

Considered: _____

WATER PERMIT NO. 5633-3

Phone: 532-3385

Name of Applicant: Merritt Seefeldt

Post Office Address: RR 3, Box 202, Clark SD 57225

Amount of Water Claimed: 1.62 Total Acres: 113.4

Source of Water Supply: storage dam

Water to be used for: irrigation County: Clark

About 5 miles S, 4W of Clark

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-30-92 Fee: \$225 Remarks _____

Corrected Application Received 3-10-92 Period of Annual Use May 1 - Sept 30

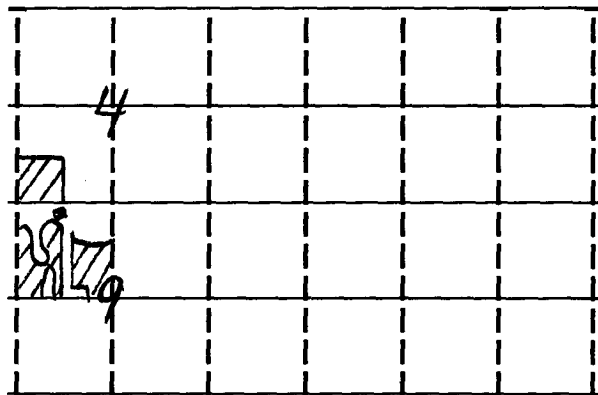
WATER QUALITY APPROVAL RECEIVED 3-9-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 NW 1/4 Sec 9-T115N-R58W

Land to be Irrigated: SW 1/4 SW 1/4 Sec 4;

NW 1/4 Sec 9; all in T115N-R58W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Delores Fischer Reviewed and the Number

Assigned on 3-10-92 By Karen Schlaak

(See instructions)



No. 5633-3 Hydrologic Unit 10160006
Basin James River
Newspaper Clark County Courier, Box 189 (Wad)

532-3654

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

- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

- Name of Applicant Merritt Seefeldt Phone No. 532-3385
Post Office Address RR 3 Box 202 Clark State SD 57225
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) ~~1.62~~ 1.62 Total acres irrigated ~~100~~ 113.4
- Source of Water supply Storage Dam
- Location of point of diversion 70 Rods East and 50 Rods South Of NW corner
of NW1/4 of NW1/4 of 9-115-58
County Clark
- Counties where water will be used Clark
- Annual period during which water is to be used May/thru September 30
- 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.
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of 4-115-58	36.4
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of 9-115-58	32.6 32
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of 9-115-58	31.0 35
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9-115-58	2

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9-115-58	8

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____
(Specify)
- Crops to be Irrigated: Alfalfa Corn Soybeans Small Grains
- Give a description of proposed project. (Attach sheet if more space is needed)

Water will be pumped out of a 73 A/Ft water storage dam using a propane or diesel powered pump. Distribution will be by a big gun to irrigate mainly alfalfa and corn on the three parcels of land indicated. Because the dam will not normally irrigate 100 acres; the plan is not to empty the reservoir as

its main purpose is livestock water and recreation.
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 Clark)^{ss}

I, Merritt Seefeldt, 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.

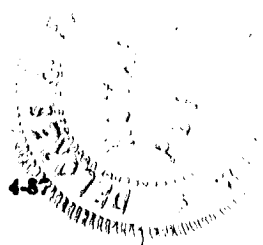
Signed

Merritt Seefeldt

Subscribed and sworn to before me this

22nd day of January 1992

Delores A. Zucker
Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5633-3 FOR IRRIGATION**

Date of first receipt of application January 30, 1992.

Date Soil/Water Compatibility Permit received March 9, 1992.

Date of return to applicant for corrections, amendments or changes January 31, 1992.

Date of receipt of corrected application March 20, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5633-3 to Merritt Seefeldt, RR 3, Box 202, Clark SD 57225 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. 5633-3 appropriates 1.62 cubic feet of water per second from a storage dam (73 acre-feet storage capacity) located in the NW 1/4 NW 1/4 Section 9 and water will be impounded in portions of the N 1/2 NW 1/4 Section 9 and the SE 1/4 SW 1/4 Section 4; all in T115N-R58W, to irrigate 113.4 acres. The irrigated acreage is located in the SW 1/4 SW 1/4 Section 4 and the NW 1/4 Section 9; all in T115N-R58W. Water will also be used for livestock watering and recreational purposes.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: May 1 - September 30.
3. The date from which applicant may claim right is January 30, 1992.
4. The date of approval of Permit No. 5633-3 is June 2, 1992.
5. One-fifth of the construction is to be completed on or before December 2, 1994.
6. All construction is to be completed on or before June 2, 1997.
7. Water is to be put to beneficial use on or before June 2, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

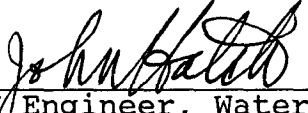
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

(continued)

Water Permit No. 5633-3
Page 2

3. Approval of Water Permit No. 5633-3 authorizes storage of up to 73 acre-feet of water annually.

WATER MANAGEMENT BOARD

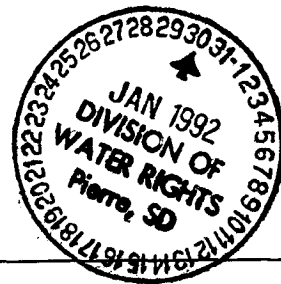
By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

JUN 25 1992

date

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

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

Soil Conservation Service
Box 8 Britton, SD 57430

b) Freeboard 3.0'

c) Crest Width 14.0'

Crest Length 345'

d) Height 28.3'

e) Primary Outlet Capacity N/A
 If Pipe, diameter N/A

f) Secondary Spillway Capacity _____
 Spillway width 77'

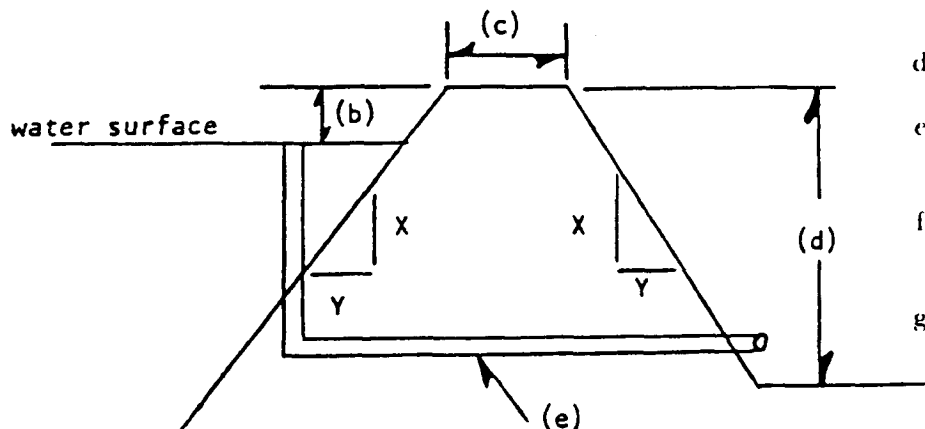
g) X & Y Slope
 Upstream 3:1

Downstream 2:1

Surface Area of Impoundment 9.15

Storage 73.1 acre feet

Drainage area above dam 800 A.



Merritt A. Safeloft
 Signature of Applicant

So. Dakota Multi Purpose Pond
Larry D. Mette 3-31-92
Merritt Seefeldt - Clark - S.D. 1 1

Estimated Area Capacity

<i>Pool Elev.</i>	<i>Storage in Ac Ft.</i>	<i>Surface Acres</i>
97.0	73.1	9.15
92.0	36.8	5.4
87.0	18.0	2.15
82.0	8.7	1.4
77.0	2.7	0.9



Worksheet 2: Time of concentration and peak discharge

Client Merritt Seefeldt Jr. By Larry Mette Date 12-11-90
 County Clark State S. D. Checked M. Kuck Date 7-12-91
 Practice Multi Purpose Dam Ag Eng



Estimating time of concentration

1. Data:

Rainfall distribution type = II ✓ (I, IA, II, III)
 Drainage area A = 800 ✓ ac
 Runoff curve number CN = 71 ✓ (Worksheet 1)
 Watershed slope Y = 4 ✓ %
 Flow length l = 10000 ✓ ft
 2. T_c using l , Y, CN and figure 2-27 = 2.2 ✓ hrs
 or using equation 2-5

$$T_c = \frac{l^{0.8} \left[\left(\frac{1000}{CN} \right) - 9 \right]^{0.7}}{1140 Y^{0.5}} = \frac{(\quad)^{0.8} (\quad)^{0.7}}{1140 (\quad)^{0.5}} = \quad \text{hrs}$$

If dam stores more than 50 A ft
 use 50 yr storm

Estimating peak discharge

1. Frequency yr
2. Rainfall, P (24-hour) in
3. Initial abstraction, I_a in
 (Use CN with table 2-4)
4. Compute I_a/P ratios
5. Unit peak discharge q_u cfs/ac/in
 (Use T_c and I_a/P with exhibit 2-11)
6. Runoff, Q in
 (Use P and CN with figure 2-26 or table 2-2)
7. Peak discharge, q_p cfs
 (Where $q_p = q_u \cdot AQ$)

Storm #1	Storm #2	Storm #3
2	25	50 ✓
2.4	4.3	4.9 ✓
0.817	0.817	0.817 ✓
.34	.19	.17 ✓
.26	.3	.31 ✓
0.42	1.60	2.1 ✓
87	384	521 ✓

HYDRAULIC DATA

SPILLWAYS - EARTH OR VEGETATED

Crest Elev.	Crest Length	Permissible Velocity	H _p (ft)	q_x (ft ³ /s/ft)	Width (ft)	Velocity at Control Section	Q (ft ³ /s)
97.0	160	6.0	2.4	6.8	77	6.0	524
97.0	120	6.0	2.25	6.8	77	6.0	524

Use

Pa S Review

3/23/92

GCT

Application No. 5633-3
 Merritt Seefeldt Dam - NW 1/4 Section 9 + SW 1/4 Section 4; all
 in T115N-R58W, Clark County, SD

Top of Dam elev = 100'

Primary Spillway Elev = N/A

Emergency Spillway = 97'

D/S Toe Elev = 78'

Cat. 3 Small Dam Size

Eff. Ht. x Int. Storage =

$$23' \times 73.0 \text{ ac-ft} = 1679 < 3000$$

∴ 25yr. frequency event

Max. storage = 100.6 ac-ft.

Int. storage = 73.0 "

Normal storage = N/A

From USGS "Tech. for estimating Flood Peaks"

$$800 \text{ acres} = 1.25 \text{ mi}^2 \text{ (2 drainage areas)}$$

* See Map * ①

$$\begin{aligned} Q_{25} &= 83.4 A^{0.6} S^{0.44} S_i^{-0.72} \\ &= 83.4 (0.94)^{0.6} (78)^{0.44} (3.16)^{-0.72} \\ &= 83.4 (0.96) (6.8) (0.44) \\ &= \underline{239 \text{ cfs}} \end{aligned}$$

$$DA = 0.94 \text{ mi}^2$$

$$S = 78' / \text{mi}$$

$$S_i = 3.16$$

* ②

$$\begin{aligned} Q_{25} &= 83.4 (0.31)^{0.6} (154)^{0.44} (3.16)^{0.72} \\ &= 83.4 (0.50) (9.17) (0.44) \\ &= \underline{168 \text{ cfs}} \end{aligned}$$

$$DA = 0.31 \text{ mi}^2$$

$$S = 154' / \text{mi}$$

$$S_i = 3.16$$

$$Q_{25} = ① + ② = \underline{\underline{407 \text{ cfs}}}$$

Emergency Spillway - 77' footwide earthcut w/3'ht.

$$Q = CLH^{3/2} \quad L = 77'$$

$$Q = 2.6(77)(3)^{3/2} \quad C = 2.6$$

$$Q = 1040 \text{ cfs} > 407 \quad H = 3'$$

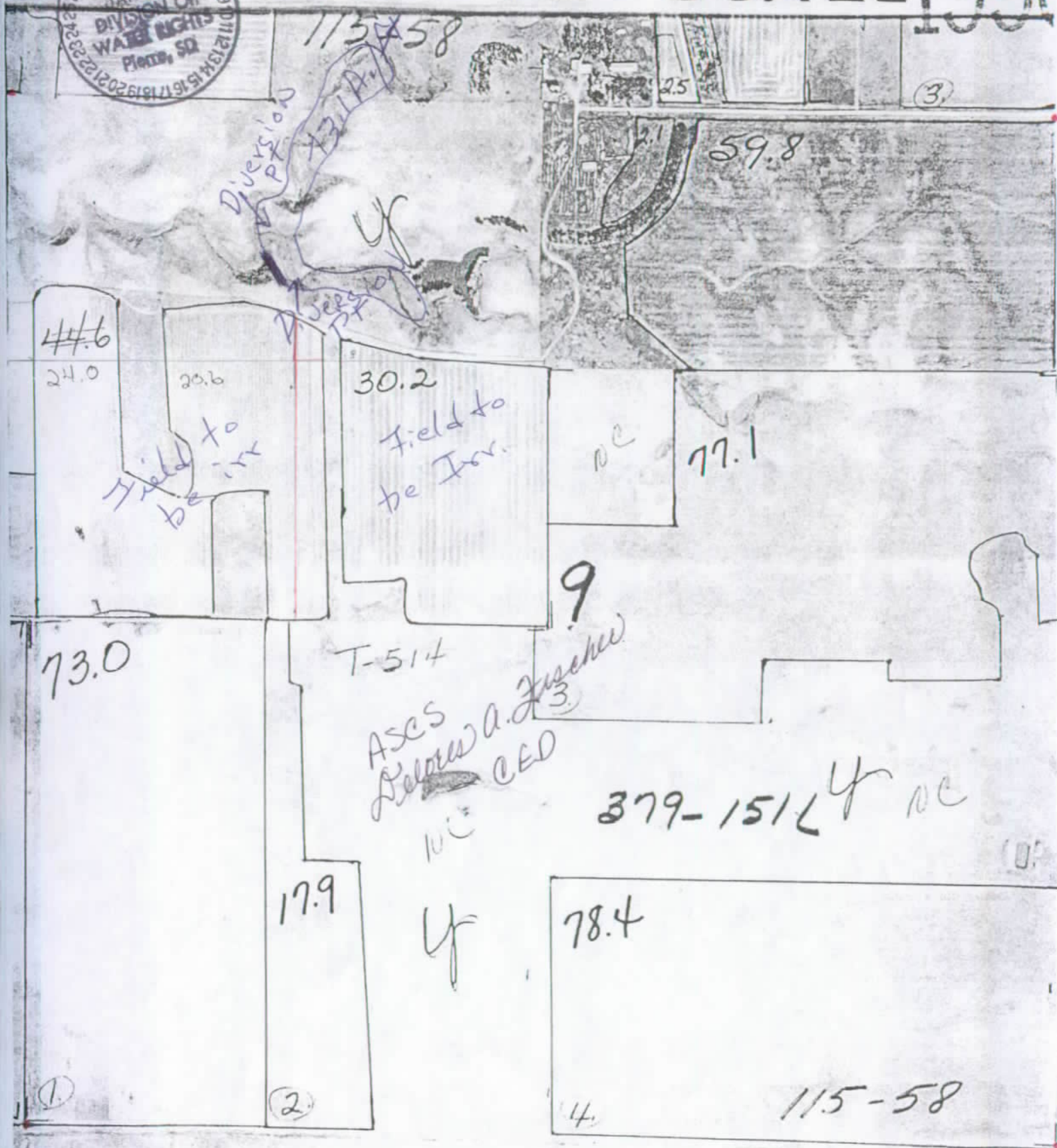
$$\therefore \text{OK} \quad \begin{matrix} \text{(capacity)} \\ \text{(runoff)} \end{matrix}$$

Section 74:02:08:09 Review

- 1) Topo Map - N/A
- 2) Dam Axis profile - OK
- 3) Dam X-section - OK
- 4) Area Capacity Curve - N/A
- 5) Detailed Drawings of Outlet - N/A
- 6) Spillway Rating Curve - N/A
- 7) Plans on Spillway Structure - OK
- 8) Specifications - OK
- 9) EPP - OK

~~1851~~
2144

1990





West Place North

214

NOT TO SCALE 1990





4



Table 1

Clark County, South Dakota
TABLE 1 - SOIL INTERPRETIVE GROUPS



Map Symbol	Mapping Unit Name	Slope %	Capability Unit		Range Pasture Site Group	Windbreak Suitability Group	Erodibility Soil Group	Soil Loss Values			Hydrologic Group
			Dry.	Irr.				K	Tons	T/K	
1A	Aastad-Barnes loams	0-2									
	Aastad part		I3		Ov	K	1	6(48)	.24	5 20	B
	Barnes part		I2		Si	F	3	6(48)	.28	5 17	B
1B	Barnes-Aastad loams	1-6									
	Barnes part		Ile2		Si	F	3	6(48)	.28	5 17	B
	Aastad part		I3		Ov	K	1	6(48)	.24	5 20	B
2A	Aastad loam	0-2	I3		Ov	K	1	6(48)	.24	5 20	B
2B	Barnes-Buse loams	2-6									
	Barnes part		Ile2		Si	F	3	6(48)	.28	5 17	B
	Buse part		Ile3		TU	G	8	4L(86)	.28	5 17	B
(2C)	Barnes-Buse-Aastad loams	2-10									
	Barnes part		IIIle1		Si	F	3	6(48)	.28	5 17	B
	Buse part		IVe2		TU	G	8	4L(86)	.28	5 17	B
	Aastad part		Ile1		Si	K	1	6(48)	.24	5 20	B
(2D)	Buse-Barnes loams	10-20									
	Buse part		VIle3		TU	G	8	4L(86)	.28	5 17	B
	Barnes part		IVe1		Si	F	3	6(48)	.28	5 17	B
(2E)	Buse-Langhei loams	20-50									
	Buse part		VIIle1		TU	GN	10	4L(86)	.28	5 17	B
	Langhei part		VIIle1		TU	GN	10	4L(86)	.32	5 15	B
(3E)	Buse-LaPrairie loams	1-50									
	Buse part		VIIle1		TU	GN	10	4L(86)	.28	5 17	B
	LaPrairie part		Vv1		Ov	K	1	6(48)	.28	5 17	B
4B	Barnes-Buse-Aastad loams	1-6									
	Barnes part		Ile2		Si	F	3	6(48)	.28	5 17	B
	Buse part		Ile3		TU	G	8	4L(86)	.28	5 17	B
	Aastad part		I3		Ov	K	1	6(48)	.24	5 20	B
p 5A	Hamerly loam, saline	0-1	IIIIs1		SL	J	9S	4L(86)	.28	5 17	C
6A	Hamerly loam	0-3	IIs1		LSb	K	1	4L(86)	.28	5 17	C
p 6B	Hamerly sandy loam	0-5	Ile4		LSb	K	1**	3(86)	.20	5 17	C
7A	Hamerly-Tonka complex	0-3									
	Hamerly part		IIs1		LSb	K	1	4L(86)	.28	5 17	C
	Tonka part		IIIv1		WM	B2, A*	10, 2W*	6(48)	.32	5 15	C/D
8A	Hamerly-Vallers loams	0-2									
	Hamerly part		IIs1		LSb	K	1	4L(86)	.28	5 17	C

Clark County, South Dakota
TABLE 1 - SOIL INTERPRETIVE GROUPS

[illegible]

New Cost Share

STRUCTURE DATA

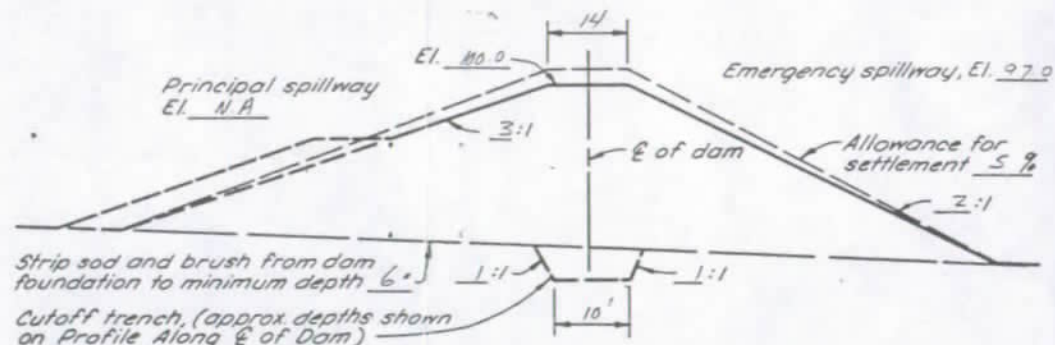
A 5x5 grid with a small irregular shape in the top-left corner and the number 9 in the center.

Sec. 9 T. 115 R. 58
Clark County

LOCATION

$$\frac{360 \times 1280}{43,560} = \frac{11.4}{2} = 5.7 \times 23 \times 4 = 52.4 \text{ Acre}$$
$$\frac{360 \times 840}{43,560} = \frac{6.9}{2} = \frac{3.45}{1} \times 20' \times 3 = \frac{20.7}{73.1} \text{ A-cft}$$

9.15 *Salicornia* *Ariz.*



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

S.D 4 Strippina

SOS Excavation

S.D. 75 Method Type Comparison

S.D 10 Solingine & Spreading Topsoil

EARTH DAM

OPERATOR: Merritt Seafelt Jr.

CONSERVATION DISTRICT: Clark

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by	
Drawings	6-20-91	L. J. Meth	
Title		Crew Rich	
Drawn	6-20-91	Title	
Traced		Checked	
6-21-91		No	
W.M.F.		1	
Drawing No.			

SKETCH PLAN OF DAM AND RESERVOIR AREA

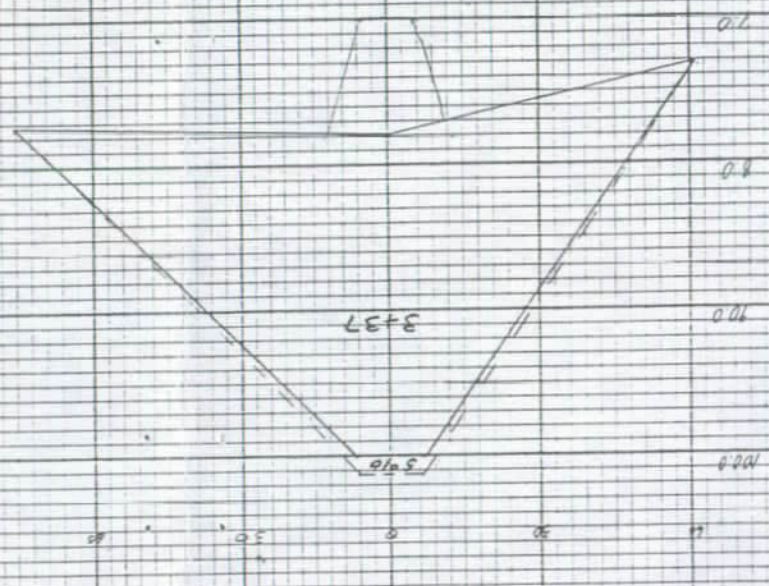
Approximate scale 1" = 200

REFERENCE: GUIDE PLAN NO. 1.0

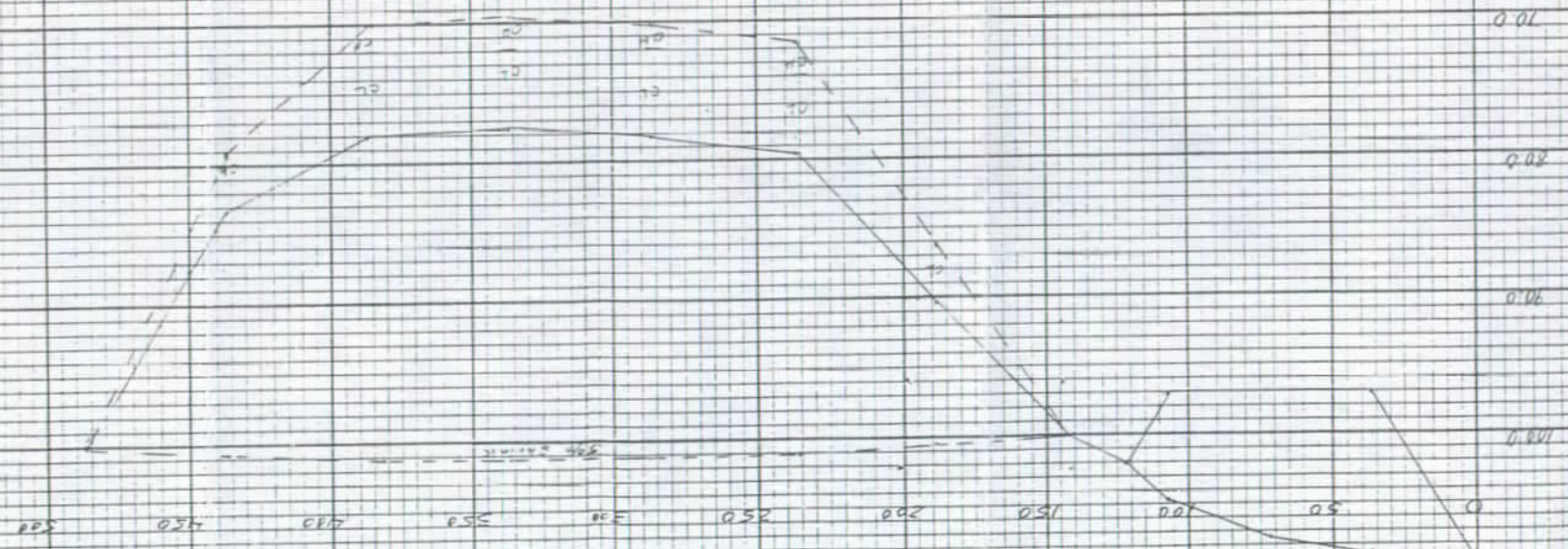
JOB PLAN NO. 1.0

☆ U.S. GOV. PRINTING OFFICE: 1975-668-552

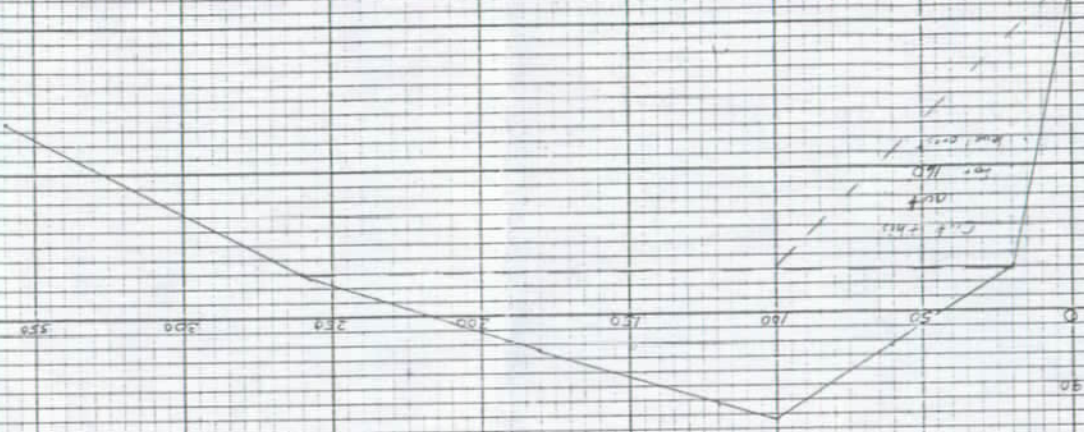
MAXIMUM CROSS SECTION OF DAM



CROSS SECTION AT CREST OF EMERGENCY SPILLWAY AND PROFILE ALONG § OF DAM



PROFILE ALONG § OF EMERGENCY SPILLWAY



SEDIMENT YIELD

ERODIBILITY	AREA	ACRES	A.F./AC./YR.	GROSS RATE	DRAINAGE AREA	ACRES	DELIVERY RATE	%	DESIGN PERIOD	YEARS	AC.FT.	REQ'D. SEDIMENT VOLUME
F	0.0021	800	25	50	21							

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4678

WR#

OWNERS NAME: SHEFFELDT, MERRITT OWNERS ADDRESS: RR 3 BOX 202
CLARK, SD 57225-9799

COUNTY LAND LOCATED IN: CLARK PHONE: 532-3385

STORAGE DAM

LEGAL DESCRIPTION: ☐ Well ☒ Surface
1. LOCATION: 70 Rods East & 50 Rods South of Corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T115N-R58W
Depth: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T115N-R58W	36.4	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T115N-R58W	8.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T115N-R58W	32.0		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T115N-R58W	35.0		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T115N-R58W	2.0		

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

3. CROPS TO BE IRRIGATED: ALFALFA, CORN, SOYBEANS, SMALL GRAINS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 92-0029 7. ADJUSTED (SAR): 1.81
5. SALINITY (EC X 10⁶): 1050 8. PERCENT SODIUM: 14.42
6. SODIUM (SAR): 0.76



Requirements:

Section 4: The areas mapped Barnes-Buse-Aastad loams (2C) and Buse-Barnes loam (2D) are subject to erosional hazards; these areas shall remain in permanent vegetation and shall not be irrigated.

Section 9: A buffer strip along the dam shall remain in permanent vegetation and shall not be irrigated.

The areas mapped as Sioux-Renshaw Complex (9-15) percent slope (54D) and Buse-Barnes loam (2D) shall remain in permanent vegetation and shall not be irrigated.

The area mapped as Aastad-Tonka Complex (9A) is subject to wetness and ponding; this area shall remain in permanent vegetation.

Russell L. Stone
Director, Division of Conservation

MARCH 5, 1992

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413061

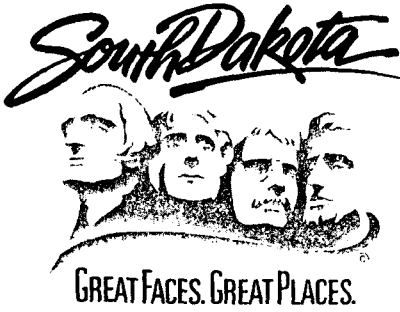
Pierre, February 10, 19 92

RECEIVED OF Herritt Seefeldt, Sr., RR 2, Box 103C, Clark, SD 57225

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

Fee for Application for Permit No. <u>5633-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

By Joh. Hatch CE
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 1991

Merritt Seefeldt
RR 3, Box 202
Clark SD 57225

Dear Mr. Seefeldt:

Enclosed are the application forms for a Permit to Appropriate Water, Instruction Sheet and a copy of the Safety of Dams rules which Del Brosz, of this office, requested be sent to you.

Please complete the application forms and submit the information requested on the Instruction Sheet. The filing fee for 73.1 acre-feet of storage will be \$150.00.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resource Analyst
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.

January 31, 1992

Merritt Seefeldt
RR 3 Box 202
Clark SD 57225

Dear Mr. Seefeldt:

In regard to your water permit application received on January 29, 1992 the following information needs to be submitted and clarified in order to process your application.

After reviewing the map submitted with the application, it appears the following changes should be made pertaining to the lands you intend to irrigate. Do you agree with these changes?

Section 9-T115N-R58W
SW 1/4 NW 1/4 32 acres
SE 1/4 NW 1/4 35 acres
NE 1/4 NW 1/4 2 acres
NW 1/4 NW 1/4 8 acres

Section 4-T115N-R58W
SW 1/4 SW 1/4 36.4 acres

Total 113.4 acres

It has been determined that a written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the proposed dam (see enclosed Safety of Dams Rules Sections 74:02:08:05 and 74:02:08:05.01). The hazard classification for the dam (Category 1, 2 or 3) needs to be known in order to determine what provisions of the Safety of Dams Rules will apply to your dam.

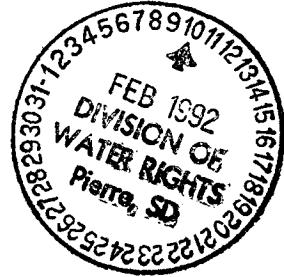
An assessment of the downstream hazard potential is to consist of a list of properties downstream from the dam (homes, roads, dams and other structures) with the potential affects of a dam failure to these properties. The legal descriptions of these downstream properties and the elevation above the waterway need to be included in the assessment. The risk assessment needs to be prepared by an engineer as defined in the Safety of Dams rules. The Soil Conservation Service may be able to assist with the risk assessment. Plans and specifications for the dam will also be needed pursuant to Safety of Dams Rules Chapter 74:02:08.

Enclosed is the check for \$150.00. The filing fee to irrigate 61-120 acres is \$225.00. The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



February 5 1992

Dept of Natural Resources
Joe Foss Building
523 East Capitol
Pierre South Dakota 57501

Att: Karen Schlaak

Enclosed is the risk assssment of the downstream hazard potential as prepared by the Soil Conservation Service.

After reviewing the map I agree to the changes in land descriptions that you have made pertaining to the lands I intend to irrigate.

Section 9-T115N-R58W

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32A.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35A.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2A.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8A.

Section 4-T115N R58W

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.4A.

Total 113.4A.

Enclosed also is a check for \$225.00 which is the fee for irrigating 113.4A. I have sent the water sample to the lab at Brookings. I didnot however have the necessary forms for the information that they may need. I trust they will get that. ~~from~~ from me.

INFORMATION

Sincerely

Merritt Seefeldt

Merritt Seefeldt



United States
Department of
Agriculture

Soil
Conservation
Service



August 16, 1991

Merritt Seefeldt
RR 3 Box 202
Clark, SD 57225

Dear Mr. Seefeldt:

A risk assessment of the downstream hazards, if the dam failed is required by the State of South Dakota, before a water right is issued. This letter will suffice as a risk assessment and should be mailed to Pierre with the water right request.

The dam is located in NW $\frac{1}{4}$ -N $\frac{1}{4}$ of 9-115-58 in Clark County. The dam is 28.3 ft. high with an effective height of 23.0 ft. It has approximately 73 acre ft. of storage. The emergency spillway will be 77 feet wide. Failure of this dam would cause only minor damage to a township road $1\frac{1}{2}$ miles downstream. There are no dwellings or farmsteads that would receive any damage. Therefore this dam would fall into a category 3 dam.

Sincerely,

Larry D. Mette

Larry D. Mette
Soil Conservation Service
Britton, SD



Report on Application No. 5633-3
Merritt Seefeldt
March 23, 1992

This application proposes to appropriate 1.62 cubic feet of water per second from a storage dam with 73 acre-feet storage capacity located in the NW1/4 NW1/4 Section 9-T115N-R58W. Water will be impounded in portions of the N1/2 NW1/4 Section 9 and the SE1/4 SW1/4 Section 4; all in T115N-R58W. The irrigated acreage is located in the SW1/4 SW1/4 Section 4 and the NW1/4 Section 9; all in T115N-R58W. Water will also be used for livestock watering and recreational purposes.

Discussion

The dam will be 28 feet high with an intermediate storage capacity of 73 acre-feet. This dam is classified as a Category 3, Small size Dam. The spillway is required to have a minimum capacity capable of passing a 25 year frequency event.

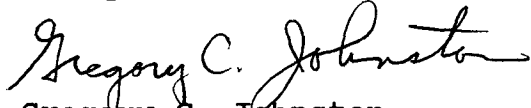
The plans and specifications have been reviewed for this project and have been approved. The drainage area of the proposed dam is approximately 1.25 square miles (800 acres) and a twenty-five year frequency will produce a peak runoff of 407 cfs. The dam is designed with a 77 foot wide emergency spillway. The emergency spillway capacity is 1040 cfs.

The dam will be located on two unnamed drainages, approximately 6.8 miles south and 3 miles west of Clark, South Dakota. Fordham Dam is approximately 6 miles downstream on the same drainage as the proposed dam. Vested Water Right Claim No. 1855-3 for Fordham Dam, with a 1937 priority date, is held by Game, Fish and Parks for storage of 180 acre-feet. Because of the small size of the proposed dam and the extensive drainage below the proposed dam into Fordham Dam, water availability should not be a problem.

Conclusions

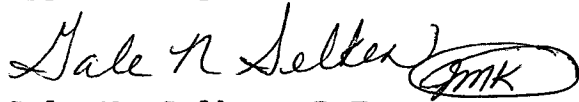
1. Water is available from the unnamed drainages.
2. Existing Water Rights will not be impaired.

3. If approved, the low flow bypass requirement should be a qualification on Water Permit No. 5633-3.

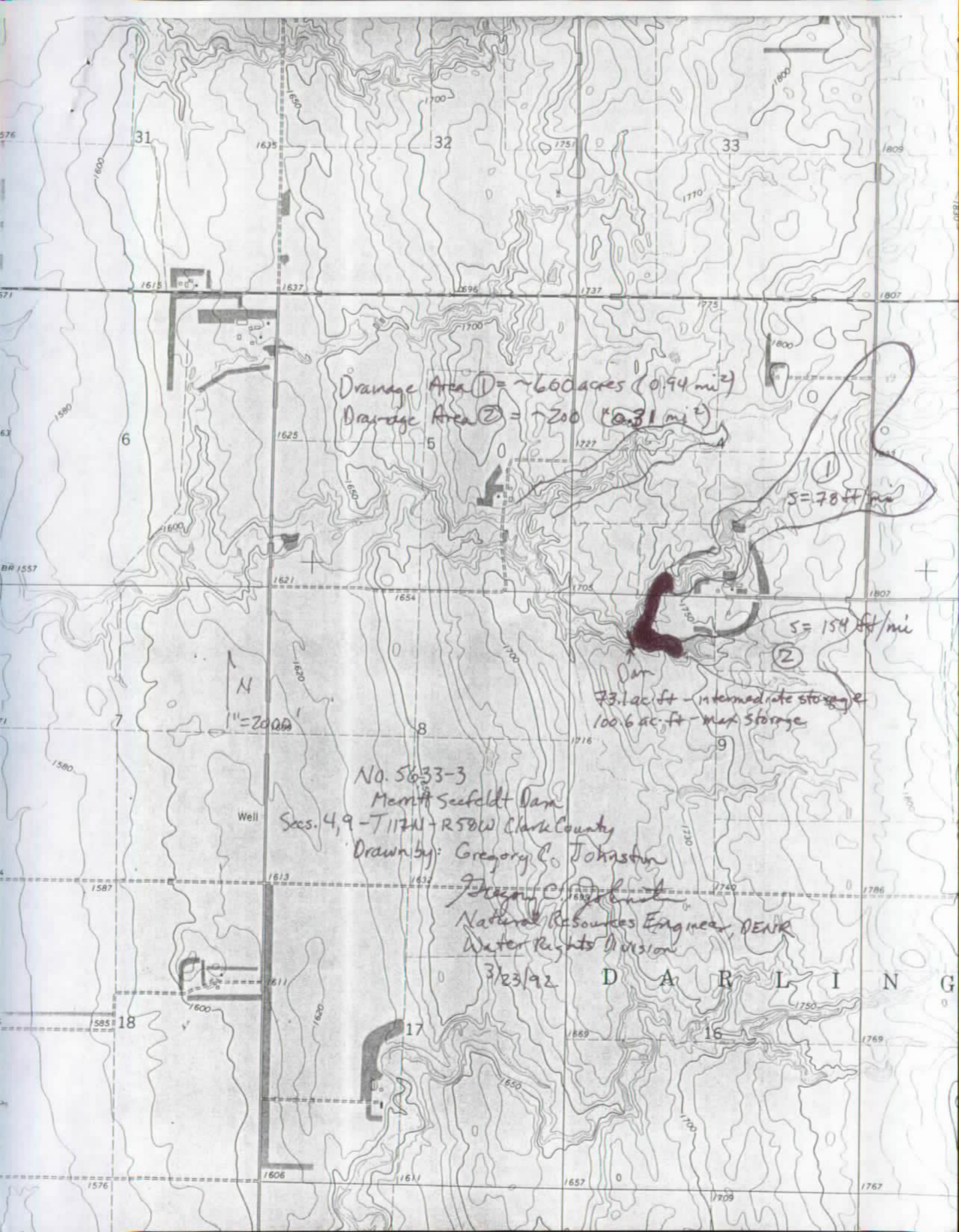


Gregory C. Johnston
Natural Resources Engineer

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer, IV



Drainage Area ① = ~660 acres (0.94 mi²)
Drainage Area ② = ~200 (0.31 mi²)

S = 78 ft/mi

S = 154 ft/mi

Dam
73.1 ac-ft - intermediate storage
100.6 ac-ft - max storage

NO. 5633-3
Merritt Seefeldt Dam
Secs. 4, 9 - T117N - R58W Clark County
Drawn by: Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer, DENR
Water Rights Division

3/23/92

D A R L I N G

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5633-3, Merritt Seefeldt

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5633-3, Merritt Seefeldt, RR 3 Box 202, Clark, SD 57225.

The Chief Engineer is recommending APPROVAL of Application No. 5633-3 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) it is 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 Water Permit No. 5633-3 authorizes storage of up to 73 acre-feet of water annually.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 23, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 28, 1992

Merritt Seefeldt
RR 3 Box 202
Clark, SD 57225

Dear Mr. Seefeldt:

Water Permit Application No. 5633-3 for irrigation use has 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 (Ph # 532-3654). 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 1992

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5633-3 to be published twice. Please publish the first notice on May 6, 1992, 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 Merritt Seefeldt, RR 3 Box 202, Clark, SD 57225 (Ph # 532-3385).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 May 6, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5633-3 to Appropriate Water

Notice is given that Merritt Seefeldt, RR 3 Box 202, Clark, SD 57225 has filed an application for a water permit to appropriate 1.62 cubic feet of water per second from a storage dam (73 acre-feet storage capacity) located in the NW 1/4 NW 1/4 Section 9 and water will be impounded in portions of the N 1/2 NW 1/4 Section 9 and the SE 1/4 SW 1/4 Section 4; all in T115N-R58W, to irrigate 113.4 acres. The irrigated acreage is located in the SW 1/4 SW 1/4 Section 4 and the NW 1/4 Section 9; all in T115N-R58W. Water will also be used for livestock watering and recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5633-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5633-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Clark)



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 _____

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:

May 6, 1992

May 13, 1992

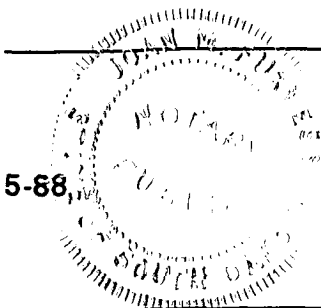
Bert Moritz
 (Signature)

Printer
 (Title)

5/21/92
 (Date Signed)

Cost of Printing: \$60.93

114 lines 2 times



Jean M. Furee
 My commission expires
 7-15-1999

NOTICE OF HEARING
 On Application No. 5633-3
 To Appropriate Water

Notice is given that Merritt Seefeldt, RR3 Box 202, Clark, SD 57225 has filed an application for a water permit to appropriate 1.62 cubic feet of water per second from a storage dam (73 acre-feet storage capacity) located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9 and water will be impounded in portions of the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; all in T115N-R58W, to irrigate 113.4 acres. The irrigated acreage is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 and the NW $\frac{1}{4}$ Section 9; all in T-115N-R58W. Water will also be used for livestock watering and recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5633-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

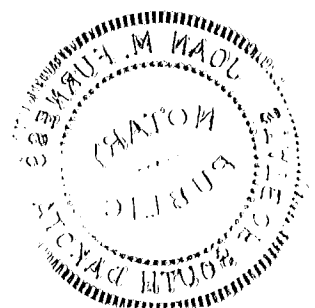
For purposes of publishing 1) the notice of hearing on Application No. 5633-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and interested parties.

tions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

5-6-2t





JUN 25 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Merritt Seefeldt
RR 3 Box 202
Clark, SD 57225

Dear Mr. Seefeldt:

Enclosed is Water Permit No. 5633-3 authorizing construction of your water diversion system and beneficial use of the water, 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.

Permit No. 5633-3
James River - Water District

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

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

On, October 20, 1997, I made a thorough examination of the water use system constructed by Merritt Seefeldt of Rt 3 Box 214, Clark, SD holder of Permit No. 5633-3, bearing the priority of January 30, 1992, authorizing the diversion of 1.62 cu. ft. per second and the storage of 73 acre-feet of the waters of surface water, local runoff for irrigation, recreation and livestock watering purposes, in Clark County.

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

A. Works used to divert the water:

One of two Berkley centrifugal pumps either capable of diverting up to 450 gpm one is powered by a diesel engine the other is powered by an electric motor. Only one pump will be used at a time.

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

2640 feet of aluminum pipe

C. Works used to apply water to beneficial use:

A Vermeer 640 big gun.

The system is in the following condition good. The point of diversion is located From the NW corner of Sec 9 T115N-R58W, 900 feet South and 1300 feet East. The works are capable of diverting and conveying to the place of use 1.00 cu. ft. per second of water and storing 73 acre-feet of water which is to be used for irrigation, recreation and livestock watering. Water has been put to beneficial use to the maximum extent as follows:

SW1/4 SW1/4 of Sec 4 T115N-R58W - 36 acres

Land in Sec 9 T115N-R58W:

NW1/4 NW1/4 - 8 ac

NE1/4 NW1/4 - 2 ac

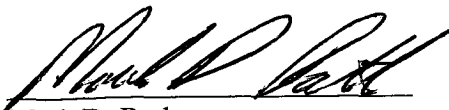
SW1/4 NW1/4 - 32 ac

SE1/4 NW1/4 - 35 ac

comprising a total of 113 acres of land and the license should be issued for 1.00 cfs and 73 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None



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

10/27/97
Date

REPORT ON INSPECTION OF PERMIT NO. 5633-3

DATE OF INSPECTION: 10/20/1997

Contact Person & Address: Merritt Seefeldt RR 3 Box 214, Clark SD

DIVERSION POINT LEGAL LOCATION: From the NW corner of Sec 9 T115N-R58W, 900 feet South and 1300 feet East

WATER SUPPLY Source: surface water, dam

Pump:

- | | |
|------------------------|----------------------------|
| 1) Make <u>Berkley</u> | 2) Model <u>B32PC</u> |
| 3) Size <u>4"</u> | 4) Capacity <u>450</u> GPM |

Motor:

- | | |
|-----------------------------------|-------------------------------------|
| 1) Make <u>Marathon, Electric</u> | 2) Model No. <u>FC286TFDR73060B</u> |
| 3) Horsepower rating <u>40</u> hp | |

Pump:

- | | |
|------------------------|----------------------------|
| 1) Make <u>Berkley</u> | 2) Model <u>B32PC</u> |
| 3) Size <u>4"</u> | 4) Capacity <u>450</u> GPM |

Motor:

- | | |
|------------------------------------|----------------------------------|
| 1) Make <u>John Deere</u> | 2) Model No. <u>4020, Diesel</u> |
| 3) Horsepower rating <u>100</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum 2) Size 6 inches 3) Length 2640 feet

SYSTEM TYPE:

Gun:

- | | |
|----------------------------|----------------------------------|
| 1) Make <u>Vermeer 645</u> | 2) Nozzle size <u>1.5</u> inches |
| 3) Capacity <u>450</u> GPM | 4) Hose size <u>6</u> inches |

DAM INFORMATION:

- | | |
|-----------------------------------|--|
| 1) Height to crest <u>28</u> feet | 2) Height to primary spillway <u>25</u> feet |
|-----------------------------------|--|

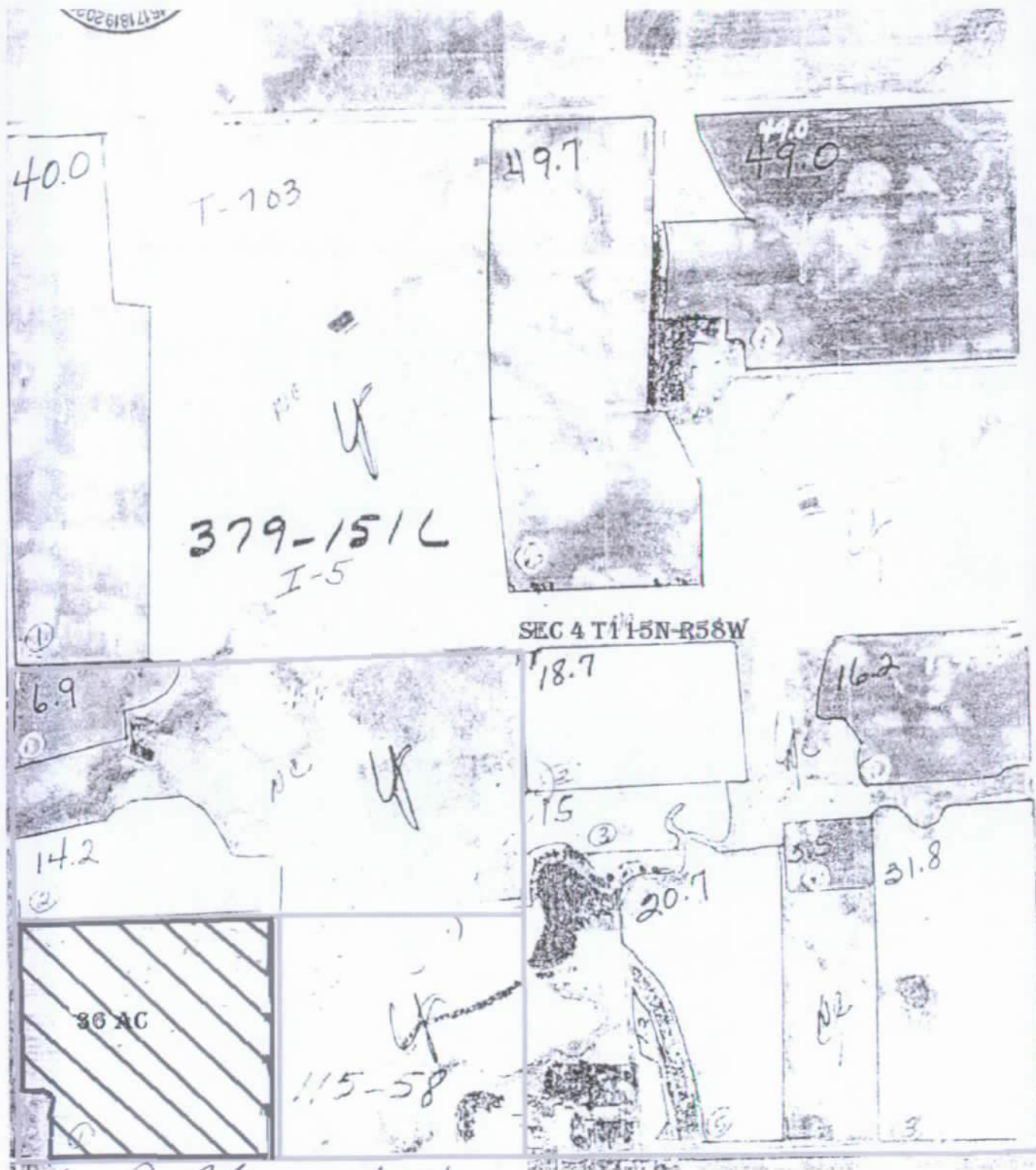
- 3) Height to secondary spillway NA ft 4) Crest width 15 feet
5) Crest length 350 feet 6) Spillway length 200 feet
7) Spillway width 70 feet 8) Approx. storage 73 ac-ft
9) Approx. storage to crest 100 ac-ft 10) Date constructed: #
11) Outlet tubes:
 a) diameter NA inches b) type NA
 c) valved NA d) valve type NA
 e) location on structure NA
12) Category of Dam 3 13) Inspection Sheet Completed NA

CHEMIGATION EQUIPMENT:

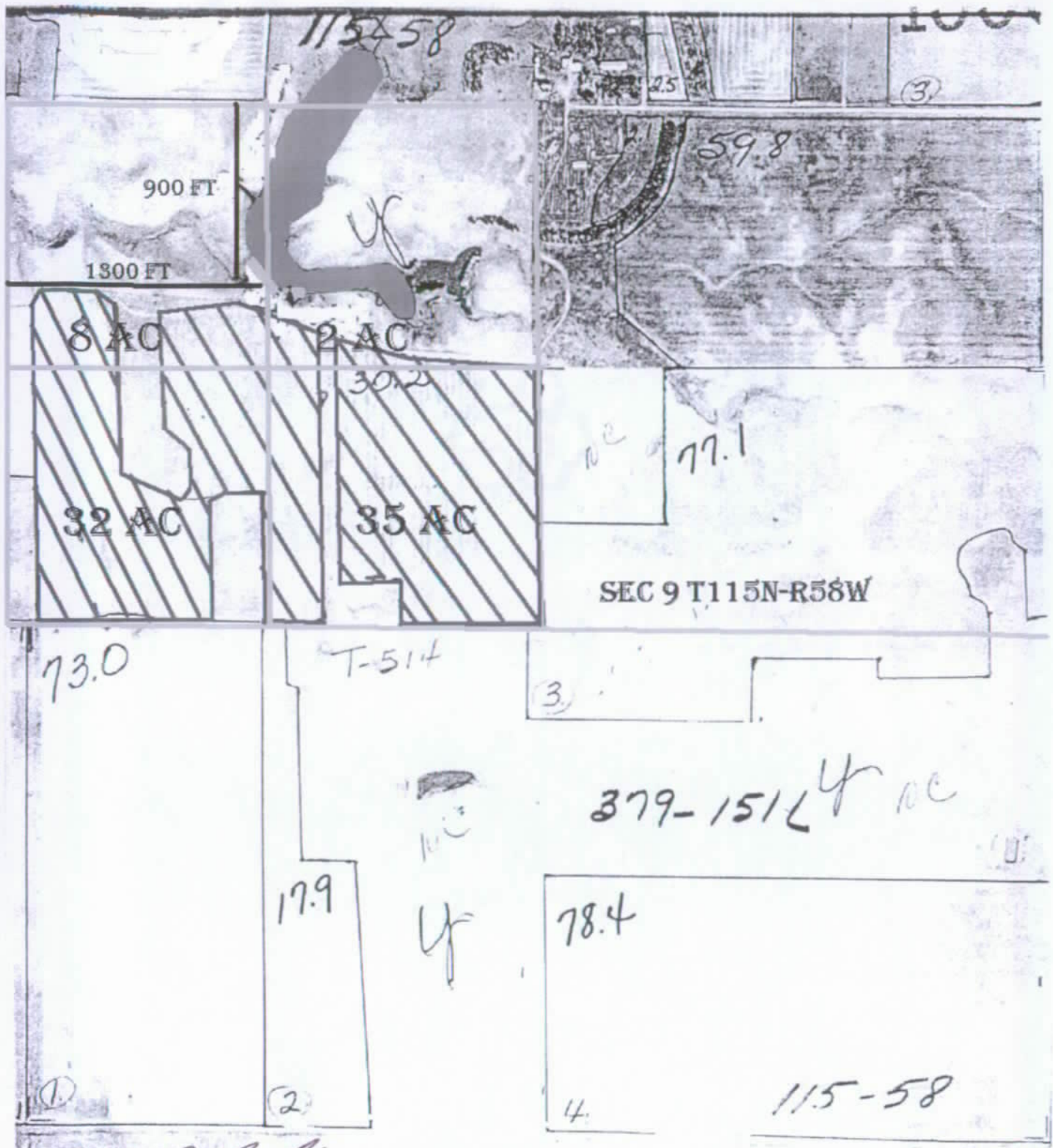
- 1) Does chemigate NO

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



Mark D Rath 10/24/97
Mark D. Rath, Natural Resources Engineer
Water Rights Program, SD DENR



Mark D. Rath 10/29/97
 Mark D Rath, Natural Resources Engineer
 Water Rights Program, SD DENR

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5633-3

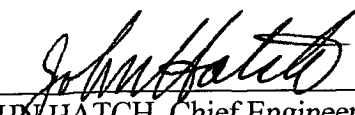
(1) Merritt Seefeldt, Rt 3, Box 200, Clark SD 57225 made Application No. 5633-3, January 30, 1992 for a water permit to divert 1.62 cubic feet of water per second from runoff (73 acre-feet storage dam), Clark County, South Dakota for irrigation, recreation and livestock watering purposes. Permit No. 5633-3, with a priority date of January 30, 1992 was approved June 2, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 2, 1997 and for the application to beneficial use of said water on or before June 2, 2001.

(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 store 73 acre-feet of water annually and divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is 900 feet south and 1,300 feet east of the northwest corner of Section 9-T115N-R58W (NW 1/4 NW 1/4).

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

Section 4-T115N-R58W	SW 1/4 SW 1/4	36 acres
Section 9-T115N-R58W	NW 1/4 NW 1/4	8 acres
	SW 1/4 NW 1/4	32 acres
	NE 1/4 NW 1/4	2 acres
	SE 1/4 NW 1/4	35 acres
Total		113 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Merritt Seefeldt, Rt 3 Box 200, Clark SD 57225 the holder and/or owner of Water Permit No. 5633-3 is issued a license to appropriate water, the right to divert 1.00 cubic feet of water per second from runoff with storage of 73 acre-feet of water annually with a priority date of January 30, 1992 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation, recreation and livestock watering. This license is subject to any limitations or qualifications listed in Water Permit No. 5633-3 and subject to South Dakota State Law.


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

FEB 27 1998
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 1997

5633-3

Merritt Seefeldt
Rt 3, Box 214
Clark, SD 57225

Dear Mr. Seefeldt:

The investigation of your water use system was conducted on October 20, 1997, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5633-3. Your final water right document, the Water License, can now be issued.

Statutes require 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 begin processing your Water License.

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

Sincerely,

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

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

RECEIPT

415542

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 1, 19 97

RECEIVED OF Merritt Seefeldt, RR 3, Box 200, Clark, SD 57225

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>5633-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch (Signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

5633-3

Merritt Seefeldt
Rt 3, Box 200
Clark, SD 57225

Dear Mr. Seefeldt:

Enclosed is Water License No. 5633-3 and Receipt No. 415542 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5633-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

5633-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 2007

2308A-3
5633-3

Merritt Seefeldt
42645 180th St
Clark SD 57225

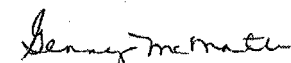
Dear Mr. Seefeldt:

I am writing in follow-up to our phone conversation today concerning Water Right Nos. 5633-3 and 2308A-3. The water rights are currently listed in your name. In order to have them changed to "Merritt Seefeldt and Sons", a "Notice of Transfer of Ownership" will need to be filed for each one.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights in the event you do not have them. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosures

RECEIVED

AUG 13 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5633-3

Date: _____

I/We request that Water Right No. 5633-3

formerly owned by: Merritt Seefeldt

be transferred to: (name & address) Merritt Seefeldt & Sons, 42645 180th St, Clark SD 57225

Telephone No. (605) 532-3385

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

113 acres – SW ¼ SW ¼ Section 4 and NW ¼ Section 9, T115N, R58W

I/We understand that the validity of Water Right No. 5633-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Merritt Seefeldt & Sons, the new owner, certify that the above information is true and correct.

Merritt Seefeldt & Sons
by Marshall Seefeldt
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 2007

RECEIVED OF Merrit A Seefeldt & Sons RR 3 Box 200 Clark SD 57225

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct	2	50
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 _____	5633-3		
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	2	50

No.

03122

By *Hubal Elwell*
Chief Engineer 3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2007

2308A-3
5633-3

Merritt Seefeldt & Sons
42645 180th St
Clark SD 57225

Dear Sirs:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 2308A-3 and 5633-3. The transfers have been completed. The water rights formerly listed in the name of "Merritt Seefeldt" are now listed as being held by "Merritt Seefeldt and Sons".

Enclosed are your Receipt Nos. 03121 and 03122 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures