

WATER PERMIT NO. 5762-3

Phone: 765-2858

Name of Applicant: Robert D. Houck

Post Office Address: PO Box ²⁰³~~200~~, Gettysburg SD 57442

Amount of Water Claimed: 30 AF Total Acres: _____

Source of Water Supply: Missouri River & runoff

Water to be used for: irrigation County: Potter

About 15 miles northwest of Gettysburg

PRIORITY Date Received: 3-23-93 Fee: \$150 Remarks: Irrigates

lands authorized by Permit No. ²²⁸⁶⁻³~~1628-3~~

Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: Stukel said S/W was

being waived

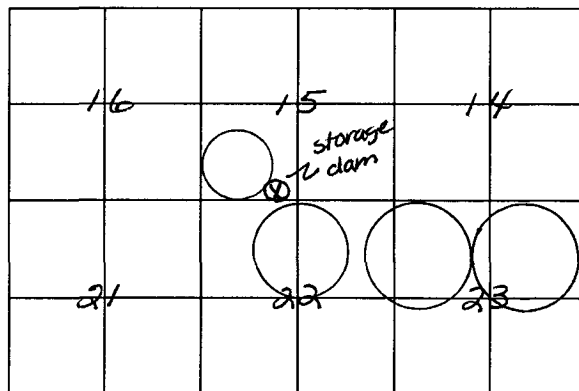
Diversion Point: storage dam - SE 1/4 SW 1/4

Sec 15-T119N-R78W

Land to be Irrigated: SW 1/4 Sec 15; E1/2 NW1/4,

NE 1/4 Sec 22; NW 1/4, NE 1/4, N 1/2 SW 1/4,

N 1/2 SE 1/4 Sec 23; all in T119N-R78W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 3-30-93 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5762-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Potter Co News, Box 190, Gettysburg
(office use only)

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

Type of Application: ☒ **New** ☐ **Vested Right** ☐ **Amendment/Correction to Permit No. _____**
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

1. Name of Applicant Robert D. Houck Phone (605) 765-2858

(check one) ☒ **Owner** ☐ **Tenant/lessee**

Mailing Address P.O. Box ~~261~~ 203 Gettysburg State SD 57442

(Street, RR, or Box)

(City)

(Zip Code)

2. Amount of water claimed no add'l *CFS or 30 **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout if applicable)

3. Source of water supply Missouri River and some runoff.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4 NE 1/4 Sec. 17,
T119N- R78W. Storage Dam - SE 1/4 SW 1/4 Sec 15 - T119N-R78W

County Potter

5. County or counties where water will be used Potter

6. Annual period during which water is to be used All year to fill storage dam.

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description
See Permit No. 2286-3
(see attached sheet)

Acres

Land Description

Acres

8. Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): _____

9. Crops to be irrigated: _____

10. Give a description of the project. (Attach sheet if more space is needed)

This application is for an existing 30 acre-feet storage dam located in the SE 1/4 SW 1/4 Sec. 15-T119N-R78W. This dam is used as storage for irrigation of lands under Permit No. 2286-3.

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

STATE OF SOUTH DAKOTA)

County of Potter)^{SS}

I, Robert D. Houck, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed

Robert D. Houck

Subscribed and sworn to before me this 22nd day of March 19 93

Paul R. Houck

Notary Public

All in T119N-R78W:

Sec. 15

NW 1/4 SW 1/4 24 acres

NE 1/4 11 "

SW 1/4 33 "

SE 1/4 14 "

Sec. 22

NE 1/4 NW 1/4 13 "

SE 1/4 18 "

NW 1/4 NE 1/4 35 "

NE 1/4 14 "

SW 1/4 37 "

SE 1/4 20 "

Sec. 23

NW 1/4 NW 1/4 39 acres

NE 1/4 26 "

SW 1/4 40 "

SE 1/4 35 "

NW 1/4 NE 1/4 35 "

NE 1/4 29 "

SW 1/4 40 "

SE 1/4 35 "

NW 1/4 SW 1/4 8 "

NE 1/4 2 "

NW 1/4 SE 1/4 7 "

NE 1/4 4 "

**SOUTH DAKOTA
WATER PERMIT NO. 5762-3**

Date of first receipt of application March 23, 1993.

Date Soil/Water Compatibility Permit received May 20, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5762-3 to Robert D. Houck, PO Box 203, Gettysburg SD 57442 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. 5762-3 for storage of 30 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2286-3 appropriates 20.5 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 NE 1/4 Section 17-T119N-R78W to irrigate 1,440 acres. An inspection of Permit No. 2286-3 found 7.33 cfs could be pumped from the Missouri River to the dam for irrigation of 519 developed acres. The dam is located in the SE 1/4 SW 1/4 Section 15 and impounds water in the SE 1/4 SW 1/4 Section 15 and the NE 1/4 NW 1/4 Section 22; all in T119N-R78W. The irrigated acres is located in the SW 1/4 Section 15; E 1/2 NW 1/4, NE 1/4 Section 22; NW 1/4, NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 23; all in T119N-R78W. This permit adds the existing 30 acre-feet storage dam to this irrigation project. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
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: January 1 - December 31.
3. The date from which applicant may claim right is March 23, 1993.
4. The date of approval of Permit No. 5762-3 is June 2, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Water Permit No. 5762-3 authorizes storage of up to 30 acre-feet of water annually.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 17 1993

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

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

2. Dugout Information

- Surface Dimensions _____ Depth _____
- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

- Freeboard 4'
- Crest Width 12'
Crest Length 500'

- Height 35'

- Primary Outlet Capacity NONE

If pipe, diameter NONE

- Secondary Spillway Capacity _____

Spillway Width 40'

- X & Y Slope

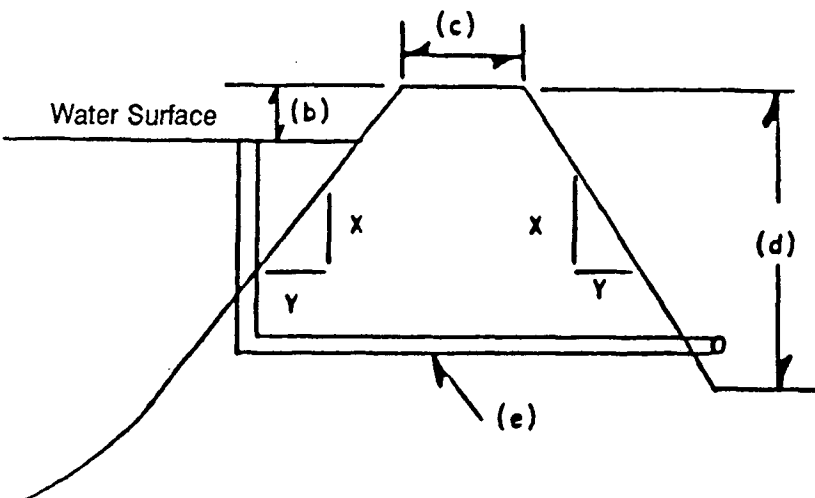
Upstream 2 1/2 : 1

Downstream 2 1/2 : 1

- Surface Area of Impoundment 5 AC.

- Storage 31 Acre Feet

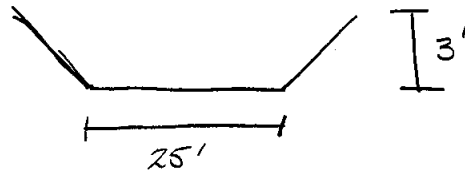
- Drainage Area above Dam 170 Acres



Application No. 5762-3
Robert D. Houck

1.2"
1950 to 1950

Spillway Capacity:



$$\frac{100}{2400} = .0417'/1 = 220'/mi.$$

$$Q = CLH^{3/2} = 2.6(25')(3)^{3/2} = 337.75 \text{ cfs}$$

Watershed: $Q = 83.4 (A)^{0.6} (S)^{0.44} (Si)^{-0.72}$
 $106 (A)^{0.63} (S)^{0.45} (Si)^{-0.69}$
 $589 (A)^{0.77} (S)^{0.46} (Si)^{-0.67}$

$$Q_{25} = 83.4 (.2656 \text{ mi}^2)^{0.60} (220 \text{ ft./mi})^{0.44} (3.33)^{-0.72} = 169.9 \text{ cfs}$$

$$Q_{50} = 106 (.2656 \text{ mi}^2)^{0.63} (220 \text{ ft./mi})^{0.45} (3.33)^{-0.69} = 227.1 \text{ cfs}$$

$$Q_{100} = \frac{589}{132} (.2656 \text{ mi}^2)^{0.77} (220 \text{ ft./mi})^{0.46} (3.33)^{-0.67} = \frac{1133.0 \text{ cfs}}{297.7 \text{ cfs}}$$

$$Q_{\text{spillway}} > Q_{100}$$

Permits downstream of the dam:

1628-3 Margery A. Houck & Eugene Horrell - Not on same drainage

2286-3 Robert D. Houck - part of new application

4208-3 Margery A. Houck & Eugene Horrell - Not on same drainage.

3.552.1
.5184

RECEIPT

413694

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 23, 19 93

RECEIVED OF Houck Farms, Inc., Box 203, Gettysburg, SD 57442

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

Fee for Application for Permit No. <u>5762-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150 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 _____	

(Any Other Work Provided by Law)	
Total	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4763

WR#

OWNERS NAME: HOUCK, ROBERT D. OWNERS ADDRESS: PO BOX 261
GETTYSBURG SD 57442

COUNTY LAND LOCATED IN: POTTER PHONE: 765-2858

LEGAL DESCRIPTION: ☐ Well ☒ Surface
1. LOCATION SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-T119N-R78W STORAGE DAM - SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15-T119N-R78W

Depth: _____

LEGAL DESCRIPTION:

NW1/4 SW1/4 15-T119N-R78W = 24 A	NW1/4 NW1/4 23-T119N-R78W = 39 A
NE1/4 SW1/4 15-T119N-R78W = 11 A	NE1/4 NW1/4 23-T119N-R78W = 26 A
SW1/4 SW1/4 15-T119N-R78W = 33 A	SW1/4 NW1/4 23-T119N-R78W = 40 A
SE1/4 SW1/4 15-T119N-R78W = 14 A	SE1/4 NW1/4 23-T119N-R78W = 35 A
NE1/4 NW1/4 22-T119N-R78W = 13 A	NW1/4 NE1/4 23-T119N-R78W = 35 A
SE1/4 NW1/4 22-T119N-R78W = 18 A	NE1/4 NE1/4 23-T119N-R78W = 29 A
NW1/4 NE1/4 22-T119N-R78W = 35 A	SW1/4 NE1/4 23-T119N-R78W = 40 A
NE1/4 NE1/4 22-T119N-R78W = 14 A	SE1/4 NE1/4 23-T119N-R78W = 35 A
SW1/4 NE1/4 22-T119N-R78W = 37 A	NW1/4 SW1/4 23-T119N-R78W = 8 A
SE1/4 NE1/4 22-T119N-R78W = 20 A	NE1/4 SW1/4 23-T119N-R78W = 2 A
	NW1/4 SE1/4 23-T119N-R78W = 7 A
	NE1/4 SE1/4 23-T119N-R78W = 4 A

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>MISSOURI RIVER</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): _____	8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____	

Requirements:



Russell J. Hane
Director, Division of Conservation

Date

5-17-93

APPROVED

DISAPPROVED
XXX WAIVER

REQUIREMENTS

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

FROM: Stukel, James

TO: Beck, Lynn
Gronlund, Eric

DATE: 03-29-93

TIME: 13:16

CC:

SUBJECT: Houck Application

PRIORITY: R

ATTACHMENTS:

Per your info on permit # 2286-3, issued in 1975 development until 1980 and through the Soil Survey maps noting the project was competed prior to the photo-flight in 1978; we will recommend a wavier of soil and water.

jims

=====

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jims

=====

Report on Application No. 5762-3
Robert D. Houck
April 7, 1993

This application is for the storage of 30 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2286-3 appropriates 20.5 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 NE 1/4 Section 17-T119N-R78W to irrigate 1,440 acres. An inspection of Permit No. 2286-3 found 7.33 cfs could be pumped from the Missouri River to the dam for irrigation of 519 developed acres. The dam is located in the SE 1/4 SW 1/4 Section 15 and impounds water in the SE 1/4 SW 1/4 Section 15 and the NE 1/4 NW 1/4 Section 22, all in T119N-R78W. The irrigated acreage is located in the SW 1/4 Section 15; E 1/2 NW 1/4, NE 1/4 Section 22; NW 1/4, NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 23; all in T119N-R78W. This application is to add the existing 30 acre-feet storage dam to this irrigation project. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

The dam impounds 30 acre-feet and its effective height is 12 feet. This dam is classified as a category 3, small size dam. Although the dam was constructed prior to 1986, and is exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08, the spillway will pass more than a 50 year event.

The dam is located on an unnamed tributary to the Missouri River, approximately 13.75 miles west and 7 miles north of Gettysburg, South Dakota. There are no other permits downstream that will be affected by the storage dam.

Conclusions:

- 1) Water is available from the drainage and the Missouri River for storage in the dam.
- 2) Existing water rights will not be impaired.
- 3) The spillway will pass more than a 50 year runoff event.



Lynn Beck
Natural Resources Engineer III

Approved by:



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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5762-3, Robert D. Houck

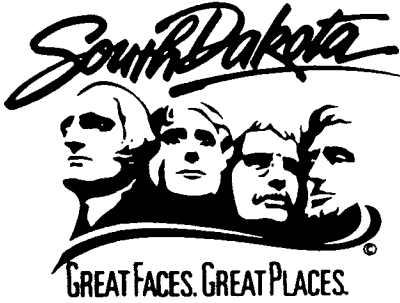
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5762-3, Robert D. Houck, PO Box 261, Gettysburg, SD 57442.

The Chief Engineer is recommending APPROVAL of Application No. 5762-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of Water Permit No. 5762-3 authorizes storage of up to 30 acre-feet of water annually.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for Eric Lundberg
JOHN HATCH, Chief Engineer
April 27, 1993



**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 29, 1993

Robert D. Houck
PO Box 261
Gettysburg, SD 57442

Dear Mr. Houck:

Water Permit Application No. 5762-3 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 Potter County News printed at Gettysburg, SD (Ph # 765-2464). 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
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 29, 1993

Potter Co. News
Box 190
Gettysburg, SD 57442-0190

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5762-3 to be published twice. Please publish the first notice on May 6, 1993, 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 Robert D. Houck, PO Box 261, Gettysburg, SD 57442 (Ph # 765-2858).

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, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5762-3 to Appropriate Water

Notice is given that Robert D. Houck, PO Box 261, Gettysburg, SD 57442 has filed an application for a water permit for storage of 30 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2286-3 appropriates 20.5 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 NE 1/4 Section 17-T119N-R78W to irrigate 1,440 acres. An inspection of Permit No. 2286-3 found 7.33 cfs could be pumped from the Missouri River to the dam for irrigation of 519 developed acres. The dam is located in the SE 1/4 SW 1/4 Section 15 and impounds water in the SE 1/4 SW 1/4 Section 15 and the NE 1/4 NW 1/4 Section 22; all in T119N-R78W. The irrigated acreage is located in the SW 1/4 Section 15; E 1/2 NW 1/4, NE 1/4 Section 22; NW 1/4, NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 23; all in T119N-R78W. This application is to add the existing 30 acre-feet storage dam to this irrigation project. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5762-3 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 24, 1993. 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. 5762-3 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, 1993, 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, 1993, 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, 1993, 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 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Potter) ss

I, Jack L. Stoner

certify that the attached printed Notice was

taken from the Potter County
News

printed and published in Gettysburg

County of Potter and State of

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

May 6, 1993
May 13, 1993

Cost of Printing: 79.92

Jack L. Stoner
 (Signature)

Publisher
 (Title)

May 13, 1993
 (Date Signed)

NOTICE OF HEARING ON APPLICATION NO. 5762-3 TO APPROPRIATE WATER

Notice is given that Robert D. Houck, PO Box 203, Gettysburg, SD 57442 has filed an application for a water permit for storage of 30 acre-feet of runoff and Missouri River water in an existing dam. Water Permit No. 2286-3 appropriates 20.5 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the SW 1/4 NE 1/4 Section 17-T119N-R78W to irrigate 1,440 acreage. An inspection of Permit No. 2286-3 found 7.33 cfs could be pumped from the

Missouri River to the dam for irrigation of 519 developed acres. The dam is located in the SE 1/4 SW 1/4 Section 15 and impounds water in the SE 1/4 SW 1/4 Section 15 and the NE 1/4 NW 1/4 Section 22; all in T119N-R78W. The irrigated acreage is located in the SW 1/4 Section 15; E 1/2 NW 1/4, NE 1/4 Section 22; NW 1/4, NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 23; all in T119N-R78W. This application is to add the existing 30 acre-foot storage dam to this irrigation project. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-AL of Application No. 5762-3 (ie 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 24, 1993. 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 le-

gal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5762-3 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, 1993, 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, 1993, 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, 1993, 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 24, 1993.

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 Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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.

Robert E. Roberts, Secretary,
Department of Environment
and Natural Resources.

(Published in the Potter County News, May 6 and 13, 1993.)

REPORT ON INSPECTION OF PERMIT NUMBER 2286-3

DATE 9-21-92

Other permit(s) associated with the project none

DIVERSION POINT LEGAL LOCATION: At the Missouri river - 2300' W and 150' N of the W 1/4 corner Sec. 17-119-78.

c) Pump 1) make 3 - Cornell

2) model 5YB125-2

3) size 9 1/16 inches

e) Motor:

1) make 3 - General Electric

4) capacity 1100 each GPM

2) model No. 5K404YK116

5) turbine pump - No. of stages

3) horsepower rating 125 each hp

6) operating pressure PSI

DIVERSION POINT LEGAL LOCATION: At the storage dam - 2020' E and 75' S of the NW corner Sec. 22-119-78.

c) Pump 1) make 2 - Fairbank Morse

2) model

3) size 12 inches

e) Motor:

1) make 2 - US Electric

4) capacity 1000 each GPM

2) model No.

5) turbine pump - No. of stages 4

3) horsepower rating 100 hp

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type pvc

b) size 12 inches

c) length 9800 feet

a) type pvc

b) size 8 inches

c) length 7300 feet

a) type aluminum

b) size 10 inches

c) length 750 feet

SYSTEM TYPE:

1) Center pivot:

1) make Valley Electric

2) overall length 1000 feet

3) number of towers 6

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure low

7) capacity 500 GPM

2) Center pivot:

1) make Valley Electric

2) overall length 1150 feet

3) number of towers 7

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure low

7) capacity 600 GPM

3) Center pivot:

- 1) make Valley Electric
- 2) overall length 1350 feet
- 3) number of towers 9
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 1000 GPM

DAM INFORMATION:

- | | |
|---|--|
| a) height to crest <u>15</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>12</u> feet | 1) diameter inches |
| c) height to secondary spillway feet | 2) type |
| d) crest width <u>12</u> feet | 3) valved (Y/N) |
| e) crest length <u>180</u> feet | 4) valve type |
| f) spillway length <u>300</u> feet | 5) location on structure |
| g) spillway width <u>25</u> feet | |
| h) approximate storage <u>30</u> ac-ft | |
| i) approximate storage to crest <u>40</u> ac-ft | |
| j) date constructed <u>1968</u> | l) category of dam (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: |

CHEMIGATION EQUIPMENT:

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

PERMIT QUALIFICATIONS AND REGULATIONS:

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

This permit was approved prior to soil and water qualifications for surface water.

Permit No. 2286-3 # 5742-3

Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Robert D. Houck of P.O. Box 261, Gettysburg, SD 57442 holder of Permit No. 2286-3, bearing the priority of May 23, 1975 authorizing the diversion of 20.5 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Potter County.

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

A. Works used to divert the water:

At Missouri River pump site - 3 General Electric motors, model no. 5K404YK116, 125 hp
each. 3 Cornell pumps, model no. 5YB125-2, 9 1/16", 1100
gpm each.

At the storage dam pump site - 2 US Electric motors, 100 hp each. 2 Fairbank Morse pumps,
12", 1000 gpm each.

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

9800' of 12" pvc, 7300' of 8" pvc and 750' of 10" aluminum.

C. Works used to apply water to beneficial use:

Valley Electric center pivot, 1000' long, 6 towers, with end gun, low pressure system, 500
gpm capacity. Valley Electric center pivot, 1150' long, 7 towers, with end gun, low
pressure system, 600 gpm capacity. Valley Electric center pivot, 1350' long, 9 towers,
with end gun, high pressure system, 1000 gpm capacity.

The system is in the following condition good. The point of diversion is located at the
Missouri River - 2300' W and 150' N of the W 1/4 corner Sec. 17 and at the storage dam -
2020' ^E and 75' S of the NW corner Sec. 22 ; all in T119N-R78W. The works are capable of
diverting and conveying to the place of use 7.33 cfs from the pump site at the Missouri
River and 4.44 cfs from the pump site at the storage dam of water and/or storing 30
acre-feet of water which is to be used for irrigation. Water has been put to beneficial
use to the maximum extent as follows:

All in T119N-R78W:

Sec. 15

Sec. 23

NW 1/4 SW 1/4 24 acres

NW 1/4 NW 1/4 39 acres

NE 1/4 11 "

NE 1/4 26 "

SW 1/4 33 "

SW 1/4 40 "

SE 1/4 14 "

SE 1/4 35 "

Sec. 22

NW 1/4 NE 1/4 35 "

NE 1/4 NW 1/4 13 "

NE 1/4 29 "

SE 1/4 18 "

SW 1/4 40 "

NW 1/4 NE 1/4 35 "

SE 1/4 35 "

NE 1/4 14 "

NW 1/4 SW 1/4 8 "

SW 1/4 37 "

NE 1/4 2 "

SE 1/4 20 "

NW 1/4 SE 1/4 7 "

NE 1/4 4 "

comprising a total of 519 acres of land and the license should be issued for 7.33 cfs from the Missouri River and 4.44 cfs from the storage dam and/or 30 acre-feet of storage.

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: none Date 9-21-92

Comments: Needs application for the existing 30 ac. ft. storage dam, located in the SE 1/4 SW 1/4 Sec. 15-119-78.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5762-3

(1) Robert D Houck, of PO Box 203, Gettysburg, SD 57442-0203 made Application No. 5762-3, March 23, 1993 for a water permit to store 30 acre feet of water from runoff and the Missouri River in an existing dam, Potter County, South Dakota for irrigation purposes. Permit No. 5762-3, with a priority date of March 23, 1993 was approved June 2, 1993 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. 5762-3 added an existing 30 acre-foot storage dam to the irrigation project developed under Water Permit No. 2286-3. No. 5762-3 did not authorize an increase in the developed diversion rate or number of acres being irrigated under No. 2286-3. The applicable portions of Water Permit No. 2286-3 have been incorporated into this Water License No. 5762-3. A priority date of May 23, 1975 is retained for diversion of water from the Missouri River (established by No. 2286-3). A priority date of March 23, 1993 is retained for storage 30 acre feet of water (established by No. 5762-3).

(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 7.33 cubic feet per second (cfs) of water from the Missouri River. The applicant is also entitled to divert at a rate of 4.44 cfs from the 30 acre feet storage dam for beneficial use. The location of the diversion points are: Missouri River - 2300'W and 150'N of the W¼ corner of Section 17 (SW¼NE¼); storage dam - 2020'E and 75'S of the NW corner of Section 22, all in T119N, R78W (NE¼NW¼).

(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: all in T119N, R78W

Section 15

NW¼SW¼	24 acres
NE¼SW¼	11 acres
SW¼SW¼	33 acres
SE¼SW¼	14 acres

Section 22

NE¼NW¼	13 acres
SE¼NW¼	18 acres

NW¼NE¼	35 acres
NE¼NE¼	14 acres
SW¼NE¼	37 acres
SE¼NE¼	20 acres

Section 23

NW¼NW¼	39 acres
NE¼NW¼	26 acres
SW¼NW¼	40 acres
SE¼NW¼	35 acres

NW¼NE¼	35 acres
NE¼NE¼	29 acres
SW¼NE¼	40 acres
SE¼NE¼	35 acres

NW¼SW¼	8 acres
NE¼SW¼	2 acres

NW¼SE¼	7 acres
NE¼SE¼	4 acres

Total	519 acres
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WATER LICENSE NO. 5762-3

PAGE 2

ROBERT D HOUCK

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert D Houck of PO Box 203, Gettysburg, SD 57442-0203 the holder and/or owner of Incorporated Water Permit No. 5762-3 is issued a license to appropriate water, the right to divert 7.33 cfs from the Missouri River. The holder and/or owner is also entitled to divert at a rate of 4.44 cfs from the 30 acre feet storage dam supplied by the Missouri River and runoff with priority dates of May 23, 1975 and March 23, 1993 from locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5762-3 and subject to South Dakota State Law.



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

OCT 15 1993

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Robert D. Houck
PO Box 203
Gettysburg, SD 57442

Dear Mr. Houck:

Enclosed is Water Permit No. 5762-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413901

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 22, 19 93

RECEIVED OF Robert D Houck, Box 203, Gettysburg, SD 57442

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>5762-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

5762-3

Robert D. Houck
P.O. Box 203
Gettysburg, SD 57442-0203

Dear Mr. Houck:

Enclosed is Water License No. 5762-3 and Receipt No. 413901 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5762-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2286-3 have been incorporated into this Water License No. 5762-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1995

5762-3

Robert D Houck
PO Box 203
Gettysburg, SD 57442

Dear Mr. Houck:

Enclosed, as we discussed, is your 1994 irrigation questionnaire pertaining to Water Right No. 5762-3.

This form should have been mailed to you last November, but somehow was overlooked. I apologize for the delay and am hoping you still have records for irrigation done in 1994.

Please complete the form and return it to our office at your earliest convenience. I have included a postage paid envelope for your use in returning the form.

Sincerely,

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

enclosures

File No. 5762-3
5765-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Robert Houck

DATE: March 29, 2012

TELEPHONE: 605 765-2858

RE: irrigation use

COMMENTS:

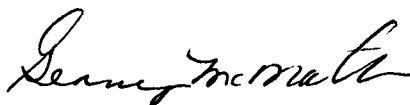
The 2010 and 2011 irrigation questionnaires submitted for Water Right Nos. 5762-3 and 5765-3 indicated the use of water had been abandoned. Prior to that time, Houck's reported "insufficient water" or pump site out of water.

I contacted Mr. Houck to find out if he had actually discontinued all irrigation on the land. He indicated that was indeed the case. They sold the irrigation equipment and no longer irrigated. The storage dams are still in place.

He was agreeable to cancellation of the water rights. I explained that since the dams are still there and store over 25 acre feet of water, they still needed to be permitted.

RECOMMENDED ACTION:

Schedule the irrigation portion of both water rights for cancellation. Once the board takes this action, reissue the water licenses to allow continued use of the dams for stock watering purposes.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2012

NOTICE OF CANCELLATION

TO: Robert D Houck, Margery Houck & Eugene Horrell
PO Box 203, Gettysburg SD 57442 0203

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

SUBJECT: Cancellation of the irrigation component of Water Right Nos. 5762-3 and 5765-3

Water Right No. 5762-3 authorizes diversion of water from the Missouri River into a 30 acre feet dam to irrigate portions of Sections 15, 22 and 23, T119N, R78W. Water Right No. 5765-3 authorizes diversion of water from the Missouri River into a 30 acre feet dam for irrigation of land in portions of Sections 10, 11 and 14, T119N, R78W.

The 2011 irrigation questionnaires submitted for these water rights were marked "use abandoned". On March 29, 2012, Genny McMath with our program spoke with you about your use of water as authorized under these rights. You confirmed the land will no longer be irrigated and stated the irrigation systems have been removed. The storage dams are still in place.

Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right Nos. 5762-3 and 5765-3 due to abandonment.

The Water Management Board will consider cancellation of the irrigation component of Water Right Nos. 5762-3 and 5765-3 at 10:00 a.m., May 2, 2012 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Nos. 5762-3 and 5765-3 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by these water rights. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 20, 2012.

March 29, 2012
Robert Houck, Margery Houck
Eugene Horrell
Page 2

The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 20, 2012.

Prior to April 20, 2012, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 20, 2012.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 5762-3, ROBERT D HOUCK
WATER RIGHT NO. 5765-3, MARGERY A HOUCK & EUGENE D HORRELL**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning the irrigation component of Water Right Nos. 5762-3 and 5765-3.

The Chief Engineer is recommending cancellation of the irrigation component of Water Right Nos. 5762-3 and 5765-3 due to abandonment. In a March 29, 2012 conversation with Genny McMath, Robert Houck stated the irrigation systems have been removed and they no longer intend to irrigate. The storage dams are still in place.

A handwritten signature in black ink, reading "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" and last name "Duvall" clearly distinguishable.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
March 29, 2012

Note:

Cancellation consideration will be for the irrigation portion of the water rights only. Once action is taken by the Board, the water rights will be reissued to allow continued use of the dams for stock watering purposes.

CERTIFICATION

I hereby certify that on March 29, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 29, 2012 regarding cancellations addressed as stated below:

Chris Horlock, 1312 Creek Dr. Rapid City SD 57703
Daniel Nutting, 12085 Reno Gulch Rd. Custer SD 57730

No. 1632-2

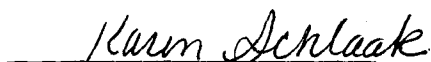
Robert D Houck, Margery Houck & Eugene Horrell, PO Box 230, Gettysburg SD 57442
Nos. 5762-3 & 5765-3



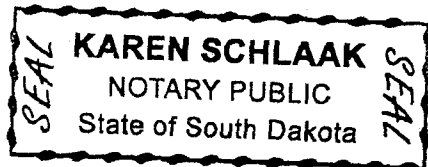
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of March, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 3, 2012

5762-3

5765-3

NOTICE

Robert D & Margery Houck
& Eugene Horrell
PO Box 203
Gettysburg SD 57442 0203

Dear Mr. & Mrs. Houck and Mr. Horrell:

This will notify you that the Water Management Board cancelled the irrigation component of Water Right Nos. 5762-3 and 5765-3 on May 2, 2012. This action was taken under the conditions outlined in our notice to you dated March 29, 2012.

With cancellation of the irrigation component of the water rights, the water licenses will now be reissued to allow continued use of the storage dams for domestic livestock watering purposes. The reissued licenses will be forwarded to you under separate cover within the next couple weeks.

If you have any questions please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on May 3, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 3, 2012 regarding cancellations addressed as stated below:

Water Right No. 508B-1:

- Terry Bonnet, 18397 Knutson Rd, Newell SD 57760

Water Right No. 1632-2

- Chris Horlock, 1312 Creek Drive, Rapid City SD 57703
- Daniel Nutting, 12085 Reno Gulch Rd., Custer SD 57730

Water Permit No. 2206-2

- Gerold Schuelke, 11380 Slate Prairie Rd, Hill City SD 57745

Water Permit No. 2379-2

- Gayla Spelts, PO Box 9553, Rapid City SD 57709

Water Right No. 2626-3

- Wilmer E Frohreich, 44086 301st St, Yankton SD 57078

Water Right No. 3510A-3

- David Waldner, Millbrook Hutterian Brethren, 41659 256th St, Mitchell SD 57301

Water Permit No. 5353-3

- Michael Koslowski, 13329 443rd Ave, Waubay SD 57273

Water Right Nos. 5762-3 & 5765-3

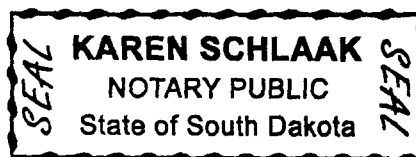
- Robert D & Margery Houck & Eugene Horrell, PO Box 203, Gettysburg SD 57442 0203


Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 3rd day of May, 2012.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Licensing of Irrigation Water Right for Stock Watering

NAME: Robert D Houck

ADDRESS: PO Box 203, Gettysburg SD 57442-0203

DATE: May 4, 2012 **COUNTY:** Potter

BOARD ACTION:

Pursuant to SDCL 46-1-12, on May 2, 2012, the Water Management Board took action to cancel the irrigation component of Water Right Nos. 5762-3 and 5765-3. The action to cancel was based on the 2011 irrigation questionnaires and a follow-up phone conversation in which Mr. Houck indicated he had sold all of his irrigation equipment and no longer irrigated.

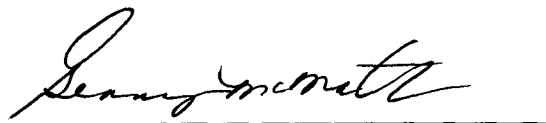
Each water right authorizes use of water from a 30 acre-feet dam. The storage dams are still in place and used for domestic purposes.

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

RECOMMENDED ACTION

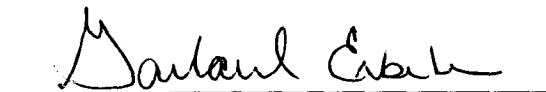
Based on the Board action to cancel the irrigation portion of the water rights, it is recommended that the water licenses be re-issued for stock watering purposes for the storage dams.



Genny McMath
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

The addition of stock watering does not impair existing water rights and no diversion of water will be made from the storage dams. Licensing of the water right for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUN 20 2012

5762-3
5765-3

Robert D Houck
PO Box 203
Gettysburg SD 57442-0203

Dear Mr. Houck:

Enclosed are your Reissued Water License Nos. 5762-3 and 5765-3.

On May 2, 2012, the Water Management Board took action to cancel the irrigation component of both Water Rights. The enclosed licenses authorize impoundment of water in the storage dams for livestock watering purposes.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5762-3

(1) Robert D Houck, PO Box 203, Gettysburg SD 57442-0203 was issued Water License No. 5762-3, October 15, 1993 for a water right to divert 7.33 cubic feet of water per second (cfs) from the Missouri River with diversion of 4.44 cfs from a 30 acre feet storage dam for irrigation purposes. The project located in Potter County carried priority dates of May 23, 1975 for diversion from the Missouri River and March 23, 1993 for use of water from the storage dam.

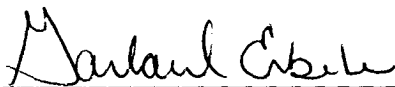
On May 2, 2012, the Water Management Board cancelled the irrigation portion of the water right. The 30 acre-feet storage dam is in place and used for domestic livestock watering.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Water Law 46-5-30.1 Robert D Houck, PO Box 203, Gettysburg SD 57442-0203 the holder and/or owner of Water Right No. 5762-3 is issued a license to appropriate water, the right to impound 30 acre feet of water in a storage dam for domestic livestock watering purposes. A priority date of March 23, 1993 is retained for impoundment of water in the dam.

The storage dam is located in the NE ¼ NW ¼ Section 22, T119N, R78W and impounds water in the NE ¼ NW ¼ Section 22 and the SE ¼ SW ¼ Section 15, T119N, R78W.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5762-3.



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

JUN 20 2012

date

