investigations 80-80. Input data needed to run this program are: drainage basin size (sq. mi.), soil infiltration index (see Figure 13 in publication), and main channel slope in feet per mile.

WHAT IS THE DRAINAGE BASIN NAME?

? PENRHO3 DVERSION

ENTER THE DRAINAGE BASIN AREA (SQ. MI.)

? 3.06

ENTER THE SOIL INFILTRATION INDEX FROM FIGURE 13

? 3.89

DO YOU WISH TO DETERMINE THE PEAK DISCHARGE? (Y/N)

? Y

ENTER SLOPE ALONG MAIN CHANNEL (FT/MILE)

? .93

THE ESTIMATED PEAK DISCHARGE FOR 2, 5, 10,  
25, 50, AND 100 YEAR FLOODS FOR PENRHO3 DVERSION DRAINAGE  
ARE:

Q2 = 56.65062 CFS  
Q5 = 149.1555 CFS  
Q10 = 262.6293 CFS  
Q25 = 463.3538 CFS  
Q50 = 564.1724 CFS  
Q100 = 909.9524 CFS

THE ESTIMATED RUNOFF VOLUME FOR 2, 5, 10, 25, 50,  
AND 100 YEARS FLOODS FOR PENRHO3 DVERSION DRAINAGE ARE:

V2 = 27.15169 ACRE-Feet  
V5 = 50.01009 ACRE-Feet  
V10 = 71.19535 ACRE-Feet  
V25 = 107.5415 ACRE-Feet  
V50 = 141.8102 ACRE-Feet  
V100 = 184.1178 ACRE-Feet

THE ACCURACY OF THE ESTIMATED PEAK DISCHARGES AND RUNOFF  
VOLUMES ARE SUBJECT TO THE LIMITATIONS AS SPECIFIED IN  
THE ABOVE USGS PUBLICATION

IF YOU WISH TO RUN THIS PROGRAM AGAIN, TYPE RUN.

OK

Report on Water Permit Application No. 5291-3  
Penrhos Farms Inc.  
March 21, 1989

Introduction

Water Permit application No. 5291-3 proposes to appropriate 2.28 cubic feet of water per second of impounded surface water runoff to irrigate an additional 160 acres in the NE1/4 of Section 2 T126N R58W, Marshall County. The applicant proposes to use existing, previously permitted pumping ponds, irrigation dams and a diversion dam to collect surface water runoff (see Attachments No. 1 and 2 for further explanation of project). The applicant also proposes to increase the storage capacity of two existing dams by increasing the height of each dam.

Discussion

A preliminary Dam Safety risk assessment conducted by the United States Department of Agriculture, Soil Conservation Service (SCS) determined that the proposed irrigation dams are category 3 dams (see Attachment 3). Chapter 74:02:08 Safety of Dams Rules define a category 3 dam as a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss. A preliminary risk assessment conducted by the Division also indicates that the proposed irrigation dams are category 3 dams (USGS, 1958; South Dakota Department of Game, Fish and Parks, 1984). The category 3 hazard determination exempts the irrigation dams from spillway requirements specified in Chapter 74:02:08 Safety of Dams Rules because the irrigation dams have not failed and were constructed before October 27, 1986.

The applicant proposes to use surface water runoff generated from a 5.21 square mile drainage area located on the west flank of the Coteau des Prairies (a high plateau of rugged morainal topography) (Koch, 1975). The drainage is a tributary of Crow Creek.

Review of Existing Water Rights

A review of Division records indicates no surface water rights exist (excluding domestic rights) within 15 miles downstream of the proposed project. This fact coupled with the proposed projects small drainage basin size indicates that the proposed diversion can be developed without unlawful impairment of existing rights.

### Conclusions

1. Unappropriated water is available for the applicants proposed use.
2. The proposed diversion can be developed without unlawful impairment of existing rights.
3. South Dakota recognizes irrigation as a beneficial use of water.

*David S. Brown*

David S. Brown  
Natural Resources Engineer

Approved by:

*Gale N. Selken*

GALE N. SELKEN P.E.  
Hydrologist III

### Bibliography

Koch, Neil C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, Part 1: Geology and Water Resources, USGS, Prepared in Cooperation with the SD Geological Survey, Marshall County, and the Oahe Conservancy Sub District.

South Dakota Department of Game, Fish and Parks, 1984, Sportsman's Atlas, Marshall County.

USGS 7.5 Minute Topographic Map, Britton 4NW Quadrangle, South Dakota, Marshall County, 1958.

USGS 7.5 Minute Topographic Map, Spain Quadrangle, South Dakota, Marshall County, 1958.

ATTACHMENT NO. 1

Diversion Point Locations:

Dam No. 1 - 135 ac-ft (No. 4891A-3): NE1/4 SW1/4 section 17

Dam No. 2 - 150 ac-ft (No. 3440-3): quarter line between the  
NW1/4 and SW1/4 section 17

Dam No. 3 - 25 ac-ft: NW1/4 SW1/4 section 17

Dam No. 4 - 20 ac-ft: near center of the N1/2 NW1/4 section 20

Dam No. 5 - 80 ac-ft (No. 3440-3): near center of the NE1/4  
section 19

Dam No. 6 - 10 ac-ft: SE1/4 NW1/4 section 19

Diversion dam - no storage (No. 4891-3): SW1/4 SW1/4 section 15

Pumping Pond No. 1 - 4 to 5 ac-ft: near S1/4 corner section 18

Pumping Pond No. 2 - 8 to 10 ac-ft: near E1/4 corner section 18

ALL LOCATED IN T126N-R57W

ATTACHMENT NO. 2

This application is to do the following:

1. Irrigate an additional 160 acres located in the NE1/4 section 24-T126N-R58W with an appropriation of 2.28 cfs.
2. Include 3 existing dams (Dam No. 3 - 25 ac-ft, Dam No. 4 - 20 ac-ft, Dam No. 6 - 10 ac-ft) and 2 Pumping Ponds (Pond No. 1 - 5 ac-ft, Pond No. 2 - 10 ac-ft) not authorized by Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 (see map for locations).
3. Authorize use of water stored in Dam Nos. 1 thru 6, Pumping Pond Nos. 1 and 2 and water diverted by the diversion dam in the SW1/4 SW1/4 section 15-T126N-R57W on the following lands: SW1/4 section 17 (No. 3440-3); SE1/4 section 18 (No. 3440-3); NE1/4 section 19 (No. 3440-3); SW1/4 section 18 (No. 5000-3); all in T126N-R57W and the NE1/4 section 24-T126N-R58W.
4. Authorize an increase in storage capacity for Dam Nos. 2 (No. 3440-3) and 5 (No. 3440-3). The storage capacity for Dam No. 2 is to be increased from 110 ac-ft to 150 ac-ft and the storage capacity for Dam No. 5 is to be increased from 30 ac-ft to 80 ac-ft.



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

Box 8  
Britton, SD 57430  
(605-448-2442)

March 23, 1988



Curtis Jones  
Route 2 Box 113  
Britton, SD 57430

Dear Mr. Jones:

This letter is in response to your request for assistance on hazard determinations of the various dams, under your control. Dams No. 1 thru 5 all have drawdown pipes.

Dam #1 (No. 4891A-3) NE 1/4 - SW 1/4 - 17 - 126 - 57

This dam is 24' high, and failure of this dam would likely cause the failure of dam #2 (No. 3440-3) because this is where it outlets. Failure here would probably cause damage to a township road which is immediately below dam #2. Other than that, there would be no damage of any consequence because the draw disappears in about 1/2 mile and outlets into a board flat flood plain where there are no roads, dwellings, or farmsteads.

This would place this dam in category 3 - low hazard.

Dam #2 (No. 3440-3) is 22' high, and failure would result in the same consequences as Dam #1, No. (4891A-3) because they are on the same draw.

This would place this dam in category 3 - low hazard.

Dam #3 in NW 1/4 - SW 1/4 - 17 - 126 - 57 is 20' high and stores only 25 acre feet of water. Because of its size, it does not meet the minimum requirement for a dam according to SDCL 46 - 1 to SDCL 46 - 7, Safety of Dams Rules Section 74:02:08:05.

Dam #4 near center of N 1/2 - NW 1/2 - 20 - 126 - 57

This dam is 11.5' high and stores only 20 acre feet. Therefore, it does not meet minimum requirements for a dam according to 74:02:08:01, SDCL 46 - 1 to SDCL 46 - 7.

Dam #5 (No. 3440-3) near center of NE 1/4 - 19 - 126 - 57 This dam is 14' high and stores 80 acre feet. This dam, if failure should occur, would do only minor damage. There are no roads in the vicinity or dwellings or farmsteads. It outlets into a broad floodplain.

This would place this dam in low hazard - Category 3.



Dam #6 in SW 1/4 - NE 1/4 - 19 - 127 - 56 is only 7' high and stores only 10 acre feet. Therefore it does not meet minimum requirements for a dam according to 74:02:08:01 - SDCL 46 - 1 to SDCL 46 - 7.

Diversion dam - No storage (No. 4891-3) SW 1/4 - S 1/4 - 15- 126 - 57 is 10' high. It has only temporary storage of 5 acre feet. It again does not meet minimum requirements for a dam.

Pumping Pond No. 1 - 4 to 5 acre feet near SW 1/4 corner of SE 1/4 of 18 - 126 - 57. Failure would result in negligible damage.

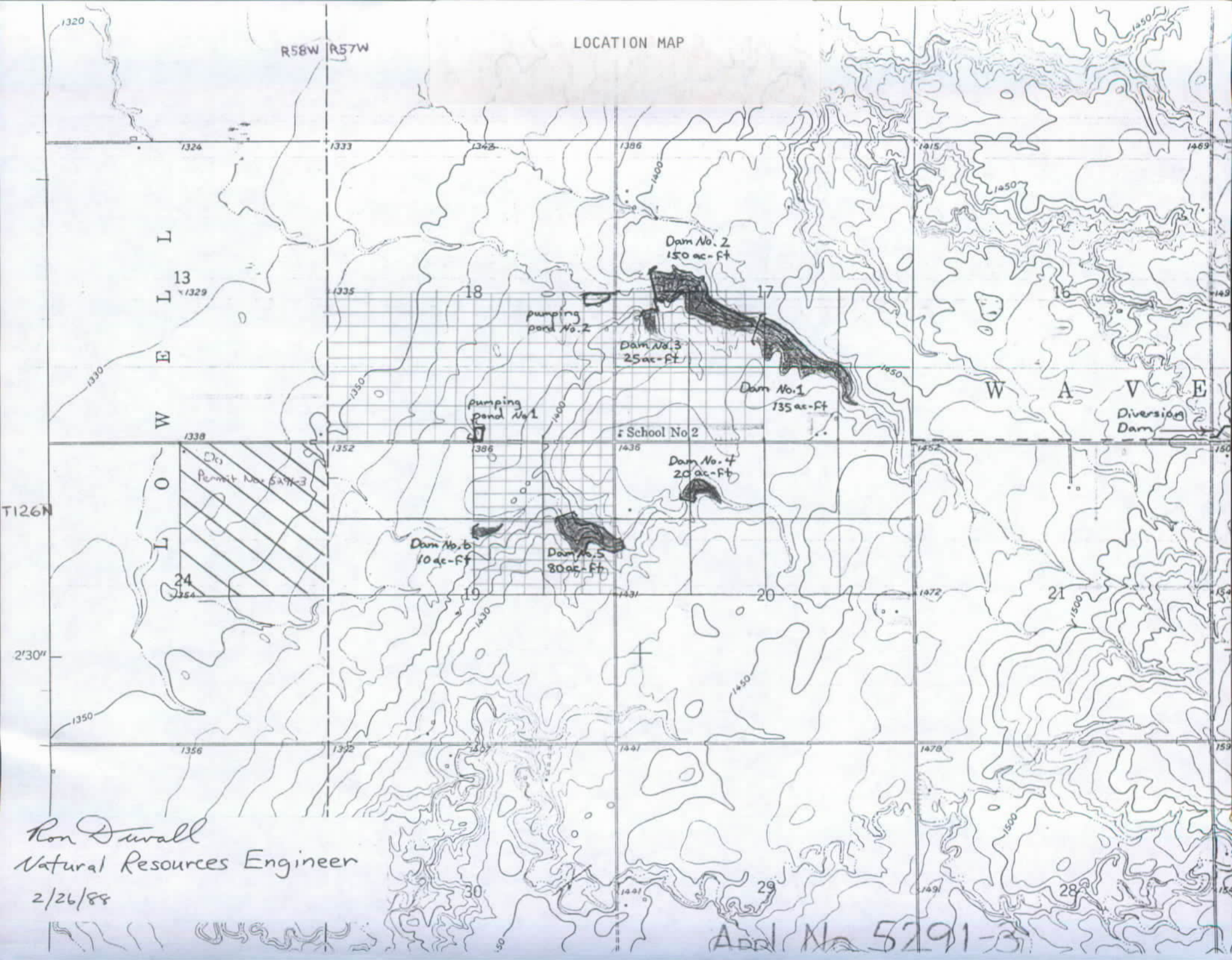
Pumping Pond No. 2 - 8 to 10 acre feet near middle of SE 1/4 on the north side of 18 - 126 - 57. Failure would result in negligible damage.

I hope this information will be of some assistance to you.

Sincerely,

Larry Mette  
Conservation Technician

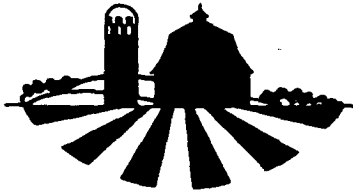
R58W | R57W



Natural Resources Engineer

2/26/88

ADDN 5291-3



## South Dakota Department of Agriculture

### DIVISION OF CONSERVATION

Anderson Building • Pierre, South Dakota 57501

Phone 605/773-3258

March 30, 1988

Penrhos Farms  
c/o Curtis Jones  
Rt 2, Box 113  
Britton, SD 57430



Dear Mr. Jones:

In reviewing the soils of the area, that you are proposing for irrigation, the staff has found that the W1/2 NE1/4 Sec 24-126N-R58W is dominated by the A1A - Aberdeen - Exline silty clay loams, 0 to 2 percent slope. This complex is not suited for irrigation.

Before we develop any recommendations, I thought you may wish to select another area for development or consider only the E1/2 NE1/4 of Section 24. It is likely we would eliminate the W1/2 in our recommendations to the Commission.

Please advise this office of any changes in legal descriptions or acreage as soon as possible.

Sincerely,

Jim Stukel  
Natural Resource Program Scientist

cf



# Department of Water & Natural Resources

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

March 29, 1989

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

Curtis Jones  
Penrhos Farms, Inc.  
Rt 2, Box 113  
Britton, SD 57430

Dear Mr. Jones:

Your Application No. 5291-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Britton Journal printed at Britton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING on Application No. 5291-3 to Appropriate Water

Notice is given that Penrhos Farms, Inc., Rt 2, Box 113, Britton, SD 57430 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second of impounded surface runoff to irrigate an additional 160 acres in the NE1/4 section 24-T126N-R58W. Water is to be stored in 6 dry draw dams with the following storage capacities: Dam No. 1 - 135 acre-feet (authorized by Permit No. 4891A-3); Dam No. 2 - 110 acre-feet (authorized by Permit No. 3440-3); Dam No. 3 - 25 acre-feet; Dam No. 4 - 20 acre-feet; Dam No. 5 - 30 acre-feet (authorized by Permit No. 3440-3) and Dam No. 6 - 10 acre-feet. This application also is to allow an increase in the storage capacity of Dam No. 2 from 110 acre-feet to 150 acre-feet and for Dam No. 5 from 30 acre-feet to 80 acre-feet. Water is also stored and diverted from 2 pumping ponds with a combined storage of 15 acre-feet. The dams are located in the S1/2, SW1/4 NW1/4 section 17 (Dam Nos. 1 thru 3); N1/2 NW1/4 section 20 (Dam No. 4); E1/2 NE1/4 section 19 (Dam No. 5); SE1/4 NW1/4 section 19 (Dam No. 6); and the pumping ponds are near the E1/4 corner and S1/4 corner of section 18; all in T126N-R57W. A diversion dam located in the SW1/4 SW1/4 section 15-T126N-R57W is used to divert water to the drainage area of Dam Nos. 1 thru 3 and pumping pond No. 2. Water impounded in the 6 dry draw dams and 2 pumping ponds via runoff or diversions from the diversion dam may also be used to irrigate acreage developed for irrigation in accordance with Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3. The acreage described on these permits is in the S1/2 section 18; SW1/4 section 17; NE1/4 section 19; all in T126N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5291-3 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. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



# Department of Water & Natural Resources

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

March 29, 1989

Britton Journal  
Box 69  
Britton, SD 57430

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5291-3 to be published twice. Please publish the first notice on or before April 5, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Penrhos Farms, Inc., Rt 2, Box 113, Britton, SD 57430.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to  
Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue  
of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name \_\_\_\_\_

Newspaper \_\_\_\_\_



No. 5291-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Marshall ) ss.

27(Apr. 5-12)

**NOTICE OF HEARING**  
on Application No. 5291-3  
to Appropriate Water

I, Charles L. Card hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Britton Journal

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 Britton

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

April 5, 1989

April 12, 1989

Charles L. Card  
(Signature)

publisher

(Title)

April 12, 1989

(Date Signed)

Cost of Printing: \$ 48.31

Notice is given that Penrhos Farms, Inc., Rt. 2, Box 113, Britton, SD 57430 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second of impounded surface runoff to irrigate an additional 160 acres in the NE $\frac{1}{4}$  section 24-T126N-R58W. Water is to be stored in 6 dry draw dams with the following storage capacities: Dam No. 1 - 135 acre-feet (authorized by Permit No. 4891A-3); Dam No. 2 - 110 acre-feet (authorized by Permit No. 3440-3); Dam No. 3 - 25 acre-feet; Dam No. 4 - 20 acre-feet; Dam No. 5 - 30 acre-feet (authorized by Permit No. 3440-3) and Dam No. 6 - 10 acre-feet. This application also is to allow an increase in the storage capacity of Dam No. 2 from 110 acre-feet to 150 acre-feet and for Dam No. 5 from 30 acre-feet to 80 acre-feet. Water is also stored and diverted from 2 pumping ponds with a combined storage of 15 acre-feet. The dams are located in the S $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  section 17 (Dam Nos. 1 thru 3); N $\frac{1}{2}$ NW $\frac{1}{4}$  section 20 (Dam No. 4); E $\frac{1}{2}$ NE $\frac{1}{4}$  section 19 (Dam No. 5); SE $\frac{1}{4}$ NW $\frac{1}{4}$  section 19 (Dam No. 6); and the pumping ponds are near the E $\frac{1}{4}$  corner and S $\frac{1}{4}$  corner of section 18; all in T126N-R57W. A diversion dam located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  section 15-T126N-R57W is used to divert water to the drainage area of Dam Nos. 1 thru 3 and pumping pond No. 2. Water impounded in the 6 dry draw dams and 2 pumping ponds via runoff or diversions from the diversion dam may also be used to irrigate acreage developed for irrigation in accordance with Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3. The acreage described on these permits is in the S $\frac{1}{2}$  section 18; SW $\frac{1}{4}$  section 17; NE $\frac{1}{4}$  section 19; all in T126N-R57W.

Subsequent to SDCL 46-24-8, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5291-3 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. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at

10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)." 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and-or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

*Revised* RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5291-3, Penrhos Farms, Inc.

*revised*  
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5291-3, Penrhos Farms, Inc., Route 2, Box 113, Britton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5291-3 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 qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5291-3 authorizes additional storage of ~~115~~ <sup>160</sup> acre-feet annually - Dam No. 2 40 additional acre-feet, Dam No. 5 50 additional acre-feet, Dam No. 6 10 acre-feet and 15 acre-feet in 2 pumping ponds.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer

March 27, 1989

April 24, 1989

Dam No. 3 25 acre-feet, Dam No. 4 20 acre-feet,

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5291-3, Penrhos Farms, Inc.**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5291-3, Penrhos Farms, Inc., Route 2, Box 113, Britton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5291-3 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 qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5291-3 authorizes additional storage of 160 acre-feet annually - Dam No. 2 40 additional acre-feet, Dam No. 3 25 acre-feet, Dam No. 4 20 acre-feet, Dam No. 5 50 additional acre-feet, Dam No. 6 10 acre-feet and 15 acre-feet in 2 pumping ponds.

See the attached report for additional information.



**JOHN HATCH, Chief Engineer**  
April 24, 1989



Department of  
**Water & Natural Resources**

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

April 26, 1989

Curtis Jones  
Penrhos Farms, Inc.  
Rt 2, Box 113  
Britton SD 57430

Dear Mr. Jones:

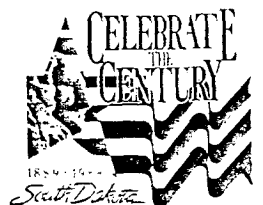
Enclosed is a Revised Recommendation of the Chief Engineer for Water Permit Application No. 5291-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Senior Secretary  
605 773-3352

enclosures



 **Department of  
Water & Natural Resources**

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

SEP 12 1989

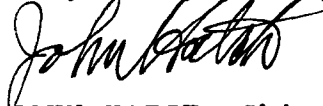
Curtis Jones  
Penrhos Farms  
RR #2 Box 113  
Britton, SD 57430

Dear Mr. Jones:

Enclosed is Water Permit No. 5291-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

**PLEASE NOTE:** Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



Marshall  
Co.

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

Date Sept 15, 1989

TO: Water Rights Division, DWR  
Joe Foss Building  
Pierre SD 57501-3181

FROM: Penrhos Farms Inc. Butte, So. Dak.  
name By Curtis Jones address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5291-3.

Water Permit No. 5291-3 states that the diversion system is to be constructed by May 10, 1994, and that the water it put to beneficial use by May 10, 1998.

The diversion system was completed on June 20, 1989.  
Applying the water to beneficial use was completed on July 1, 1989.

You may schedule an inspection so that the Water License may be issued.

Penrhos Farms Inc.  
signature Curtis Jones



5291-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 14, 2000

**NOTICE**

TO: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3, 3440-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3440-3 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) 4891-3, 4891A-3, 5000-3 & 5291-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3440-3 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 February 28, 2000, 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 9, 2000

Curt Jones  
Penrhos Farms, Inc  
42196 115<sup>th</sup> St  
Britton, SD 57430-5625

RE: Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3

Dear Mr. Jones:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 & 5291-3.

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



5291-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 19, 2001

**NOTICE**

TO: PENRHOS FARMS INC, CURT JONES, 42196 115TH ST, BRITTON, SD 57430 5625

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 4891-3, 4891A-3, 5000-3, 5291-3 & 3440-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 3440-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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 Nos. 4891-3, 4891A-3, 5000-3 & 5291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 3440-3 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 2, 2001, 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 6, 2001

Curt Jones  
Penrhos Farms Inc  
42196 115<sup>th</sup> St  
Britton, SD 57430-5625

RE: Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3

Dear Mr. Jones:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 17, 2002

Penrhos Farms Incorporated  
c/o Kevin Jones  
42196 115<sup>th</sup> Street  
Britton SD 57430

Dear Kevin Jones:

I have recently went out and looked at the dams used by Penrhos Farms. I have a few questions about the area where the dams are impounding water and the lands that are irrigated. I am enclosing several maps with my best guess of the area where water is being impounded and the lands that are irrigated. Please let me know if what I have outlined is correct or make any changes that need to be made to the impoundment and irrigated lands areas and send corrections back to me.

If you need further assistance, do not hesitate to contact me at (605) 773-3352 or via email at [stacy.johnson@state.sd.us](mailto:stacy.johnson@state.sd.us)

Sincerely,

*Stacy J. Johnson*

Stacy J. Johnson  
Natural Resources Project Engineer

Enclosures (6)

**Permit No. 5291-3**  
**James River - Water District**

Other permit/license(s) associated with project: **3440-3, 4891-3, 4891A-3, and 5000-3**

Contact Person & Address: **Kevin Jones, 42570 115<sup>th</sup> Street, Britton SD 57430**

**Report Of Examination Of Works**

On, **October 8, 2002**, I made a thorough examination of the water use system constructed by **Penrhos Farms Inc** of **42196 115<sup>th</sup> Street, Britton SD 57430** holder of Permit Nos. **3440-3, 4891-3, 4891A-3, 5000-3, and 5291-3** bearing the priority of **December 17, 1976, April 28, 1982, January 4, 1984, and March 13, 1989**, authorizing the diversion of **7.74** cu. ft. per of the water and/or the storage of **435** acre-feet of waters of **surface water** for **irrigation** purposes, in **Marshall** County.

The system is in the following condition **good**. The points of diversion are located as follows:

**Diversion Dam: from the SW corner it is 430 feet north and 336 feet east in Section 15 T126N-R57W with a longitude of -97.667581 and a latitude of 45.719242.**

**Dam #1: from the SW corner it is 2228 feet north and 2334 feet east in Section 17 T126N-R57W with a longitude of -97.701281 and a latitude of 45.724428.**

**Dam #2: from the NW corner it is 2568 feet south and 812 feet east in Section 17 T126N-R57W with a longitude of -97.707248 and a latitude of 45.726114.**

**Dam #3: from the SW corner it is 2464 feet north and 498 feet east in Section 17 T126N-R57W with a longitude of -97.708446 and a latitude of 45.725373.**

**Dam #4: from the NW corner it is 1035 feet south and 1376 feet east in Section 20 T126N-R57W with a longitude of -97.705079 and a latitude of 45.715555.**

**Dam #5: from the NE corner it is 1320 feet south and 1022 feet west in Section 19 T126N-R57W with a longitude of -97.714386 and a latitude of 45.714833.**

**Dam #6: from the NE corner it is 1481 feet south and 2346 feet west in Section 19 T126N-R57W with a longitude of -97.719529 and a latitude of 45.714387.**

**Pumping Pond #1: from the SW corner it is 511 feet north and 2622 feet east in Section 18 T126N-R57W with a longitude of -97.720383 and a latitude of 45.719682.**

**Pumping Pond #2: from the NE corner it is 2686 feet south and 642 feet west in Section 18 T126N-R57W with a longitude of -97.713010 and a latitude of 45.725604.**

The works are capable of diverting and conveying to the place of use **4.0** cu. ft. per second of water and storing **435** acre-feet of water that is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows:

**Section 18 T126N-R57W**

**NE ¼ SE ¼ = 17 Acres**

**NW ¼ SE ¼ = 34 Acres**

**SW ¼ SE ¼ = 34 Acres**

**SE ¼ SE ¼ = 34 Acres**

**NE ¼ SW ¼ = 34 Acres**

**NW ¼ SW ¼ = 34 Acres**

SW ¼ SW ¼ = 34 Acres

SE ¼ SW ¼ = 34 Acres

Total = 255 Acres

#### Section 24 T126N-R58W

NE ¼ NE ¼ = 34 Acres

NW ¼ NE ¼ = 34 Acres

SW ¼ NE ¼ = 34 Acres

SE ¼ NE ¼ = 34 Acres

Total = 136 Acres

Grand total = 391 Acres

comprising a total of 391 acres of land and the license should be issued for 4.0 cfs and 435 acre-feet of storage.

#### **Review of Permit Qualifications And Regulations:**

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 4) Exceptions to compliance are: none

#### **Report On the Specifics of the System**

##### **Center pivot:**

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1) Make <u>Reinke</u>               | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u>        | 4) End gun <u>yes</u>              |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>900</u> GPM         |

##### **Center pivot:**

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1) Make <u>Reinke Towable</u>       | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>8</u>        | 4) End gun <u>yes</u>              |
| 5) High or low pressure <u>High</u> | 6) Capacity <u>900</u> GPM         |

#### **Dam Information: Diversion Dam**

- |                                              |                                                       |
|----------------------------------------------|-------------------------------------------------------|
| 1) Height to crest <u>17</u> feet            | 2) Height to primary spillway or outlet <u>4</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>15</u> feet                         |
| 5) Crest length <u>300</u> feet              | 6) Spillway length <u>150</u> feet                    |
| 7) Spillway width <u>75</u> feet             | 8) Approx. storage <u>none</u> ac-ft                  |
| 9) Outlet tubes:                             |                                                       |
| a) diameter <u>12</u> inches                 | b) type <u>Plastic</u>                                |
| c) valved <u>yes</u>                         | d) valve type <u>Slide Gate</u>                       |

**Dam Information: Dam #1**

- |                                              |                                                        |
|----------------------------------------------|--------------------------------------------------------|
| 1) Height to crest <u>24</u> feet            | 2) Height to primary spillway or outlet <u>19</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>15</u> feet                          |
| 5) Crest length <u>500</u> feet              | 6) Spillway length <u>150</u> feet                     |
| 7) Spillway width <u>100</u> feet            | 8) Approx. storage <u>135</u> ac-ft                    |
| 9) Outlet tubes:                             |                                                        |
| a) diameter <u>8</u> inches                  | b) type <u>Plastic</u>                                 |
| c) valved <u>yes</u>                         | d) valve type <u>Gate Valve</u>                        |

**Dam Information: Dam #2**

- |                                              |                                                        |
|----------------------------------------------|--------------------------------------------------------|
| 1) Height to crest <u>30</u> feet            | 2) Height to primary spillway or outlet <u>24</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>10</u> feet                          |
| 5) Crest length <u>720</u> feet              | 6) Spillway length <u>150</u> feet                     |
| 7) Spillway width <u>50</u> feet             | 8) Approx. storage <u>150</u> ac-ft                    |
| 9) Outlet tubes:                             |                                                        |
| a) diameter <u>8</u> inches                  | b) type <u>Plastic</u>                                 |
| a) diameter <u>18</u> inches                 | b) type <u>Steel</u>                                   |
| c) valved <u>yes</u>                         | d) valve type <u>Gate Valve</u>                        |

**Dam Information: Dam #3**

- |                                              |                                                        |
|----------------------------------------------|--------------------------------------------------------|
| 1) Height to crest <u>30</u> feet            | 2) Height to primary spillway or outlet <u>24</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>15</u> feet                          |

- 5) Crest length 200 feet
- 6) Spillway length 100 feet
- 7) Spillway width 50 feet
- 8) Approx. storage 25 ac-ft
- 9) Outlet tubes:
  - a) diameter 8 inches
  - b) type Plastic
  - c) valved yes
  - d) valve type Gate Valve

**Dam Information: Dam #4**

- 1) Height to crest 14 feet
- 2) Height to primary spillway or outlet 12 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 10 feet
- 5) Crest length 160 feet
- 6) Spillway length NA feet
- 7) Spillway width NA feet
- 8) Approx. storage 20 ac-ft
- 9) Outlet tubes:
  - a) diameter 8 inches
  - b) type Plastic
  - c) valved yes
  - d) valve type Gate Valve

**Dam Information: Dam #5**

- 1) Height to crest 20 feet
- 2) Height to primary spillway or outlet 16 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 10 feet
- 5) Crest length 535 feet
- 6) Spillway length 150 feet
- 7) Spillway width 40 feet
- 8) Approx. storage 80 ac-ft
- 9) Outlet tubes:
  - a) diameter 8 inches
  - b) type Plastic
  - c) valved yes
  - d) valve type Gate Valve

**Dam Information: Dam #6**

- 1) Height to crest 10 feet
- 2) Height to primary spillway or outlet 6 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 10 feet
- 5) Crest length 300 feet
- 6) Spillway length 100 feet
- 7) Spillway width 15 feet
- 8) Approx. storage 10 ac-ft
- 9) Outlet tubes:
  - a) diameter 8 inches
  - b) type Plastic
  - c) valved yes
  - d) valve type Gate Valve

**Dam Information: Pumping Pond No. 1**

**Dugout Dimensions: 200 feet X 400 feet, 8 feet deep, 5 ac-ft storage**

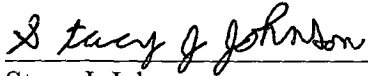
**Dam Information: Pumping Pond No. 2**

**Dugout Dimensions: 200 feet X 900 feet, 8 feet deep, 10 ac-ft storage**

**Chemigation:**

1) Does chemigate No

**COMMENTS: Dams #2 and #5 had sections that breached in 1993. The breached sections have been repaired.**

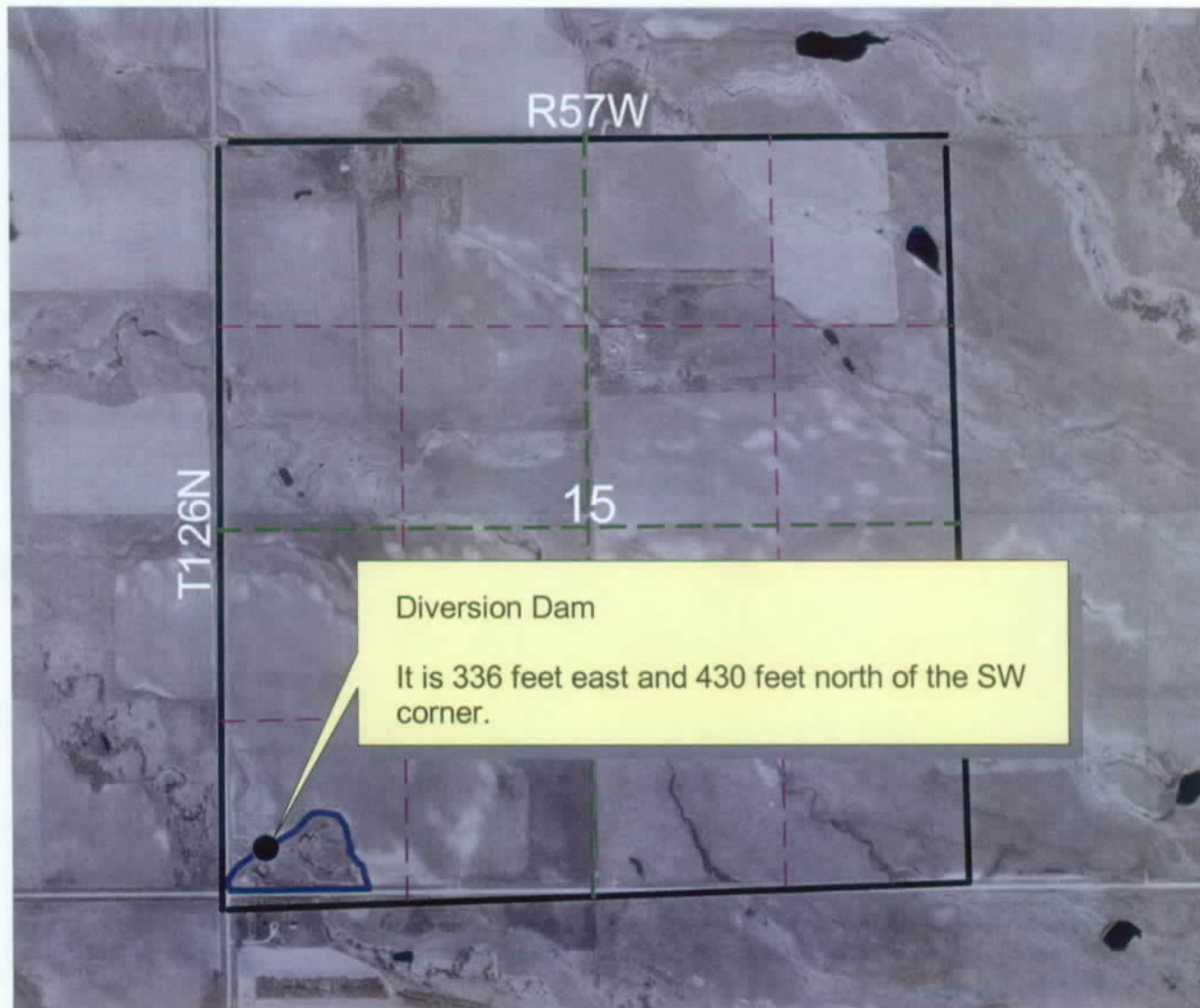


Stacy J. Johnson  
Natural Resources Project Engineer  
DENR, Water Rights Program

12-3-02

Date

# Water Permit No. 4891-3



*South Dakota*



South Dakota Department of  
Environment and Natural Resources



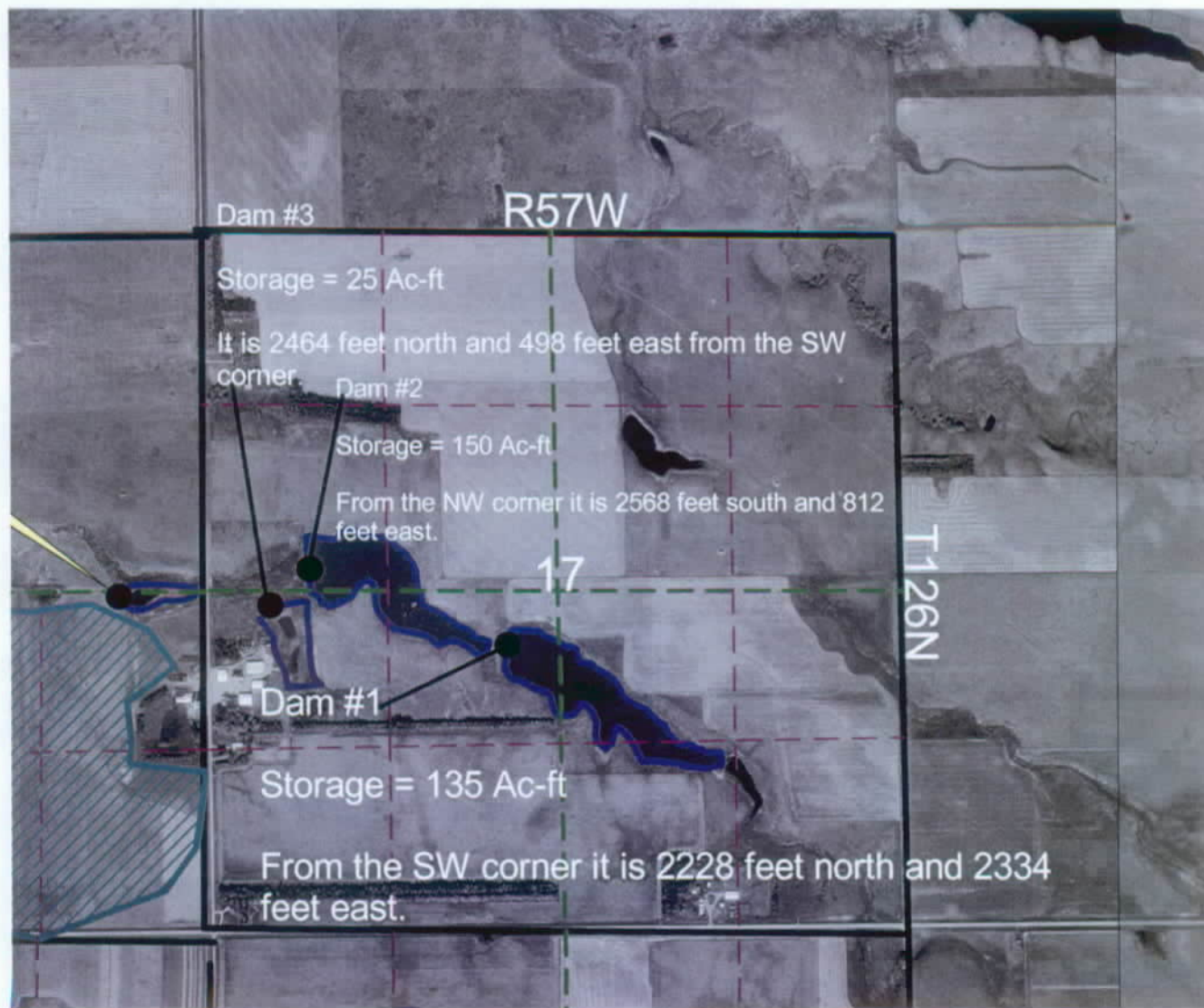
Protecting South Dakota's Tomorrow ... Today

*Stacy J. Johnson 11-18-02*

Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program



# Water Permit Nos. 3440-3 and 4891A-3



*South Dakota*



South Dakota Department of  
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

*Stacy J. Johnson* 11-18-02  
Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program

# Water Permit No. 3440-3



0.5 0 0.5 1 Miles



*South Dakota*



South Dakota Department of  
Environment and Natural Resources

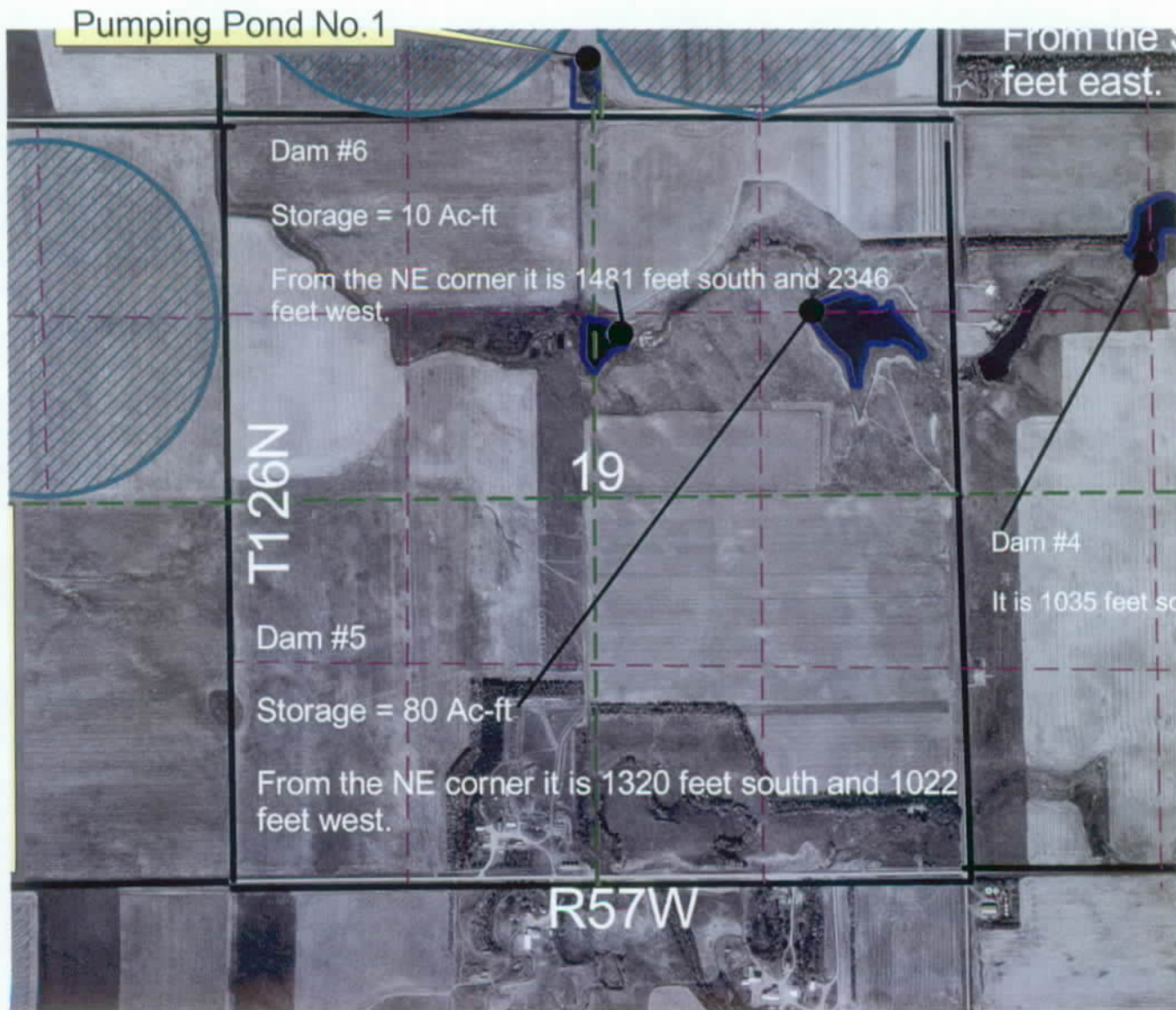


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*Stacy J. Johnson 11-18-02*

Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program

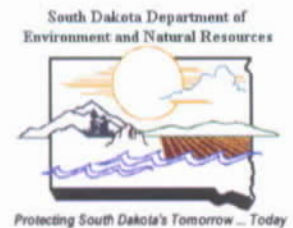
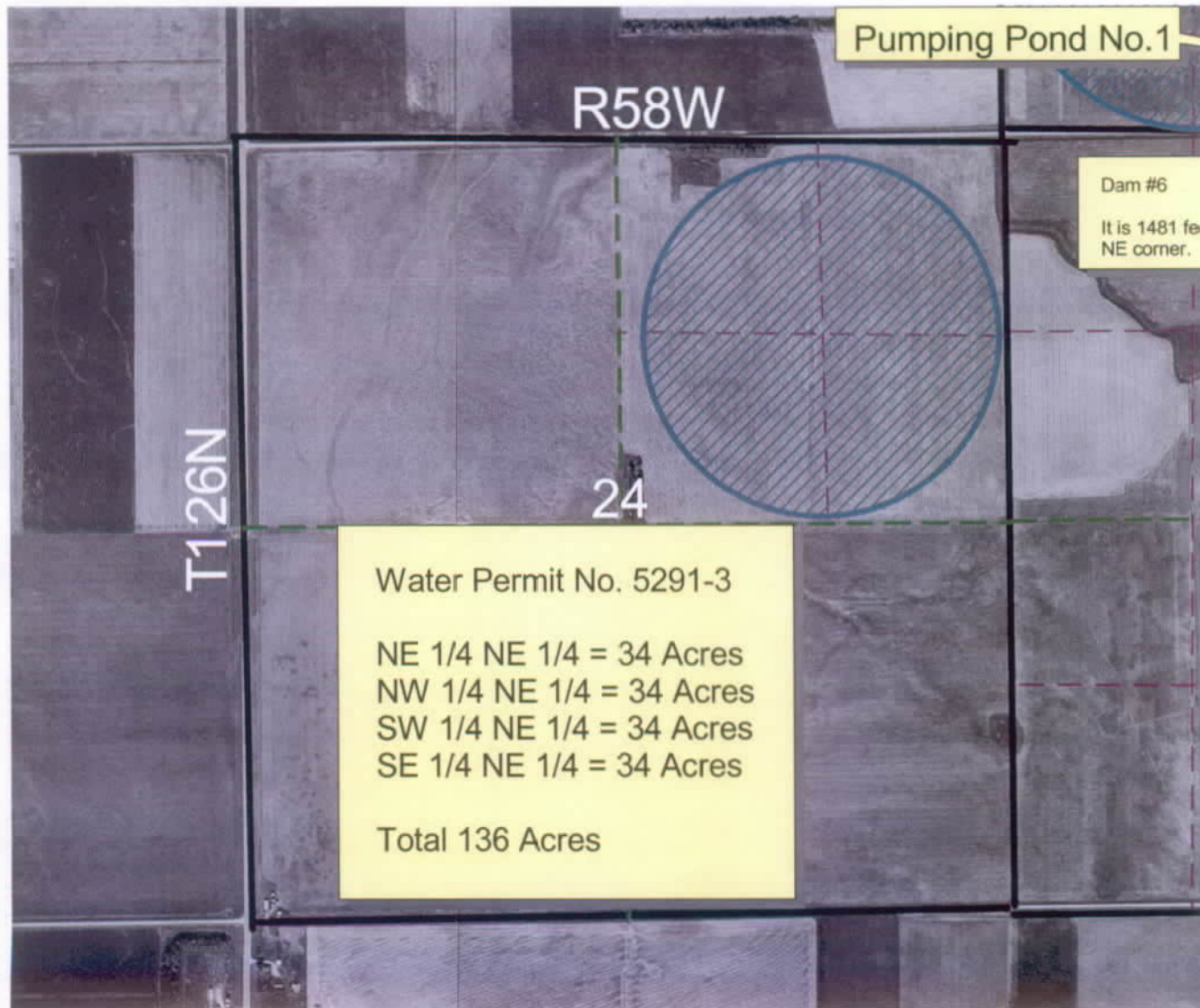
# Water Permit Nos. 3440-3 and 5291-3



*Stacy J. Johnson*  
Stacy J. Johnson 11-18-02  
Natural Resources Project Engineer  
SD DENR Water Rights Program



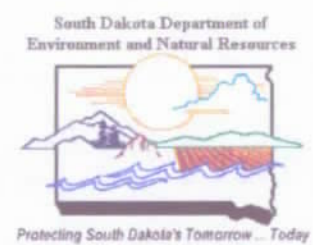
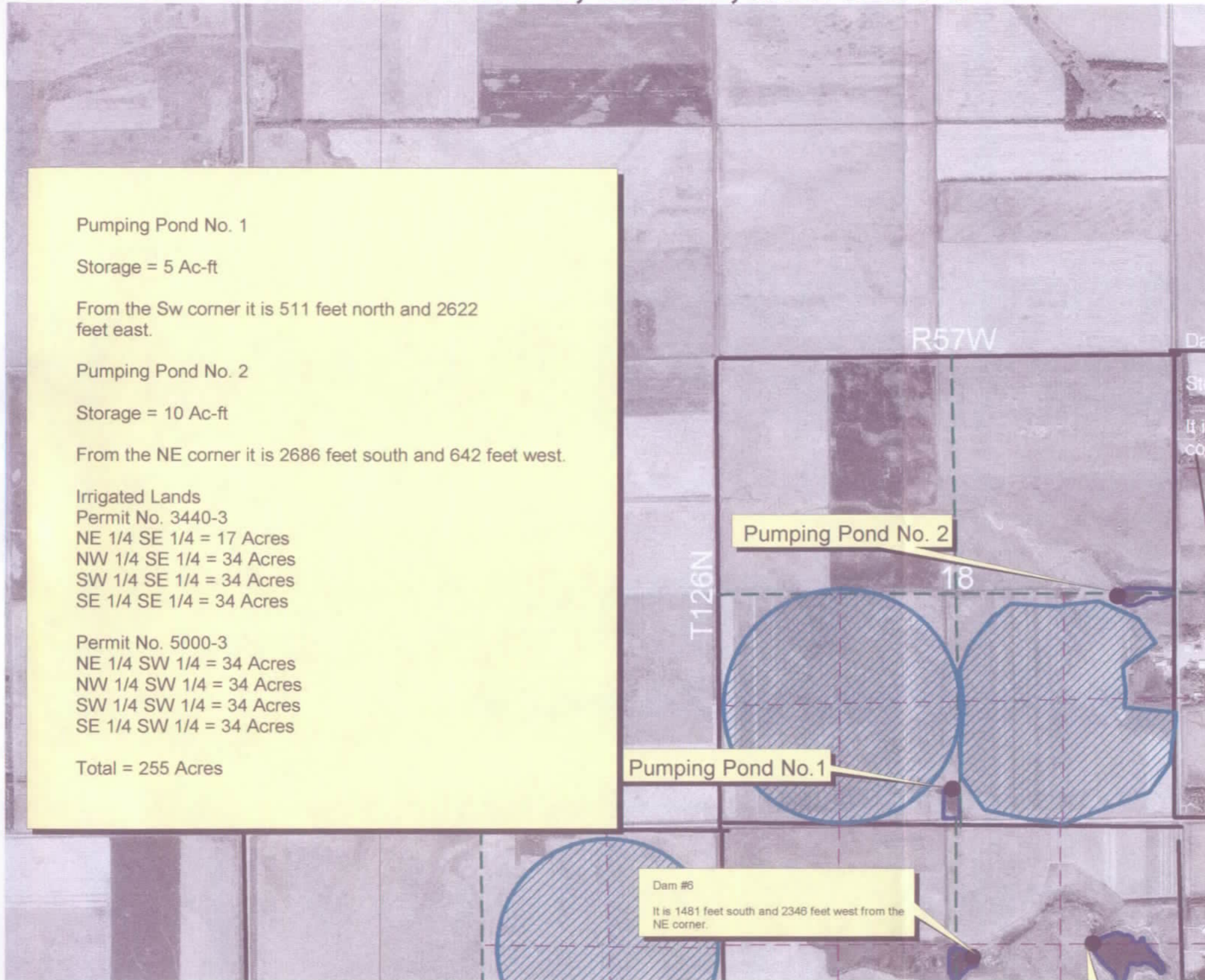
# Water Permit No. 5291-3



*Stacy J. Johnson 11-18-02*  
Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program



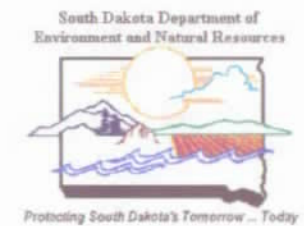
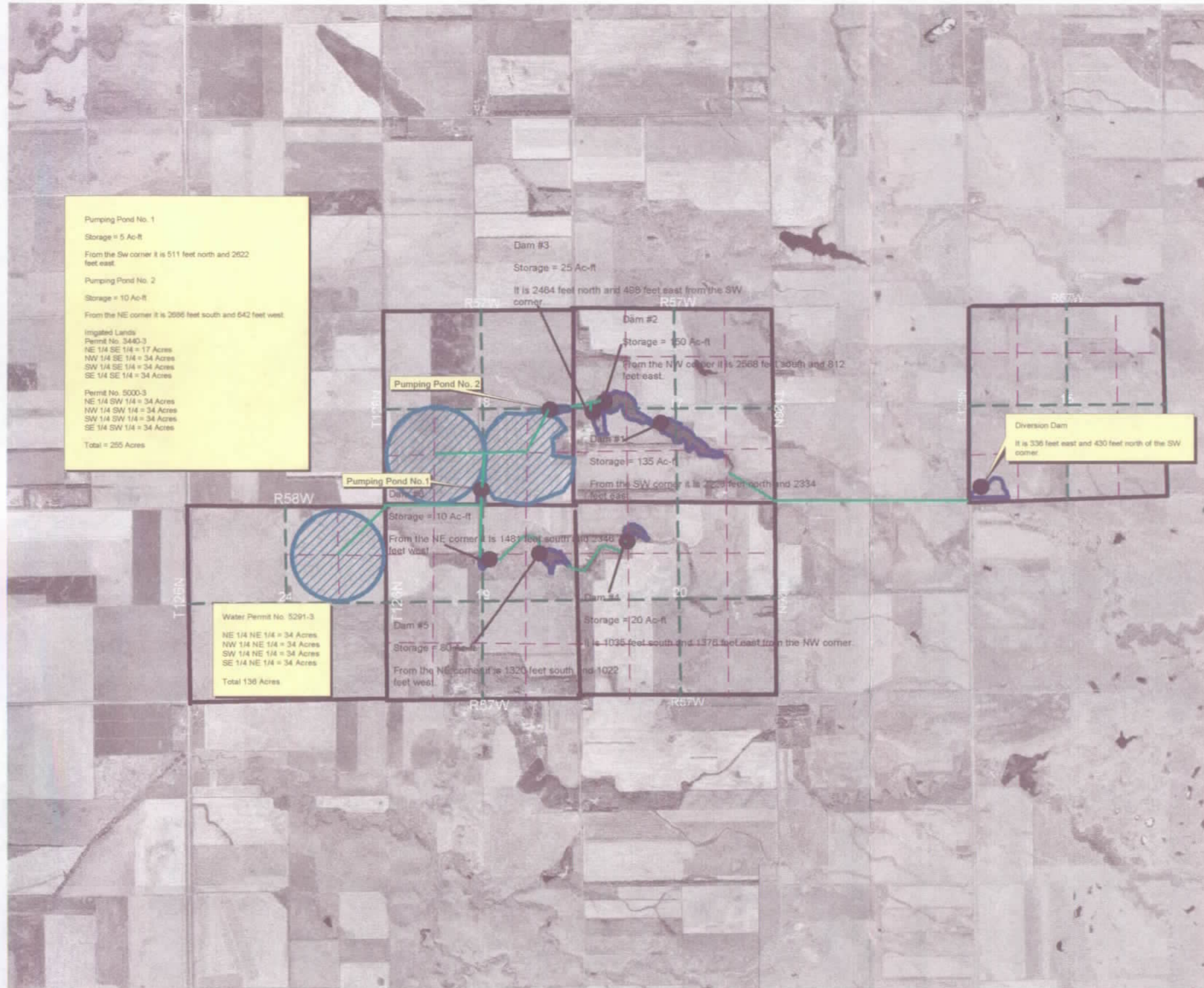
# Water Permit Nos. 3440-3, 5000-3, and 5291-3



*Stacy J. Johnson* 11-18-02  
Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program



# Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3, and 5291-3



— Pipe

*Stacy J. Johnson 12-18-02*  
Stacy J. Johnson  
Natural Resources Project Engineer  
SD DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 18, 2002

5291-3

Penrhos Farms, Inc.  
c/o Curt Jones  
42196 115<sup>th</sup> St  
Britton SD 57430

Dear Mr. Jones:

On October 8, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 3440-3, 4891-3, 4891A-3, 5000-3 and 5291-3, was completed by Stacy Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
(605) 773-3352

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 2002

RECEIVED OF Penrhos Farms Inc., 11421 420th Ave, Britton SD 57430-9320

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>5291-3</u>    | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                             |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50.00 |

No.

000492

By

Darland Erbe

Chief Engineer

*gm*

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 5291-3

---

(1) Penrhos Farms Inc, 42196 115<sup>th</sup> St, Britton SD 57430 made Application No. 5291-3, March 13, 1989 for a water permit to divert 2.28 cubic feet of water per second (cfs) from runoff, Marshall County, South Dakota for irrigation purposes. Permit No. 5291-3, with a priority date of March 13, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of water on or before May 10, 1998.

Permits associated with this water use system:

Water Permit No. 3440-3 – with a priority date of December 17, 1976, authorizes diversion of 3.30 cfs from two storage dams to irrigate 233 acres;

Water Permit No. 4891-3 – with priority date of April 28, 1982, authorizes diversion from an additional storage dam to irrigate the acres authorized by No. 3440-3;

Water Permit No. 4891A-3 – with a priority date of April 28, 1982, authorizes a change in location of one of the dam authorized by No. 4891-3;

Water Permit No. 5000-3 – with a priority date of January 4, 1984, authorizes diversion of 2.16 cfs from the dams authorized by Nos. 3440-3 and 4891-3 to irrigate 151 acres;

Water Permit No. 5291-3 – with a priority date of March 13, 1989, authorizes diversion of 2.28 cfs to irrigate 160 acres. This permit clarified the storage capacities and locations of the six storage dams, diversion dam and two pumping ponds utilized by this system.

The applicable portions of Permit Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 have been incorporated into this Water License No. 5291-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5291-3 is issued a license, bearing priority dates of December 17, 1976, January 4, 1984 and March 13, 1989 to appropriate 4.0 cubic feet of water per second from runoff to irrigate 391 acres.

The diversion points are located as follows: all in **T126N-R57W**

Diversion dam – 430 feet north and 336 feet east from the southwest corner Sec 15 (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ );

Dam # 1 – 135 AF - 2,228 feet north and 2,334 feet east of the southwest corner Sec 17 (NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ );

Dam # 2 – 150 AF - 2,568 feet south and 812 feet east of the northwest corner of Sec 17 (SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ );

Dam # 3 – 25 AF - 2,464 feet north and 498 feet east from the southwest corner of Sec 17 (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ );

Dam # 4 – 20 AF - 1,035 feet south and 1,376 feet east from the northwest corner of Sec 20 (N  $\frac{1}{2}$  NW  $\frac{1}{4}$ );

Dam # 5 – 80 AF - 1,320 feet south and 1,022 feet west from the northeast corner of Sec 19 (E  $\frac{1}{2}$  NE  $\frac{1}{4}$ );

Dam # 6 – 10 AF - 1,481 feet south and 2,346 feet west from the northeast corner of Sec 19 (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ );

Pumping pond # 1 – 5 AF - 511 feet north and 2,622 feet east from the southwest corner of Sec 18 (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ );

Pumping pond # 2 – 10 AF - 2,686 feet south and 642 feet west of the northeast corner of Sec 18 (SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ).

\* AF – acre-feet of storage capacity

(continued)

The acres authorized for irrigation are as follows:

|                       |           |          | Priority date     |
|-----------------------|-----------|----------|-------------------|
| Section 18-T126N-R57W | NE ¼ SE ¼ | 17 acres | December 17, 1976 |
|                       | NW ¼ SE ¼ | 34 acres |                   |
|                       | SW ¼ SE ¼ | 34 acres |                   |
|                       | SE ¼ SE ¼ | 34 acres |                   |
| Section 18-T126N-R57W | NE ¼ SW ¼ | 34 acres | January 4, 1984   |
|                       | NW ¼ SW ¼ | 34 acres |                   |
|                       | SW ¼ SW ¼ | 34 acres |                   |
|                       | SE ¼ SW ¼ | 34 acres |                   |
| Section 24-T126N-R58W | NE ¼ NE ¼ | 34 acres | March 13, 1989    |
|                       | NW ¼ NE ¼ | 34 acres |                   |
|                       | SW ¼ NE ¼ | 34 acres |                   |
|                       | SE ¼ NE ¼ | 34 acres |                   |
| Total 391 acres       |           |          |                   |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5291-3 including the following now applicable qualifications:

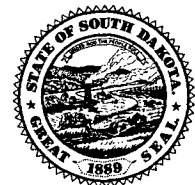
- Low flows as needed for downstream domestic use including livestock watering, must be by-passed.
- Approval of these permits authorizes total storage of 435 acre-feet of water annually.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

*Garland Erbele*

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

**JUN 13 2023**

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**JUN 13 2003**

5291-3

Penrhos Farms Inc  
%Curt Jones  
42196 115<sup>th</sup> St  
Britton SD 57430

Dear Mr. Jones:

Enclosed is Water License No. 5291-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000482 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

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

NOTE: The applicable portions of Nos. 3440-3, 4891-3, 4891A-3 and 5000-3 are incorporated into Water License No. 5291-3.

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 25, 2019

**NOTICE**

**TO:** KEVIN JONES, PENRHOS FARMS INC., 42570 115<sup>TH</sup> ST, BRITTON SD 57430

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

**SUBJECT:** Reporting Requirement for 2018 Irrigation Questionnaire

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No. 5291-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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. 5291-3 qualification:

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

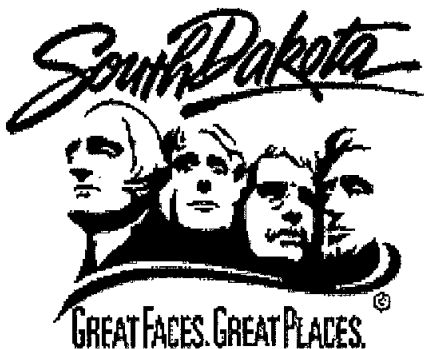
The hearing will be held at Wednesday, March 6, 2019 at 10:30 am (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46 1 12, 46 1 14, 46 2 9, 46 2 11 and 46 2 17. These are contested case hearings pursuant to 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. 5291-3 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 6, 2019 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](mailto: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](http://www.denr.sd.gov)

January 29, 2019

5291-3

Kevin Jones  
Penrhos Farms Inc  
42570 115<sup>th</sup> St  
Britton SD 57430

Dear Mr. Jones:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5291-3. 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  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)