

Considered: _____

WATER PERMIT NO. 5344-3MAP No. same 784-3639Name of Applicant Burton RaymerPost Office Address RR 1, Box 1A, Bradley SD 57217Amount of Water Claimed 70 acre-feet Total Acres NASource of Water Supply wetland drainage basinWater to be used for Recreation & fish & wildlife production County ClarkAbout 1/2 miles S of Bradley.

PROOF OF PUBLICATION: Received _____ Not Received _____

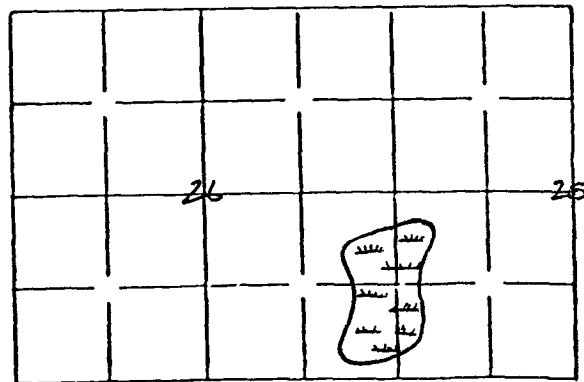
APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received August 4, 1989 Fee \$150⁰⁰ Remarks _____Corrected Application Received August 8, 1989 Period of Annual Use Jan 1-Dec 31WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point wetland area: located in portions of the E 1/2 SE 1/4 section 26; W 1/2 SW 1/4 section 25; all in T119N-R57W

Land to be Irrigated NAWell Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Jeane Simley Reviewed and the Numberassigned on August 8, 1989 By Ron Duvall

No. 5344-3 Hydrologic Unit 10160010
 Map No. same Basin James River
 Newspaper Clark County Courier, Box 189 (Wed)
67225

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
 Domestic ☐ (above 18gpm) Other ☒ wildlife management

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Burton Raymer Phone No. 784-3639

Post Office Address R.R. 1, Box 1A Bradley, SD State 57217
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) XXXX 70 acre feet at 1760.9 feet msl (outlet elevation)

3. Source of water supply Watershead runoff.

4. Location of point of diversion SW $\frac{1}{4}$ 25-119-57 and NE $\frac{1}{4}$ 26-119-56

County Clark

5. Counties where water will be used Clark

6. Annual period during which water is to be used January 1 to December 31

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

Recreational Project

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

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

I, Burton Raymer the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Burton Raymer

Subscribed and sworn to before me this 1 day of August 19 89

Ray Raymer
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5344-3**

Date of first receipt of application August 4, 1989.

Date of return to applicant for corrections, amendments or changes August 7, 1989.

Date of receipt of corrected application August 10, 1989.

The Water Management Board approved Water Permit Application No. 5344-3 on September 28, 1989 for Burton Raymer, RR 1, Box 1A, Bradley SD 57217 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. 5344-3 appropriates sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) at approximately 1760.9 feet mean sea level. The wetland is located in portions of the E1/2 SE1/4 section 26; W1/2 SW1/4 section 25; all in T119N-R57W.
2. The water appropriated shall be used for the purpose of providing habitat for wildlife and may not exceed the amount of water needed for beneficial use for recreational and wildlife production purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is August 4, 1989.
5. One-fifth of the construction is completed.
6. All construction is completed.
7. Water is put to beneficial use.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

Approval of Permit No. 5344-3 establishes second priority to 38 acre-feet of an undivided interest in a total of 70 acre-feet of water stored in a natural slough (wetland) on private land at elevation 1760.9 fmsl.

WATER MANAGEMENT BOARD

By: _____

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

DEC 26 1989

(date)

BARTRON, WILES & RYLANCE

(A PARTNERSHIP OF PROFESSIONAL CORPORATIONS)

ATTORNEYS AT LAW

3 EAST KEMP - SUITE 200

P.O. BOX 227

WATERTOWN, SOUTH DAKOTA 57201-0227

(605) 886-5881

R. GREG BARTRON, P.C.
JOHN C. WILES, P.C.
RAYMOND D. RYLANCE, P.C.
MICHAEL B. THOMPSON

TELECOPIER

(605) 886-3934

COUNSEL TO THE FIRM:
DONALD E. OSHEIM

August 3, 1989



Department of Water & Natural Resources
Water Rights Division
523 East Capitol
Pierre, SD 57501

Re: Application For Permit To Appropriate Water
Applicant: Burton Raymer

Dear Sir/Madam:

Enclosed please find duplicate originals of the APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA, together with attached maps, on behalf of the above-referenced applicant.

Please also find enclosed our firm draft in the amount of \$150.00 for the required fee.

Thank you.

Very truly yours,

BARTRON, WILES & RYLANCE

Raymond D. Rylance

RDR/lrj
Enclosures

cc: Burton Raymer

RECEIPT

411868

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 4, 19 80RECEIVED OF Barton, Wiles, & Rylance, Attys-at-Law, Box 227, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5344-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15000
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	15000

By

John Hatch
Chief Engineer

mra



Department of Water & Natural Resources

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

August 7, 1989

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Dear Mr. Raymer:

This letter is in response to two applications received on August 4, 1989. The following information is needed to complete the applications:

- 1) The proposed locations of the dams/dikes to divert runoff around the feedlot need to be clearly drawn on a map. The flow path along the dams/dikes should also be shown on the map. An original aerial photo with the dams/dikes and flow path would be preferable to the enclosed aerial photo which did not copy clearly. The map for the application needs to be prepared by either a South Dakota registered professional employee that regularly prepares maps as part of his or her duties. Enclosed is a copy of a topographical map of the wetland area.
- 2) The maps for the application to store 120 acre-feet of water for recreational purposes need to outline the areas in which the water is stored. A complete description of the intended recreational uses also needs to be submitted.
- 3) The enclosed application to store a total of 120 acre-feet of water needs to specify the amount of storage in each separate wetland and the elevation (feet mean sea level) to which water is stored in each wetland. According to information supplied by the US Fish & Wildlife Service, the total storage of the wetland located in the SW1/4 section 25 and SE1/4 section 26 is approximately 70 acre-feet up to the road culvert (1760.9 feet mean sea level - bottom of north end of culvert).

The applications can not be processed for consideration by the Water Management Board until the applications are complete. Please return the completed maps and application to begin the processing of your applications.

If you have any questions, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352
enc.

cc: Raymond D Rylance



Water Rights Division - DWNR

File No. _____

Conversation or File Documentation

NAME OF PERSON OR FILE: Burton RaymerADDRESS: RR1, Box 1A COUNTY ClarkDATE: August 8, 1989 TELEPHONE 784-3639RE: Phone conversation with Raymond Rylance regarding letter dated August 7, 1989

COMMENTS: _____

Raymond Rylance called to respond to items 1 thru 3 on my letter dated August 7, 1989:

- 1) Mr. Rylance indicated a dam is to be constructed across a drainage leading to the wetland area via a feedlot area. Construction of the dam is to include a 12 inch PVC pipe that will drain the dam directly to the wetland. The dam is to be located S of the quarter line in the N $\frac{1}{2}$ SW $\frac{1}{4}$ section 25. Mr. Rylance also stated that a signed map with the dam located will be sent.
- 2) Mr. Rylance indicated that the wetland area is located in the SE $\frac{1}{4}$ section 26 and SW $\frac{1}{4}$ section 25. The legal description on the application for section 26 is in error and the needed corrections can be made according to Mr. Rylance. Use of the water for recreational purposes includes wildlife management according to Mr. Rylance.

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: Kim Russell

Water Rights Division - DWNR

File No. _____

Conversation or File Documentation

NAME OF PERSON OR FILE: Burton Raymer

ADDRESS: _____ COUNTY _____

DATE: August 8, 1989 TELEPHONE _____RE: Phone conversation with Ray Rylance

COMMENTS:

- continued from page 1 -

3) Mr. Rylance indicated that Mr. Baymer's application and Ms. Springer's application involve the same wetland area. According to Mr. Rylance, the Raymer application should be revised using the storage capacity (70 acre-feet) and outlet elevation (1760.9 ft msl) established by the US Fish & Wildlife Service. As mentioned in item No. 2 only one wetland area is involved, the legal description of section 26 needs to be corrected.

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 Darrall

BARTRON, WILES & RYLANCE

(A PARTNERSHIP OF PROFESSIONAL CORPORATIONS)

ATTORNEYS AT LAW

3 EAST KEMP - SUITE 200

P.O. BOX 227

WATERTOWN, SOUTH DAKOTA 57201-0227

(605) 886-5881

R GREG BARTRON, P.C.

JOHN C WILES, P.C.

RAYMOND D RYLANCE, P.C.

MICHAEL B. THOMPSON

TELECOPIER

(605) 886-3934

COUNSEL TO THE FIRM:

DONALD E OSHEIM

August 9, 1989

Mr. Ron Duvall
South Dakota Department of Water
& Natural Resources
523 East Capitol
Pierre, SD 57501-3181



Re: Burton Raymer

Dear Mr. Duvall:

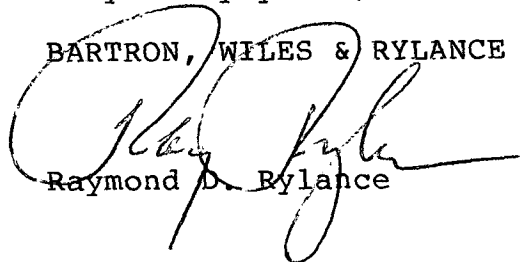
I enclose originals (copies of which were inadvertently mailed to you yesterday) of:

- 1) The map for Section 5-119-57; and
- 2) The map for Section 26-119-57.

I apologize for any inconvenience this may have caused.

Very truly yours,

BARTRON, WILES & RYLANCE


Raymond D. Rylance

RDR/lrj
Enclosures

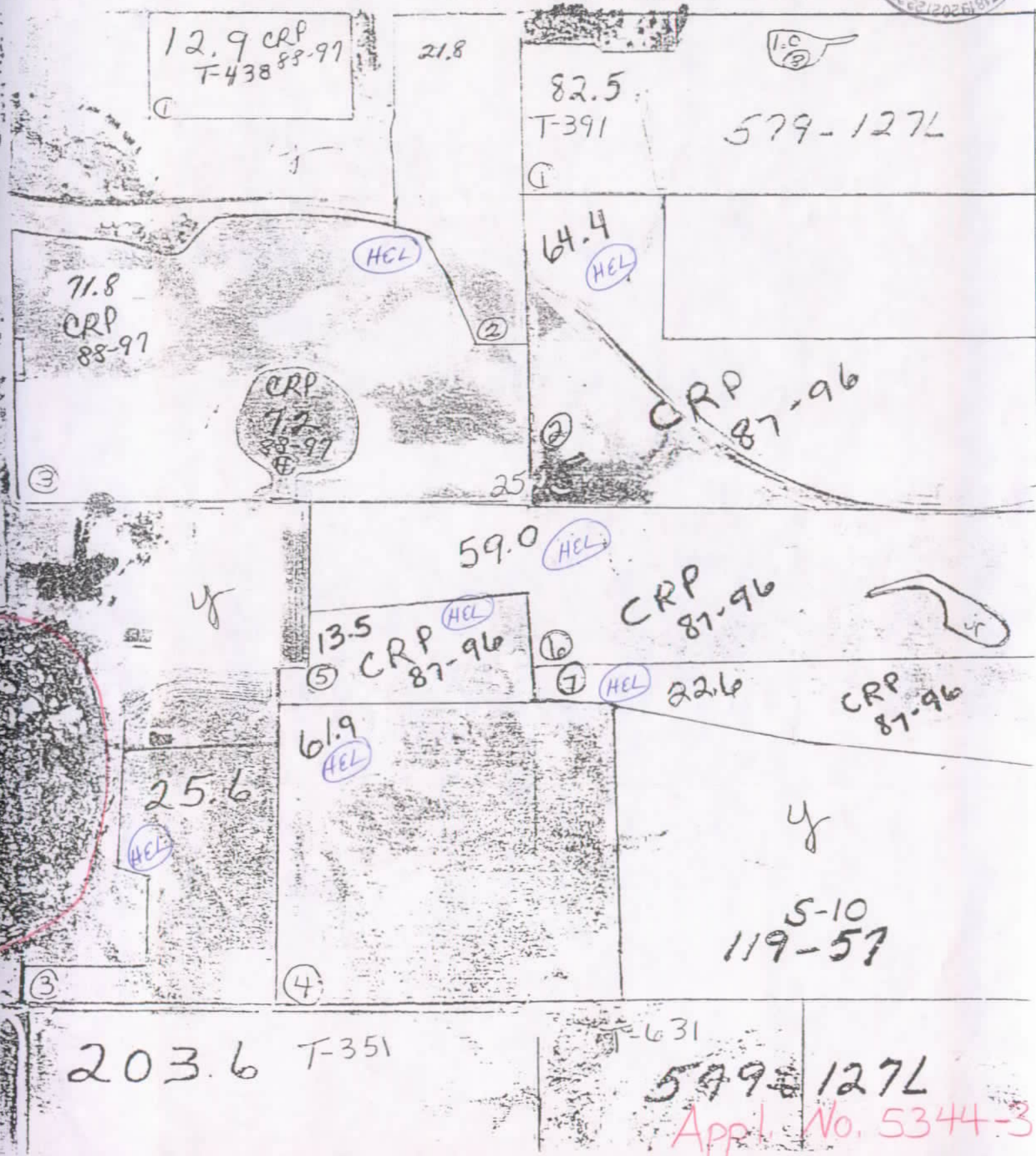
Clark County ASCS 8/2/89
Jane McKinley, Chief Program Assistant

NOT TO SCALE



Clark Co. ASCS 8/2/89
Jeane McInimley, Chief Program Assistant

NOT TO SCALE



REPORT ON APPLICATION NO. 5344-3
AND FLOOD CONTROL APPLICATION NO. FC-12
Burton Raymer
August 11, 1989

Water Permit Application No. 5344-3 seeks to appropriate sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) of approximately 1760.9 feet mean sea level (fmsl). The wetland is located in portions of the E 1/2, SE 1/4, sec. 26 and the W 1/2, SW 1/4, sec. 25; all in T119N, R57W, Clark County, South Dakota. The water is to be used for recreational purposes and to provide habitat for wildlife management.

In addition to Application No. 5344-3, the applicant proposes to divert runoff water around a feedlot on his land to the above described wetland. To this end, Mr. Raymer has applied for a Flood Control Permit No. FC-12. The diversion dam is to be located in the N 1/2, SW 1/4, sec. 25, T119N, R57W.

DISCUSSION

Water Permit Application No. 5344-3 is for the appropriation of enough annual runoff water for a wetland that is partially located on their property. The portion of the wetland area that is on the applicant's land is the NE 1/4, SE 1/4, sec. 26, and the SW 1/4, sec. 25; all in T119N, R57W. The remaining portion of the wetland lies on property owned by Laverne Springer.

According to information supplied by Gary Elderik, Land Surveyor with the US Fish and Wildlife Service, the total acreage that may be covered by the wetland is 39.8 acres with a potential storage capacity of 70 acre-feet. The depth of the wetland at the deepest point is 3.6 feet with a bottom elevation of 1757.3 fmsl. The bottom elevation of the outflow culvert is 1760.9 fmsl. At the time of inspection by Mr. Elderik, the water level stood at 1760.8 fmsl.

Approximately 55% of the wetland area lies on the applicant's property and is comprised of 21.9 acres of surface area and approximately 38 acre-feet of storage. The remaining 32 acre-feet of potential storage has been proposed for appropriation by the Springers in Water Right Application No. 5342-3.

Approval of Water Permit No. 5344-3 will allow the applicant to store water in the wetland at an elevation of 1760.9 fmsl. The appropriated water is to be used for wildlife habitat and recreational purposes.

In conjunction with the above described water permit, the applicant is proposing to construct a diversion structure approximately 970 feet long, 8.2 feet high, and a crest width of 8 feet. This structure will be located to the northeast of the wetland and will divert runoff around the feedlot on the applicant's property. The purpose of the diversion is to minimize the amount of contaminants that may be carried by runoff water to the wetland. The water will be diverted around the feedlot and routed to the wetland via a 12 inch PVC pipe. The maximum water level anticipated upstream of the structure is 1 foot with 7.2 feet of freeboard. The diversion structure will not affect the natural drainage amounts that enter the wetland area.

Water Permit Applications Nos. 5342-3 and 5344-3 have similar purposes and seek to store runoff water in a wetland that has shared boundaries. Neither permit proposes to remove water from the wetland but only to provide a shared wildlife habitat with the added benefits of recreational and domestic uses.

CONCLUSIONS

1. The maximum elevation of the wetland is controlled by the discharge culvert elevation of 1760.9 fmsl.
2. The approximate storage capacity of the wetland is 70 acre-feet with a surface area of 39.8 acres.
3. Approximately 45% of the wetland is outside the property boundaries of the applicant.
4. Approval of the permit would allow the storage of 70 acre-feet of annual runoff at an elevation of 1760.9 fmsl. Of this amount, 38 acre-feet (or 55% of the total storage) is the appropriation for use by the applicant for wildlife habitat and recreational uses. This does not allow for storage of water on another person's property but only allows the appropriated right to 38 acre-feet of water in this wetland for the use as described.
5. Approval of the flood control permit would serve to minimize contaminant movement from the feedlot on the applicant's land to the wetland area by diverting the runoff and routing it via a pipe to the wetland.
6. It is recommended that Water Permit Application No. 5344-3 be approved for the potential storage of annual runoff in the amount of 70 acre-feet at an elevation of 1760.9 fmsl in a wetland area. The amount of water appropriated by this permit does not exceed 38 acre-feet.

7. It is further recommended that Flood Control Permit No. FC-12 be approved to authorize construction of a dam with a 12 inch drain pipe to minimize the amount of feedlot contaminated runoff that may reach the wetland.

Terry L. Jorgensen /KS

Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:

Gale N. Selken /KS

Gale N. Selken, P.E.
Hydrologist
Division of Water Rights

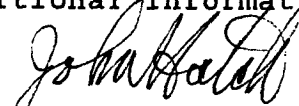
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5344-3, Burton Raymer

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. 5344-3, Burton Raymer, RR #1 Box 1A, Bradley, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5344-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Approval of Permit No. 5344-3 establishes second priority to 38 acre feet of an undivided interest in a total of 70 acre feet of water stored in a natural slough (wetland) on private land at elevation 1760.9

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 15, 1989

 **Department of
Water & Natural Resources**

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

August 16, 1989

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

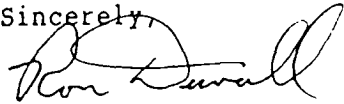
Burton Raymer
RR #1 Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

Water Permit Application No. 5344-3 for recreation and fish & wildlife production and Flood Control Permit No. 12 for by-passing a feedlot area have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Clark County Courier printed at Clark SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also 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





Department of Water & Natural Resources

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

August 16, 1989

Clark County Courier
Box 189
Clark, SD 57225

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. FC-12 and 5344-3 to be published twice. Please publish the first notice on or before August 23, 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 Burton Raymer, RR #1 Box 1A, Bradley, SD 57217.

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 _____



Instruction to Newspaper - Publish first Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. FC-12 for a Flood Control
Permit and Application No. 5344-3 to Appropriate Water

Notice is given that Burton Raymer, RR #1, Box 1A, Bradley, SD 57217 has filed applications for a water permit and for a flood control permit. Application No. FC-12 is for a flood control permit to authorize construction of a dam with a 12 inch PVC drain pipe to divert runoff via pipeline to a wetland located in the E1/2 SE1/4 Section 26; W1/2 SW1/4 Section 25; all in T119N-R57W. The purpose of the dam and drain pipe is to prevent runoff from running through a feedlot and polluting the wetland. The dam is to be located in the N1/2 SW1/4 Section 25-T119N-R57W.

Application No. 5344-3 is for sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) at approximately 1760.9 feet mean sea level. The wetland is located in portions of the E1/2 SE1/4 Section 26; W1/2 SW1/4 Section 25; all in T119N-R57W and water is to be used for recreational purposes and to provide habitat for wildlife management.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application FC-12 because 1) the project will reduce damage from flooding, 2) will not increase the likelihood or severity of flood damages downstream 3) will not endanger human life or property, and 4) will not impair existing water rights and APPROVAL of Application No. 5344-3 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. These applications will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD September 27, 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 these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a 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 September 15, 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 an application, the petitioner's reasons for opposing or supporting an 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 these applications or to assure access to the hearings by the handicapped.

These hearings are adversary proceedings. 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 a 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 September 15, 1989.

These applications are 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-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; 46-5-47; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



I, Bert Moritz
certify that the attached printed Notice was taken
from the Clark County Courier

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the Clark County Courier
State _____ of South Dakota

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

August 23, 1989

August 30, 1989

Bert Moritz
(Signature)
Publisher
(Title)
9/1/89
(Date Signed)

Cost of Printing: Notice 103 lines
2 times
42.64

Control Permit and Application No. 5344-3 to Appropriate Water

Notice is given that Burton Raymer, RR No. 1, Box 1A, Bradley, SD 57217 has filed applications for a water permit and for a flood control permit. Application No. FC-12 is for a flood control permit to authorize construction of a dam with a 12 inch PVC drain pipe to divert runoff via pipeline to a wetland located in the E½ SE¼ Section 26; W½ SW¼ Section 25; all in T119N-R57W. The purpose of the dam and drain pipe is to prevent runoff from running through a feedlot and polluting the wetland. The dam is to be located in the N½ SW¼ Section 25- T119N-R57W.

Application No. 5344-3 is for sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) at approximately 1760.9 feet mean sea level. The wetland is located in portions of the E½ SE¼ Section 26; W½ SW¼ Section 25; all in T119N-R57W and water is to be used for recreational purposes and to provide habitat for wildlife management.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application FC-12 because 1) the project will reduce damage from flooding, 2) will not increase the likelihood of severity of flood damages downstream 3) will not endanger human life or property, and 4) will not impair existing water rights and APPROVAL of Application No. 5344-3 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. These applications will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD September 27, 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 these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a 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 September 15, 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 an application, the petitioner's reasons for opposing or supporting an 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 these applications or to assure access to the hearings by the handicapped.

These hearings are adversary proceedings. 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 a 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 September 15, 1989.

These applications are 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-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; 46-5-47; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. 8-23-2t



Department of Water & Natural Resources

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

DEC 26 1989

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Dear Mr. Raymer:

Enclosed is Water Permit No. 5344-3 as approved by the Water Management Board authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

July 29, 1991

5344-3
FC-12

Burton Raymer
RR #1 Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5344-3 and FC-12, has been completed. The final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of a Water License. Upon receipt of a \$100.00 fee from you (\$50.00 for each), we will begin processing the Water Licenses.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412928

Pierre, November 22, 1991

RECEIVED OF Burton or Colleen Raymer, RR 1, box 1A, Bradley, SD 57217

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. <u>5344-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch (CF)
Chief Engineer

Permit No. 5344-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Burton Kaymer
RR 1 Box 1A of Bradley SD 57217 holder of
 Permit No. 5344-3, bearing the priority of August 4 1989 authorizing
 the diversion of NA cu. ft. per second of the waters of runoff from water shed
 for recreational and wildlife production purposes, in Clark County.

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

A. Works used to divert the water:

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

C. Works used to apply water to beneficial use:

The Slough is located in the ^{NE 1/4} SE 1/4 Sec 26 and the
 W 1/2 SW 1/4 Sec 25 both in T119N-R57W
 Storage for 38 acre-feet of a 70 acre-feet natural slough
 The system is in the following condition good

The point of diversion is located SW 1/4 Section 25-T119N-R57W +
NE 1/4 SE 1/4 Section 26-T119NR57W

The works are capable of diverting and conveying to the place of use NA
 cu. ft. per second of water which is to be used for recreational and wildlife production
purposes and by passing feed lot area.
 Water has been put to beneficial use to the maximum extent as follows:

NA

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

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: Date 5/30/1991

Norma C. Tob
 (signature)

LICENSE FOR PERMIT NUMBER 5344-3 + FC 12

1. Legal location of wells: _____

dams & structures: along center going North & South in the SW 1/4 of
Section 25-T119N-R57W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway none 1) diameter 18"

c) height to secondary spillway none 2) type drain tile

d) crest width 13' 3) valved (Y/N) N

e) crest length 1700 4) valve type _____

f) spillway length none 5) location on structure _____

g) spillway width none _____

h) approx. storage 70 Acre-feet n) Category of Dam 3

i) approx. storage to crest _____

j) date constructed Fall 1989

k) inspection sheet completed (Y/N) _____

l) Name of Contractor Ben Anderson

See attached
Specs

5. System Type a) sideroll:

- 1) length _____feet
- 2) diameter of pipe_____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make_____
- 2) nozzle size _____
- 3) capacity (GPM)_____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make_____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length_____feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers_____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

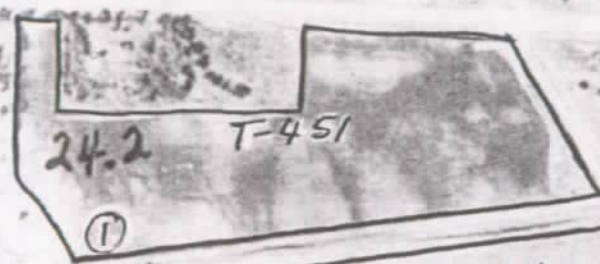
Indicate any other permit(s) which are associated with project_____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
✓	---	2. Special qualifications to permit being abided by?
✓	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	✓	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

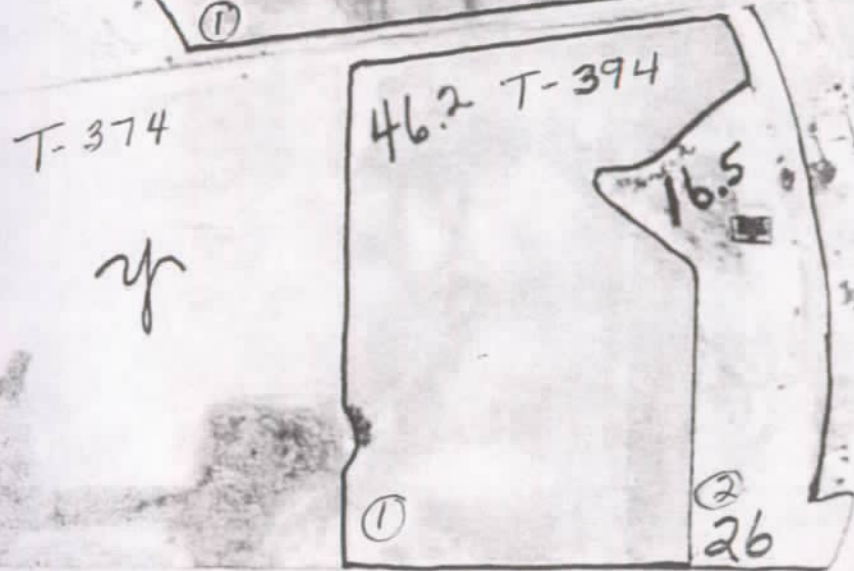
REMARKS:

permit #5344-3 +
FC 12

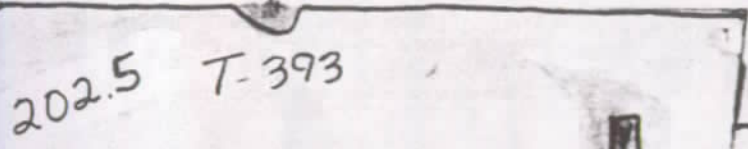
NOT TO SCALE



579-126L

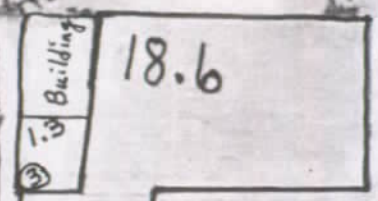


Bradley



prepared by
Norma C. Job
Natural Resources Eng
Division of Water Rights
6/27/1991

LAGOON



S-9
119-57

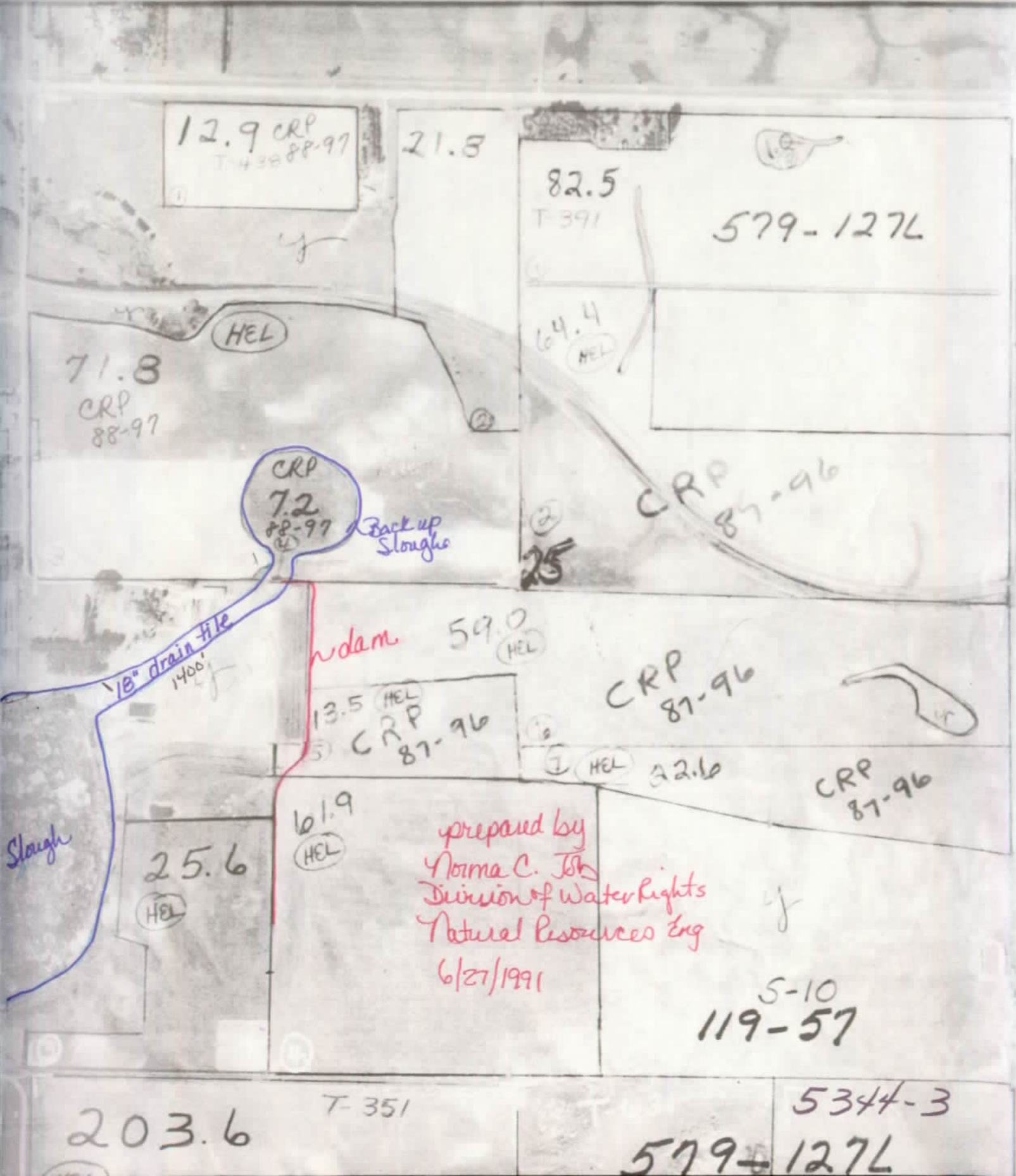
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5344-3

NOT TO SCALE



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5344-3

(1) Burton Raymer, of RR #1 Box 1A, Bradley, SD 57217 made Application No. 5344-3, August 4, 1989 for a water permit to appropriate sufficient runoff water annually to fill a wetland to the outlet elevation in Clark County, South Dakota for recreational and wildlife production purposes. Permit No. 5344-3, with a priority date of August 4, 1989 was approved September 28, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5344-3 established a second priority to 38 acre-feet of an undivided interest in a total of 70 acre-feet of water stored in a natural slough (wetland) on private land at an elevation of 1760.9 feet mean sea level.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert sufficient runoff water annually to fill a wetland to the outlet elevation of approximately 1760.9 feet mean sea level. The wetland is located in the SW 1/4 Section 25 and the NE 1/4 SE 1/4 Section 26, T119N, R57W.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Burton Raymer of RR #1 Box 1A, Bradley, SD 57217 the holder and/or owner of Water Permit No. 5344-3 is issued a license to appropriate water, the right to divert sufficient runoff water annually to fill a wetland to the outlet elevation of approximately 1760.9 feet mean sea level with a priority date of August 4, 1989 from the location specified in (2) of this license. The water is used for recreational and wildlife production purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5344-3 and subject to South Dakota State Law.


SEP 20 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

5344-3

Burton Raymer
RR 1, Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

Enclosed is Water License No. 5344-3 and Receipt No. 412928 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5344-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures