

WATER PERMIT NO. 5765-3

Phone: 765-2858

Name of Applicant: Margery A and Robert D. Houck and Eugene Horrell

Post Office Address: PO Box 203, Gettysburg SD 57442

Amount of Water Claimed: 30 AF storage dam Total Acres: 5 add'l (406 total)

Source of Water Supply: Missouri River and 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 Nos. 1628-3 and 4208-3

Corrected Application Received: 3-23-93 Period of Annual Use: Jan 1 - Dec 31

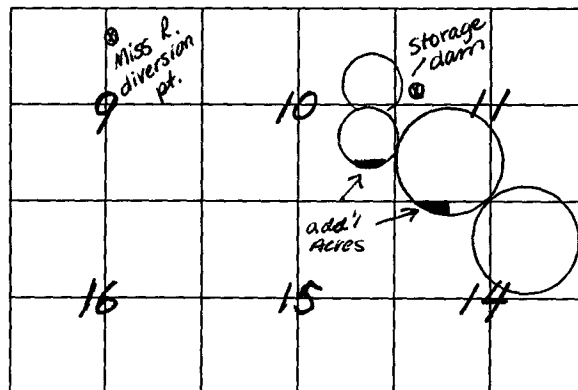
WATER QUALITY APPROVAL RECEIVED: 4-2-93 APPROVED/CONDITIONAL (Circle one)

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

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

Sec 11-T119N-R78W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES ☐ NO ☐

Depth of Well: _____ REMARKS: _____

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

Assigned on: 4-5-93 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. 5765-3 Hydrologic Unit 10/30/05
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: X 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 Margery A. Houck and Robert D. Houck, Attny for Eugene D. Horrell Phone (605) 765-2858
(check one) X 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 **GPM 30 ***AF Total Acreage 5
(*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) At the Missouri River the diversion point is in the NW 1/4 NE 1/4 Sec. 9 and at the storage dam the diversion point is in the SW 1/4 NW 1/4 Sec. 11 all in 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	Acres	Land Description	Acres
SE 1/4 SE 1/4 Sec. 10-119-78	2		
NW 1/4 NW 1/4 Sec. 14-119-78	3		
See Permit No. 1628.3			
See Permit No. 4208.3			

8. Type of Irrigation: Gravity: Towline: Center Pivot: X 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 storage dam located in the SW 1/4 NW 1/4 Sec. 11 T119N-R78W and 5 additional acres as described above.

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



**SOUTH DAKOTA
WATER PERMIT NO. 5765-3**

Date of first receipt of application March 23, 1993.

Date Soil/Water Compatibility Permit received April 2, 1993.

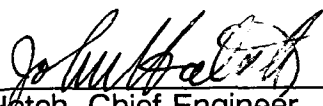
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5765-3 to Margery A. Houck and Eugene D. Horrell, PO Box 203, Gettysburg SD 57442 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5765-3 is for storage of 30 acre-feet of runoff and Missouri River water in an existing dam and to irrigate 5 additional acres. Water Permit Nos. 1628-3 and 4208-3, combined, appropriate 37.35 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 NE 1/4 Section 9-T119N-R78W to irrigate a total of 2,640 acres. An inspection of Permit Nos. 1628-3 and 4208-3 found 8.0 cfs developed diversion rate from the Missouri River to the dam and a diversion rate of 6.02 cfs from the dam for irrigation of 406 developed acres. The dam is located in the SW 1/4 NW 1/4 Section 11-T119N-R78W. The irrigated acres is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 10; SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 11 and the E 1/2 NW 1/4, NE 1/4 Section 14; all in T119N-R78W. The 5 additional acres to be irrigated are located in the SE 1/4 SE 1/4 Section 10 and the NW 1/4 NW 1/4 Section 14; all in T119N-R78W. This permit adds the existing 30 acre-feet storage dam to this irrigation project and irrigates 5 additional acres. No increase in the developed diversion rate 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. 5765-3 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. 5765-3 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

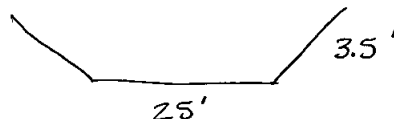
By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 20 1993
date

Application No. 5765-3
 Margery A. Houck and Eugene D. Horrell

$$\begin{aligned} & 318 \text{ ac} \\ & = .4969 \text{ mi}^2 \\ & \frac{40'}{1''} = \frac{40'}{2000'} \\ & = 105.6' / \text{mi} \end{aligned}$$

Spillway Capacity:



$$Q = 2.6(25)(3.5)^{3/2} = 425.61 \text{ cfs}$$

Watershed : $Q = 83.4 (A)^{0.60} (S)^{0.44} (S_i)^{-0.72}$
 $Q = 106 (A)^{0.63} (S)^{0.45} (S_i)^{-0.69}$
 $Q = 589 (A)^{0.77} (S)^{0.46} (S_i)^{-0.67}$

$$Q_{25} = 83.4 (.4969 \text{ mi}^2)^{0.60} (105.6' / \text{mi})^{0.44} (3.33)^{-0.72} = 179.13 \text{ cfs}$$

$$Q_{50} = 106 (.4969 \text{ mi}^2)^{0.63} (105.6' / \text{mi})^{0.45} (3.33)^{-0.69} = 242.17 \text{ cfs}$$

$$Q_{100} = 589 (.4969 \text{ mi}^2)^{0.77} (105.6' / \text{mi})^{0.46} (3.33)^{-0.67} = 1,309.45 \text{ cfs}$$

$$Q_{25} < Q < Q_{100}$$

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4764

WR#

OWNERS NAME: HORRELL, EUGENE D. OWNERS ADDRESS: PO BOX 203
GETTYSBURG SD 57442

COUNTY LAND LOCATED IN: POTTER PHONE: 765-2858

LEGAL DESCRIPTION: ☐ Well ☒ Surface Runoff
1. LOCATION NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-T119N-R78W / Missouri River
Depth SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11-T119N-R78W / Storage Dam

Legal Description	Acres	Legal Description	Acres
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 10-T119N-R78W</u>		<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ & SE$\frac{1}{4}$ SE$\frac{1}{4}$ 10-T119N-R78W</u>	
		<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$ & NW$\frac{1}{4}$ SW$\frac{1}{4}$ 11-T119N-R78W</u>	

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ W CENTER PIVOT: XXX GUN: _____ OTHER: _____ (Specify) _____
3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER/ 7. ADJUSTED (SAR): _____
RUNOFF
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:



Russell J. Stone
Director, Division of Conservation

APRIL 1, 1993
Date

XXX APPROVED _____ REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4765

WR#

OWNERS NAME: HORRELL, EUGENE D. OWNERS ADDRESS: PO BOX 203
GETTYSBURG SD 57442

COUNTY LAND LOCATED IN: POTTER PHONE: 765-2858

LEGAL DESCRIPTION: ☐ Well ☒ Surface MISSOURI RIVER/
1. LOCATION NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-T119N-R78W / Missouri River
Depth SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11-T119N-R78W / Storage Dam

Legal Description	Acres	Legal Description	Acres
<u>NE$\frac{1}{4}$ & E$\frac{1}{4}$ E$\frac{1}{4}$ NW$\frac{1}{4}$ 14-T119N-R78W</u>			
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ & SE$\frac{1}{4}$ SE$\frac{1}{4}$ 11-T119N-R78W</u>			

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: _____
(Specify) _____
3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER/ 7. ADJUSTED (SAR): _____
RUNOFF
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:



Russell J. Stone

Director, Division of Conservation

APRIL 1, 1993
Date

XX APPROVED _____ REQUIREMENTS

DISAPPROVED

WAIVER

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4766

WR#

OWNERS NAME: HORRELL, EUGENE D

OWNERS ADDRESS: PO BOX 203

GETTYSBURG SD 57442

COUNTY LAND LOCATED IN: POTTER

PHONE: 765-2858

LEGAL DESCRIPTION:

☐ Well

☒ Surface MISSOURI RIVER/
RUNOFF

1. LOCATION NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-T119N-R78W / Missouri River

Depth SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11-T119N-R78W / Storage Dam

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$, NE$\frac{1}{4}$ SW$\frac{1}{4}$, SW$\frac{1}{4}$ SW$\frac{1}{4}$, SE$\frac{1}{4}$ SW$\frac{1}{4}$, NW$\frac{1}{4}$ SE$\frac{1}{4}$, S$\frac{1}{4}$ SE$\frac{1}{4}$ (All in Section 14-T119N-R78W)</u>		<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$, NE$\frac{1}{4}$ NW$\frac{1}{4}$ (All in Section 14-T119N-R78W)</u>	

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

3. CROPS TO BE IRRIGATED:

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER/
RUNOFF

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.



Russell J. Starnes

Director, Division of Conservation

APRIL 1, 1993

Date

XX APPROVED

DISAPPROVED

WAIVER

XX REQUIREMENTS

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

RECEIPT

413693

Division of Water Rights

South Dakota Department of Environment and Natural Resources

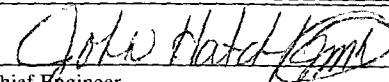
Pierre, _____, March 23, 19 93

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>5765-3</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 
Chief Engineer

Report on Application No. 5765-3
Margery A. Houck and Eugene D. Horrell
April 7, 1993

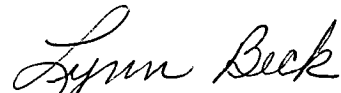
This application is for storage of 30 acre-feet of runoff and Missouri River water in an existing dam and to irrigate 5 additional acres. Water Permit Nos. 1628-3 and 4208-3, combined, appropriate 37.35 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 NE 1/4 Section 9-T119N-R78W to irrigate a total of 2.640 acres. An inspection of Permit Nos. 1628-3 and 4208-3 found a developed diversion rate of 8.0 cfs from the Missouri River to the dam and a diversion rate of 6.02 cfs from the dam for irrigation of 406 developed acres. The dam is located in the SW 1/4 NW 1/4 Section 11-T119N-R78W. The irrigated acreage is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 10; SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 11 and the E 1/2 NW 1/4, NE 1/4 Section 14; all in T119N-R78W. The 5 additional acres to be irrigated are located in the SE 1/4 SE 1/4 Section 10 and the NW 1/4 NW 1/4 Section 14; all in T119N-R78W. This application is to add the existing 30 acre-feet storage dam to this irrigation project and to irrigate 5 additional acres. No increase in the developed diversion rate is authorized by this application.

The dam impounds 30 acre-feet and its effective height is 11.5 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 runoff event.

The dam is located on an unnamed tributary to the Missouri River, approximately 12.75 miles west and 8.5 miles north of Gettysburg, South Dakota. There are no other permits downstream that will be affected by the storage dam.

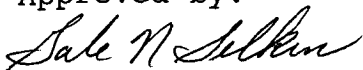
Conclusions:

- 1) Water is available from the drainage and the Missouri River for storage.
- 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. 5765-3, Margery Houck and Eugene Horrell

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. 5765-3, Margery Houck and Eugene Horrell, PO Box 203, Gettysburg, SD 57442.

The Chief Engineer is recommending APPROVAL of Application No. 5765-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Water Permit No. 5765-3 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 Henshaw
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

Margery Houck and Eugene Horrell
PO Box 203
Gettysburg, SD 57442

Dear Ms. Houck and Mr. Horrell:

Water Permit Application No. 5765-3 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 Co. 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
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. 5765-3 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 Margery A. Houck and Eugene D. Horrell, PO Box 203, 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. 5765-3 to Appropriate Water

Notice is given that Margery A. Houck and Eugene D. Horrell, 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 and to irrigate 5 additional acres. Water Permit Nos. 1628-3 and 4208-3, combined, appropriate 37.35 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 NE 1/4 Section 9-T119N-R78W to irrigate a total of 2,640 acres. An inspection of Permit Nos. 1628-3 and 4208-3 found 8.0 cfs developed diversion rate from the Missouri River to the dam and a diversion rate of 6.02 cfs from the dam for irrigation of 406 developed acres. The dam is located in the SW 1/4 NW 1/4 Section 11-T119N-R78W. The irrigated acreage is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 10; SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 11 and the E 1/2 NW 1/4, NE 1/4 Section 14; all in T119N-R78W. The 5 additional acres to be irrigated are located in the SE 1/4 SE 1/4 Section 10 and the NW 1/4 NW 1/4 Section 14; all in T119N-R78W. This application is to add the existing 30 acre-foot storage dam to this irrigation project and to irrigate 5 additional acres. No increase in the developed diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5765-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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. 5765-3 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: 83.68

Jack L. Stoner
(Signature)

Publisher
(Title)

May 13, 1993
(Date Signed)

NOTICE OF HEARING ON APPLICATION NO. 5765-3 TO APPROPRIATE WATER

Notice is given that Margery A. Houck and Eugene D. Horrell, 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 and to irrigate 5 additional acres. Water Permit Nos. 1628-3 and 4208-3, combined, appropriate 37.35 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 NE 1/4 Section 9-T119N-R78W to irrigate a total of 2,640 acres.

An inspection of Permit Nos. 1628-3 and 4208-3 found 8.0 cfs developed diversion rate from the Missouri River to the dam and a diversion rate of 6.02 cfs from the dam for irrigation of 406 developed acres. The dam is located in the SW 1/4 NW 1/4 Section 11-T119N-R78W. The irrigated acreage is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 10; SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 11 and the E 1/2 NW 1/4, NE 1/4 Section 14; all in T119N-R78W. The 5 additional acres to be irrigated are located in the SE 1/4

SE 1/4 Section 10 and the NW 1/4 NW 1/4 Section 14; all in T119N-R78W. This application is to add the existing 30 acre-feet storage dam to this irrigation project and to irrigate 5 additional acres. No increase in the developed diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5765-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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

(over)



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. 5765-3 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.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

Margery A. Houck and
Eugene D. Horrell
PO Box 203
Gettysburg, SD 57442

Dear Ms. Houck and Mr. Horrell:

Enclosed is Water Permit No. 5765-3 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

*Herewith enclosed is our check for \$50.00
to cover cost of inspection, etc.*

Thank you,

Margery A. Houck

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 Margery A. Houck and Eugene D. Horrell of P.O. Box 261, Gettysburg, SD 57442 holder of Permit No. 1628-3 and 4208-3, bearing the priority of October 28, 1968 and November 9, 1977 authorizing the diversion of 22.85 and 14.5 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 the Missouri River - 4 General Electric motors rated at 100 hp and 4 Cornell pumps
rated at 900 gpm each.

At the storage dam - 2 - General Electric motors rated at 100 hp and 2 Valley pumps
rated at 1100 gpm each. General Electric motor rated at 40 hp and
Berkeley pump rated at 1000 gpm.

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

2260' of 6" steel, 2260' of 8" pvc, 8500' of 12" pvc and 5430' of 8" clay tile.

C. Works used to apply water to beneficial use:

2 - Water Drive Valley center pivots, 700' long, 10 towers, with end gun, high pressure
system, 500 gpm each. 2 - Valley center pivots, 1450' long, 11 towers, with end gun, high
pressure system, 1100 gpm each.

The system is in the following condition good. The point of diversion is located 2600' W
and 430' S of the NE corner Sec. 9-119-78 and 340' E and 300' N of the W 1/4 corner Sec.
11-119-78. The works are capable of diverting and conveying to the place of use 8.0 cfs
at the Missouri River and 7.11 cfs thru the center pivots 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:

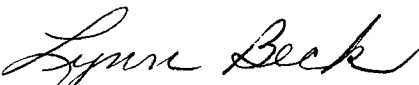
<u>Sec. 10</u>	<u>Sec. 14</u>
<u>SE 1/4 NE 1/4 34 acres</u>	<u>NW 1/4 NW 1/4 3 acres</u>
<u>NE 1/4 SE 1/4 33 "</u>	<u>NE 1/4 15 "</u>
<u>SE 1/4 2 "</u>	<u>SE 1/4 4 "</u>
<u>Sec. 11</u>	<u>NW 1/4 NE 1/4 39 "</u>
<u>SW 1/4 NW 1/4 4 "</u>	<u>NE 1/4 36 "</u>
<u>NW 1/4 SW 1/4 30 "</u>	<u>SW 1/4 37 "</u>
<u>NE 1/4 38 "</u>	<u>SE 1/4 30 "</u>
<u>SW 1/4 30 "</u>	
<u>SE 1/4 40 "</u>	
<u>NW 1/4 SE 1/4 8 "</u>	
<u>SW 1/4 19 "</u>	
<u>SE 1/4 4 "</u>	

comprising a total of 406 acres of land and the license should be issued for 8.0 cfs at
from the Missouri River and 6.0 cfs thru the center pivots and/or 30 acre-feet of storage.

Application permit qualifications have been complied with Y Yes No

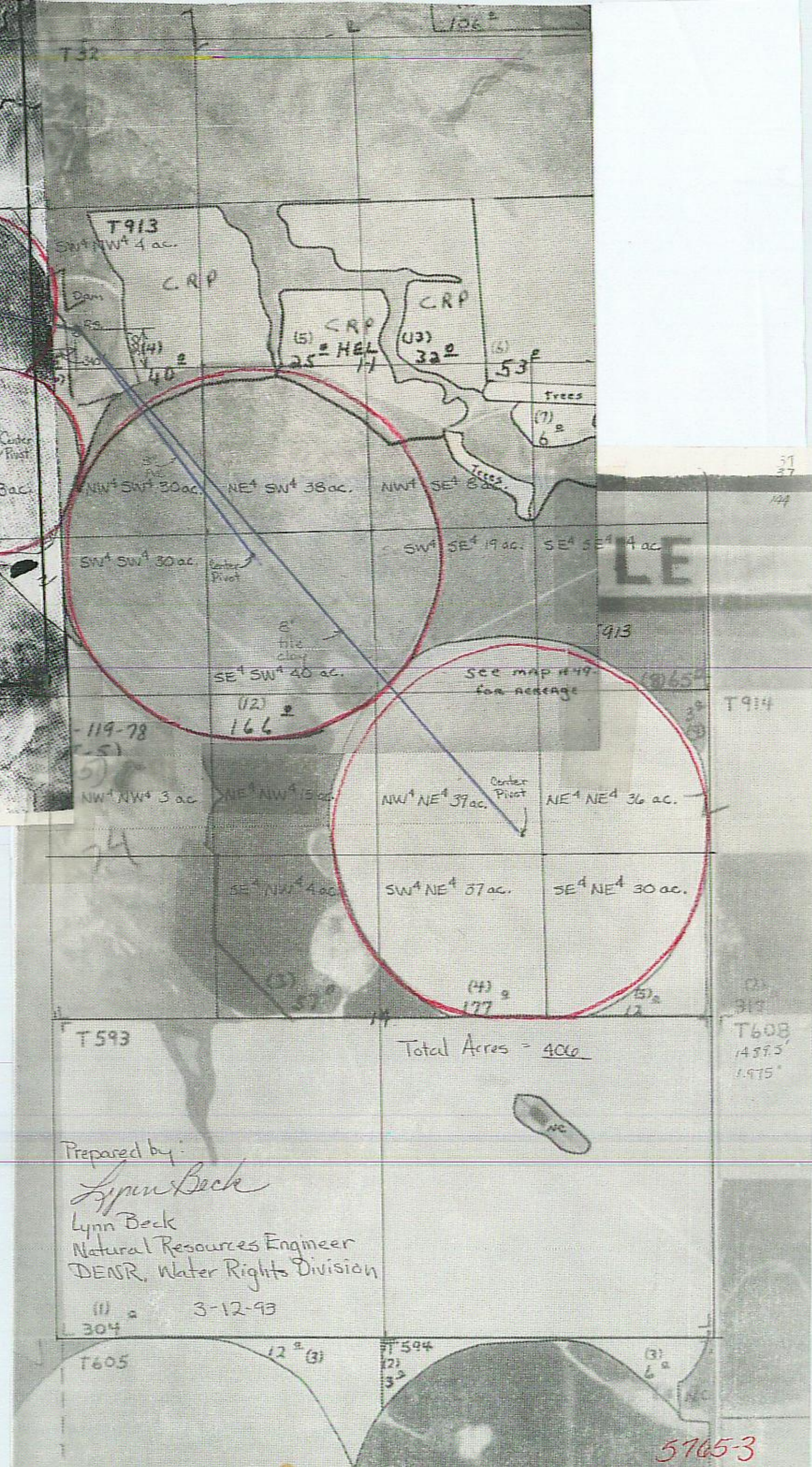
Exceptions to compliance are: none Date 9-21-92

Comments: Application needs to be made for the 30 acre-feet storage dam in the SW 1/4
NW 1/4 of Sec. 11-119-78.


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

* Based on average - a 5.8 cfs
diversion rate is maximum
allowable

bm



5765-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5765-3 FOR IRRIGATION

(1) Margery A. Houck and Eugene D. Horrell of PO Box 203, Gettysburg SD 57442 made Application No. 5765-3, March 23, 1993 for a water permit to store 30 acre-feet of runoff and Missouri River water, Potter County, South Dakota for irrigation purposes. Permit No. 5765-3, with a priority date of March 23, 1993 was approved June 2, 1993 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The water use system authorized under Water Permit Nos. 1628-3, 4208-3 and 5765-3 are operated as one system. The applicable portions of Nos. 1628-3 and 4208-3 have been incorporated into this Water License No. 5765-3. The priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 8.00 cubic feet of water per second from the Missouri River for irrigation and to fill a 30 acre-feet storage dam utilized in the irrigation system. A maximum diversion rate of 5.8 cubic feet of water per second is authorized for irrigation of the acreage (listed below). The location of the diversion points are: at the Missouri River - 2600 feet W and 430 feet S of the NE corner of Section 9-T119N-R78W (NW 1/4 NE 1/4); at the storage dam - 340 feet E and 300 feet N of the W 1/4 corner Section 11-T119N-R78W (SW 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:

all in T119N-R78W

Section 10		Section 11	
SE 1/4 NE 1/4	34 acres	SW 1/4 NW 1/4	4 acres**
NE 1/4 SE 1/4	33 acres	NW 1/4 SW 1/4	30 acres
SE 1/4 SE 1/4	2 acres *	NE 1/4 SW 1/4	38 acres
Section 14		SW 1/4 SW 1/4	30 acres
NW 1/4 NW 1/4	3 acres*	SE 1/4 SW 1/4	40 acres
NE 1/4 NW 1/4	15 acres	NW 1/4 SE 1/4	8 acres
SE 1/4 NW 1/4	4 acres	SW 1/4 SE 1/4	19 acres
NW 1/4 NE 1/4	39 acres	SE 1/4 SE 1/4	4 acres
NE 1/4 NE 1/4	36 acres	Total	406 acres
SW 1/4 NE 1/4	37 acres		
SE 1/4 NE 1/4	30 acres		

* SE 1/4 SE 1/4 Section 10 and NW 1/4 NW 1/4 Section 14 - Priority date of June 2, 1993 (5765-3)

** SW 1/4 NW 1/4 Section 11 - Priority date of November 9, 1977 (4208-3)

Remaining acreage - Priority date of October 28, 1968 (1628-3)

(continued)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Margery A. Houck and Eugene D. Horrell of PO Box 203, Gettysburg SD 57442 the holders and/or owners of Incorporated Water Permit No. 5765-3 is issued a license to appropriate water, the right to divert 8.00 cubic feet of water per second from the Missouri River for irrigation and to fill 30 acre-feet storage dam from locations speicfied in (2) of this license. The holders and/or owners have the right to divert at a rate of 5.8 cubic feet of water per second for irrigation of the land specified in (3) of this license with priority dates of October 28, 1968, November 9, 1977 and June 2, 1993. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5765-3 and subject to South Dakota State Law.



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

NOV 14 1994

date

RECEIPT

413903

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 23, 19 93

RECEIVED OF Margery A Houck, PO Box 261, 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>5765-3</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 John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

5765-3

Margery A. Houck and
Eugene D. Horrell
P.O. Box 203
Gettysburg, SD 57442

Dear Ms. Houck and Mr. Horrell:

Enclosed is Water License No. 5765-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413903 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5765-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Nos. 1628-3 and 4208-3 have been incorporated into this Water License No. 5765-3.

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.

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

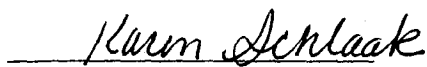
No. 1632-2

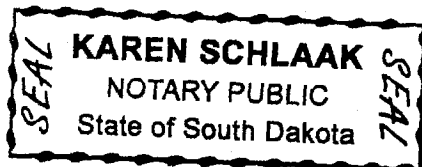
Robert D Houck, Margery Houck & Eugene Horrell, PO Box 230, Gettysburg SD 57442
Nos. 5762-3 & 5765-3

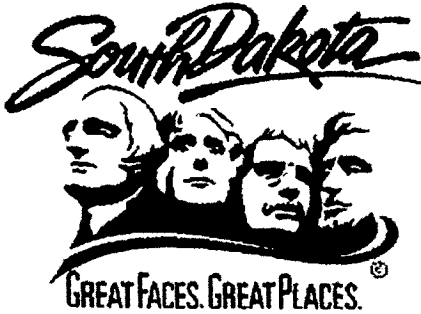

Gail Jacobson
Secretary/Water Rights

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

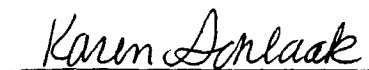
- Robert D & Margery Houck & Eugene Horrell, PO Box 203, Gettysburg SD 57442 0203



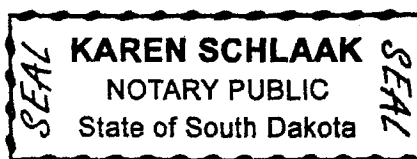
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



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.

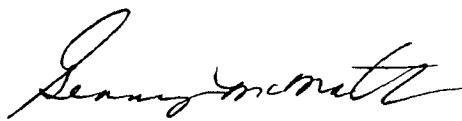
Each water right authorizes use of water from a 30 acre-feet dam. The storage dams are still in place and used for domestic purposes.

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

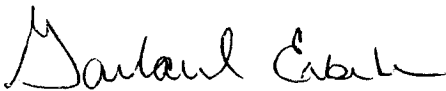
Based on the Board action to cancel the irrigation portion of the water rights, it is recommended that the water licenses be re-issued for stock watering purposes for the storage dams.



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. 5765-3

(1) Margery A Houck and Eugene D Horrell, PO Box 203, Gettysburg SD 57442-0203 were issued Water License No. 5765-3, November 14, 1994 for a water right to divert 8.00 cubic feet of water per second from the Missouri River with storage of 30 acre feet for irrigation purposes. The project located in Potter County carried priority dates of October 28, 1968, November 9, 1977 and March 23, 1993.

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 Margery A Houck and Eugene D Horrell, PO Box 203, Gettysburg SD 57442-0203 the holders and/or owners of Water Right No. 5765-3 are 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 SW ¼ NW ¼ Section 11 T119N, R78W and impounds water within the same quarter-quarter.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5765-3.



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

JUN 20 2012

date

