

WATER PERMIT NO. 5778-3

Phone: 229-4086

Name of Applicant: Missouri River Investments, Larry Braun

Post Office Address: Box 158, Warner SD 57479

Amount of Water Claimed: no add'l Total Acres: 57.5 additional

Source of Water Supply: Missouri River and storage dams

Water to be used for: irrigation County: Sully

About 15 miles southwest of Onida

PRIORITY Date Received: 5-4-93 Fee: 150.00 Remarks: 57.5 add'l
acres to Permit Nos. 2003-3 and 3731-3

Corrected Application Received: _____ Period of Annual Use: April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 7-14-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Missouri River - NE 1/4 NE 1/4

Sec 17-113-80 storage dam - SW 1/4 SW 1/4

Sec 28-114-80

Land to be Irrigated: S 1/2 NW 1/4, S 1/2 NE 1/4

Sec 28; NW 1/4 NW 1/4 Sec 33; SW 1/4 NW 1/4,

W 1/2 SW 1/4 Sec 27; all in T114N-R80W

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

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

Assigned on: 5-4-93 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. 5778-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Onida Watchman, Box 205, Onida
(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.** 2003-3
(check one) (Use predates Mar 2, 1955) 3731-3
3125-3

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

- Name of Applicant Missouri River Investments, Larry Braun Phone (605) 229-4086
Mailing Address Box 158, Warner State SD 57479
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed no add'l *CFS or **GPM ***AF Total Acreage 57.5 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable) corrected
- Source of water supply Missouri River and storage dams CNE1/4 NE1/4 Sec 17-113-80
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) At the Missouri River - 400' S
and 270' W of the SE corner of Sec. 8-113-80. Dam in the SW1/4 SW1/4 Sec. 28-114-80 -
525' E and 600' N of the SW corner of Sec. 28-114-80. County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used April 1 thru October 31 for irrigation, year round for
storage.
- 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
SW1/4 NW1/4 Sec. 28-114-80
SE1/4 NE1/4 NW1/4 "
SW1/4 NE1/4 "
SE1/4 NE1/4 "

Acres
9
15
6
13

Land Description
NW1/4 NW1/4 Sec. 33-114-80
SW1/4 NW1/4 Sec. 27-114-80
NW1/4 SW1/4 "
SW1/4 SW1/4 "

Acres
1
0.5
11
2

- Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): _____
- Crops to be irrigated: _____
- Give a description of the project. (Attach sheet if more space is needed)

This application is for 57.5 additional acres to Permit Nos. 2003-3 and 3731-3.

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 Brown)^{ss}

I, Larry Braun, 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 Larry Braun

Subscribed and sworn to before me this 3 day of May 19 93

Kimberly Rae Schneider
Notary Public

follows: All in T114N, R80W

Sec. 27:

Sec. 29:

Sec. 31:

<u>SW1/4 NW1/4</u>	<u>0.5 acres</u>	<u>NW1/4 SE1/4</u>	<u>28 acres</u>	<u>NW1/4 SE1/4</u>	<u>33 acres</u>
<u>NW1/4 SW1/4</u>	<u>11 "</u>	<u>NE1/4</u>	<u>9 "</u>	<u>NE1/4</u>	<u>32 "</u>
<u>SW1/4</u>	<u>2 "</u>	<u>SW1/4</u>	<u>38</u>	<u>SW1/4</u>	<u>32 "</u>
		<u>SE1/4</u>	<u>24 "</u>	<u>SE1/4</u>	<u>33 "</u>

Sec. 28:

Sec. 31:

Sec. 32:

<u>SW1/4 NW1/4</u>	<u>9 acres</u>	<u>NW1/4 NW1/4</u>	<u>32 acres</u>	<u>NE1/4 NW1/4</u>	<u>33 acres</u>
<u>SE1/4</u>	<u>15 "</u>	<u>NE1/4</u>	<u>33 "</u>	<u>SE1/4</u>	<u>34 "</u>
<u>SW1/4 NE1/4</u>	<u>6 "</u>	<u>SW1/4</u>	<u>33 "</u>	<u>NW1/4 NE1/4</u>	<u>39 "</u>
<u>SE1/4</u>	<u>13 "</u>	<u>SE1/4</u>	<u>32 "</u>	<u>NE1/4</u>	<u>20 "</u>
<u>NW1/4 SW1/4</u>	<u>33 "</u>	<u>NW1/4 NE1/4</u>	<u>29 "</u>	<u>SW1/4</u>	<u>34 "</u>
<u>NE1/4</u>	<u>40 "</u>	<u>NE1/4</u>	<u>32 "</u>	<u>NW1/4 SW1/4</u>	<u>3 "</u>
<u>SW1/4</u>	<u>11 "</u>	<u>SW1/4</u>	<u>32 "</u>	<u>NE1/4</u>	<u>36 "</u>
<u>SE1/4</u>	<u>24 "</u>	<u>SE1/4</u>	<u>33 "</u>	<u>SW1/4</u>	<u>4 "</u>
<u>NW1/4 SE1/4</u>	<u>37 "</u>	<u>NW1/4 SW1/4</u>	<u>32 "</u>	<u>SE1/4</u>	<u>36 "</u>
<u>NE1/4</u>	<u>38 "</u>	<u>NE1/4</u>	<u>32 "</u>	<u>NW1/4 SE1/4</u>	<u>27 "</u>
<u>SW1/4</u>	<u>13 "</u>	<u>SW1/4</u>	<u>32 "</u>	<u>SW1/4</u>	<u>27 "</u>
<u>SE1/4</u>	<u>24 "</u>	<u>SE1/4</u>	<u>32 "</u>		

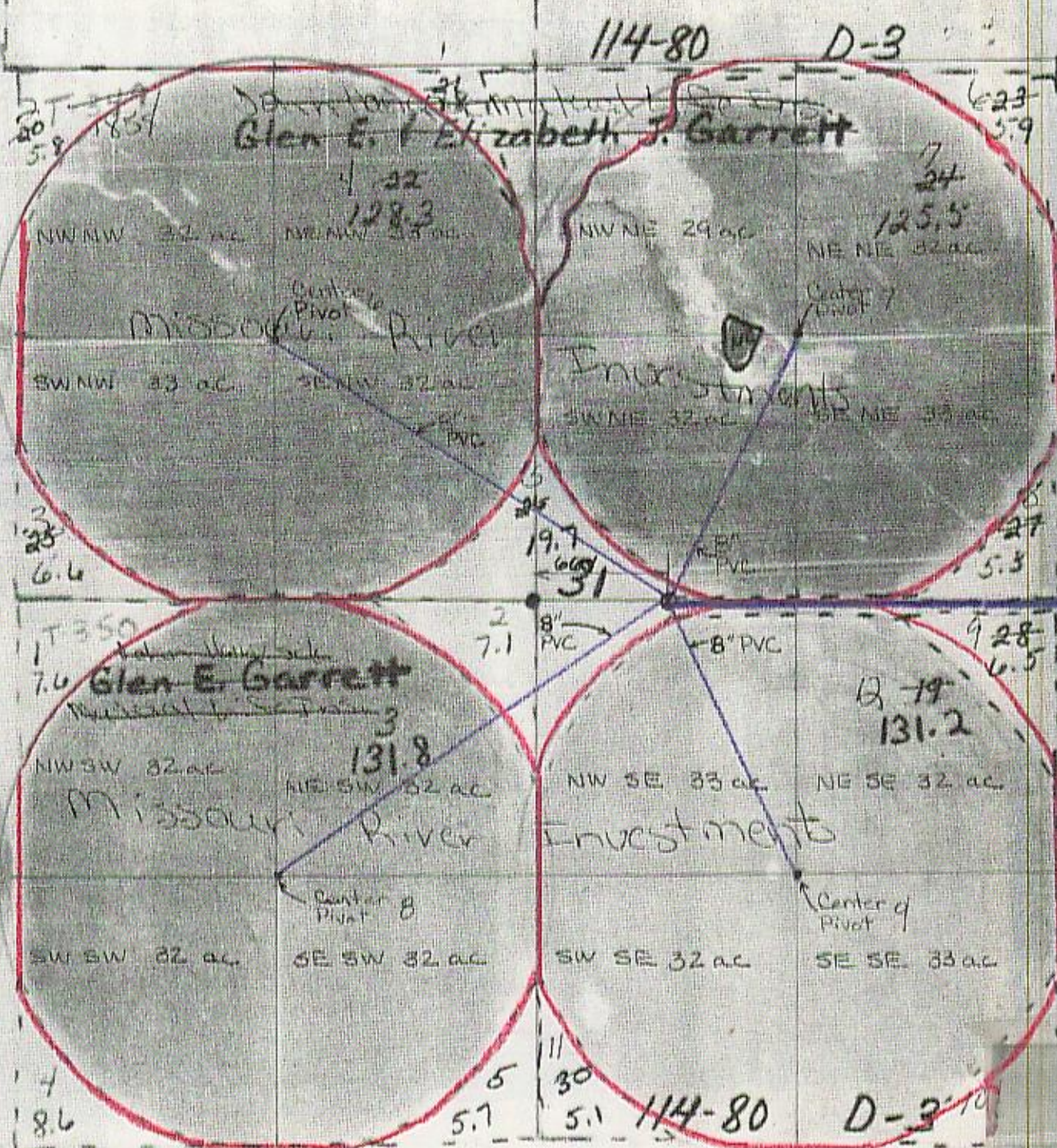
NOT TO SCALE NOT TO SCALE NOT TO SCALE

Missouri River Investments
153.4 90.8

Missouri River Investments
80.3

Wm Floyd III
Total Acres 118.5

NOT TO SCALE



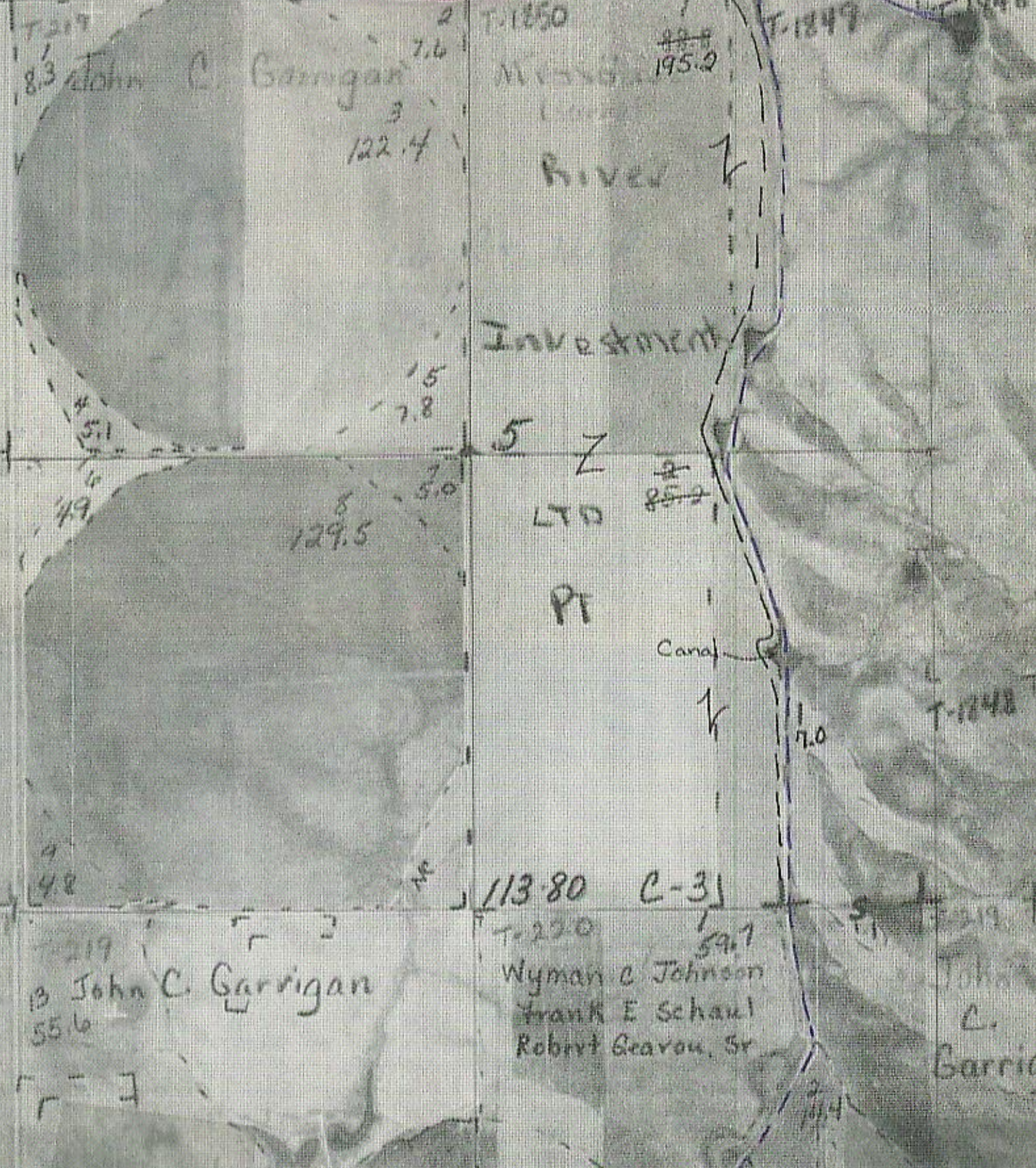
Missouri River Investments

Missouri River Investments

John Hancock Mutual Life Ins.

John Hancock Mutual Life Ins.

BankWest Pierre



**SOUTH DAKOTA
WATER PERMIT NO. 5778-3**

Date of first receipt of application May 4, 1993.

Date Soil/Water Compatibility Permit received July 14, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5778-3 to Missouri River Investments, Larry Braun, Box 158, Warner SD 57479 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. 5778-3 corrects the location of 57.5 acres, specifies the correct location of the diversion point from the Missouri River and specifies the capacity of the storage dams utilized as part of the irrigation system. Water Permit No. 2003-3 appropriates 12.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 840 acres located in the E 1/2 Section 5-T113N-R80W and Section 32-T114N-R80W. Water Permit No. 3731-3 appropriates 10.7 cfs from the Missouri River and Hidden Timber Draw to irrigate 750 acres located in the N 1/2, SE 1/4 Section 29; NE 1/4, E 1/2 NW 1/4 Section 34 and the S 1/2 Section 28; all in T114N-R80W. Water Permit No. 3125-3 appropriates 9.1 cfs from the Missouri River for irrigation of 640 acres in Section 31-T114N-R80W. An inspection of the permits found 1,183.5 of the 2,230 acres authorized by Permit Nos. 2003-3, 3125-3, 3731-3 being irrigated. The diversion point from the Missouri River is located in the NE 1/4 NE 1/4 Section 17-T113N-R80W and is capable of diverting 17.8 cfs from the Missouri River. The irrigation system utilizes a canal and two storage dams. The dams are located in the S 1/2 SE 1/4 Section 32 (22 acre feet capacity) and SW 1/4 SW 1/4 Section 28; E 1/2 SE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33 (1,090 acre feet capacity); all in T114N-R80W. This permit also corrects the location of 57.5 acres which are located in the S 1/2 NW 1/4, S 1/2 NE 1/4 Section 28; NW 1/4 NW 1/4 Section 33; SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 27; all in T114N-R80W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 3 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:

April 1 - October 31 for irrigation purposes
January 1 - December 31 for storage of water in dams.
3. The date from which applicant may claim right is established by applicable portions of Water Permit No. 2003-3 (July 23, 1973); Water Permit No. 3125-3 (October 25, 1976); and Water Permit No. 3731-3 (February 23, 1977).
4. The date of approval of Permit No. 5778-3 is September 7, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. Water Permit Nos. 2003-3, 3125-3 and 3731-3 and Water Permit No. 5778-3, combined, authorize storage of up to 22 acre-feet of water in the dam located in the S 1/2 Section 32 and 1,090 acre-feet of water in the dam located in the SW 1/4 SW 1/4 Section 28; E 1/2 NW 1/4, S 1/2 NE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33; all in T114N-R80W.
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

JAN 4 1994
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 1993

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Mr. Braun:

Please find enclosed a partially completed application form and instruction sheet for 57.5 additional acres located in the SW 1/4 NW 1/4, W 1/4 SW 1/4 Sect. 27; SW 1/4 NW 1/4, E 1/2 and SW 1/4 NE 1/4 Sect. 28; and NW 1/4 NW 1/4 Sect. 33 (see map). You will not have to provide a map, as I have already prepared one. Also enclosed is a copy of your irrigation map.

The lands listed on this application were not covered under Permit Nos. 2003-3, 3125-3 or 3731-3. Therefore a new application must be made to cover such lands. The fee for this application is \$150.00, as per number 6 on the instruction sheet.

After the application has been sent in and approved, the permits will be licensed as per number 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resource Engineer III
Water Rights Division
(605) 773-3352

enclosures

RECEIPT

413755

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 4, 19 93

RECEIVED OF Missouri River Investments, Box 158, Warner, SD 57479

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

Fee for Application for Permit No. <u>5778-3</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

PAYMENT REQUEST FORM

PAYEE: Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

FROM: DENR
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Originally paid \$150. for Water Permit No. 5778-3, but should have only paid \$50., also needed to pay \$50. final inspection fee; therefore, remaining \$50. needs to be refunded.

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John Hatito

1-4-94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

WR#

4773

OWNERS NAME: LARRY BRAUN
MISSOURI RIVER INVESTMENTS

OWNERS ADDRESS: BOX 158
WARNER SD 57479

COUNTY LAND LOCATED IN: SULLY PHONE: (605) 229-4086

MISSOURI RIVER &
STORAGE DAMS

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION At the Missouri River - 400' S & 280' W of the SW $\frac{1}{4}$ 2-T113N-R80W

Depth Dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T114N-R80W - 525' E & 600' N of SW $\frac{1}{4}$ 28-T114N-R80W

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T114N-R80N	9.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33-T114N-R80N	1.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T114N-R80W	15.0	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 27-T114N-R80W	0.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T114N-R80W	6.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T117N-R80W	11.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T114N-R80W	13.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27-T114N-R80W	2.0

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

Russell H. Hare

Director, Division of Conservation

July 9, 1993

Date

APPROVED

DISAPPROVED
~~XXX~~ WAIVER

REQUIREMENTS

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

Large Dam

$$Q_{25} = 82.4 A^{0.60} S^{0.44} S_i^{-0.72} \quad Q_{100} = 132 A^{0.65} S^{0.46} S_i^{-0.67}$$

$$Q_{50} = 106 A^{0.63} S^{0.45} S_i^{-0.69}$$

$$1280 \text{ ac.} \cdot 0.0305'/\text{mi}$$

$$A = 2 \text{ mi}^2$$

$$S = 161' / \text{mi}$$

$$S_i = 3.33$$

$$Q_{25} = 497.3 \text{ cfs}$$

$$5440 \text{ ac.} \cdot 0.0075'/\text{mi}$$

$$A = 8.5 \text{ mi}^2$$

$$S = 39.5' / \text{mi}$$

$$S_i = 3.33$$

$$Q_{25} = 638.5 \text{ cfs}$$

$$Q_{25 \text{ total}} = 1418.4 \text{ cfs}$$

$$960 \text{ ac.} \cdot 0.0125'/\text{mi}$$

$$A = 1.5 \text{ mi}^2$$

$$S = 46' / \text{mi}$$

$$S_i = 3.33$$

$$Q_{25} = 282.6 \text{ cfs}$$

$$Q_{50} = 703.9 \text{ cfs}$$

$$Q_{50} = 930.7 \text{ cfs}$$

$$Q_{50} = 393.1 \text{ cfs}$$

$$Q_{50 \text{ total}} = 2,027.7 \text{ cfs}$$

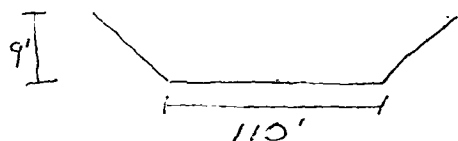
$$Q_{100} = 958. \text{ cfs}$$

$$Q_{100} = 1285.6 \text{ cfs}$$

$$Q_{100} = 527.2 \text{ cfs}$$

$$Q_{100 \text{ total}} = 2770.8 \text{ cfs}$$

Spillway Capacity: 1090 ac. ft. Dam



$$Q = CLH^{3/2}$$

$$Q = 2.6 \times 110' \times 9'^{1.5} = 7722 \text{ cfs}$$

Spillway will pass $> Q_{100} \therefore$ O.K.

$$55 \times 1090 \text{ ac. ft.} = 59,950 > 2,000 \therefore$$

$$\text{storage } 1030 \text{ ac. ft.} > 1000 \text{ ac. ft.}$$

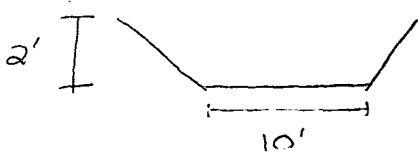
Category 3, Interior State Flood Dam. Must meet 100-year frequency.

Small Dam

$$20' \times 22 \text{ ac.} \cdot \bar{A} = 440 < 3,000$$

25,000' < 100,000' : small dam, category 3

Spillway Capacity:



$$Q = 2.611 \bar{A}^{0.48}$$

$$Q = 2.6 \times 10' \times 2^{1.5} = 73.5 \text{ cfs}$$

$$\begin{aligned} Q_{25} &= 22.1 \bar{A}^{0.63} S^{0.44} S_i^{-0.72} \\ &= 22.1 (.45)^{0.63} (9.26)^{0.44} (3.33)^{-0.72} \\ &= 57.81 \text{ cfs} \end{aligned}$$

$$\bar{A} = 289 \text{ ac.} = .45 \text{ mi}^2$$

$$S = \frac{10'}{5700'} = .0018',$$

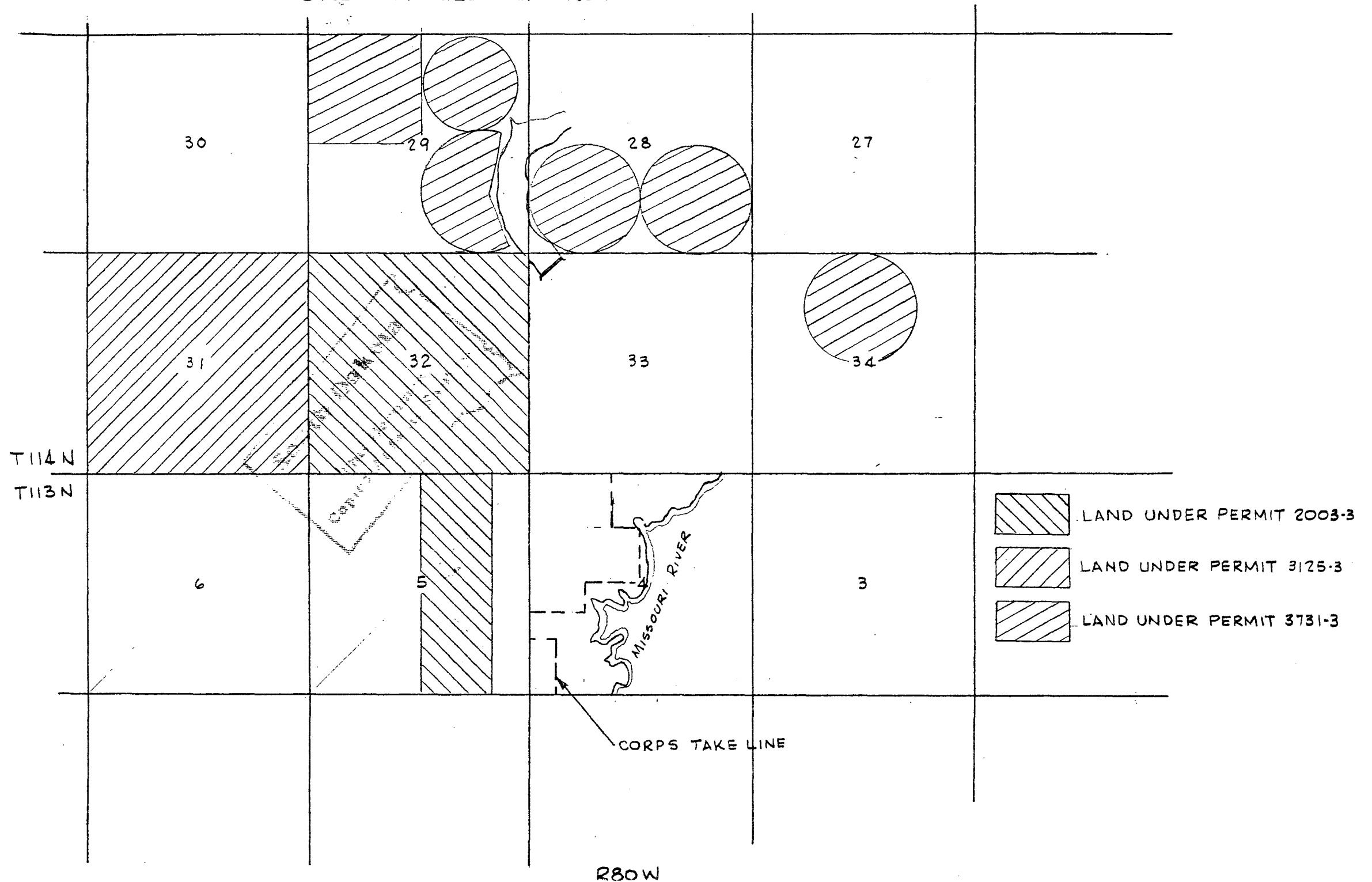
$$= 9.26' / \text{mi}$$

$$S_i = 3.33$$

$$Q_{25} < Q_{\text{spillway}} \therefore \text{O.K.}$$

$$\begin{aligned} Q_{50} &= 106 (.45)^{0.63} (9.26)^{0.44} (3.33)^{-0.72} \\ &= 76.1 \text{ cfs} \end{aligned}$$

SKETCH GLEN GARRETT IRRIGATION PROJECTS



**Report on Application No. 5778-3
Missouri River Investments, Larry Braun
July 19, 1993**

This application is to correct the location of 57.5 acres, specify the correct location of the diversion point from the Missouri River and specify the storage capacity of the dams utilized as part of the irrigation system. Water Permit No. 2003-3 appropriates 12.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 840 acres located in the E 1/2 Section 5, T113N, R80W and Section 32, T113N, R80W. Water Permit No. 3731-3 appropriates 10.7 cfs from the Missouri River and Hidden Timber Draw to irrigate 750 acres located in the N 1/2, SE 1/4 Section 29; NE 1/4, E 1/2 NW 1/4 Section 34 and the S 1/2 Section 28; all in T114N, R80W. Water Permit No. 3125-3 appropriates 9.1 cfs from the Missouri River for irrigation of 640 acres in Section 31, T114N, R80W.

An inspection of the permits found 1183.5 of the 2230 acres authorized by Permit Nos. 2003-3, 3125-3 and 3731-3 being irrigated. The diversion point from the Missouri River is located in the NE 1/4 NE 1/4 Section 17, T113N, R80W and is capable of diverting 17.8 cfs from the Missouri River. The irrigation system utilizes a canal and two storage dams. The dams are located in the S 1/2 SE 1/4 Section 32 (22 acre foot capacity) and SW 1/4 SW 1/4 Section 28; E 1/2 SE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33 (1,090 acre foot capacity); all in T114N, R80W. This application also proposes to correct the location of 57.5 acres which are located in the S 1/2 NW 1/4, S 1/2 NE 1/4 Section 28; NW 1/4 NW 1/4 Section 33; SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 27; all in T114N, R80W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application.

The dams impound 22 acre-feet and 1090 acre feet and the effective heights are 20 feet and 55 feet respectively. The 22 acre-foot dam is classified as a category 3, small size dam and the 1090 acre-foot dam is classified as a category 3, intermediate size dam. Although both dams were constructed prior to 1986, and are exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08, the spillway of the small dam will pass more than the 25 year runoff event and the spillway of the larger dam will pass more than the 100 year runoff event.

Both dams are located on unnamed tributaries to the Missouri River, approximately 20 miles west and 4 miles south of Onida, South Dakota. There are no other permits downstream that will be affected by the storage dams.

The diversion point is located at the Missouri River in the NE 1/4 NE 1/4 Section 17, T113N, R80W. There exists a diversion point 785' W and 360' N of this application under permit no. 2115-3. This application will not affect the diversion point under permit no. 2115-3.

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 for the 22 acre-foot dam will pass more than a 25 year runoff event and the spillway for the 1090 acre-foot dam will pass more than a 100 year runoff event.
- 4) The storage dams are authorized by Permit No. 2003-3 and are already in existence, part of this application is to specify their capacity.

Lynn Beck

Lynn Beck
Natural Resources Engineer III

Approved by:

Gale N. Selken 

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5778-3, Missouri River Investments

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. 5778-3, Missouri River Investments, c/o Larry Braun, Box 158, Warner, SD 57479.

The Chief Engineer is recommending APPROVAL of Application No. 5778-3 because 1) the proposed diversion can be 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. Water Permit Nos. 2003-3, 3125-3 and 3731-3 and Water Permit No. 5778-3, combined, authorize storage of up to 22 acre-feet of water in the dam located in the S 1/2 Section 32 and 1,090 acre-feet of water in the dam located in the SW 1/4 SW 1/4 Section 28; E 1/2 NW 1/4, S 1/2 NE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33; all in T114N-R80W.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 10, 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.

August 11, 1993

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Mr. Braun:

Water Permit Application No. 5778-3 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 Onida Watchman printed at Onida, SD (Ph # 258-2724 or 224-6982). 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

August 11, 1993

Onida Watchman
Box 205
Onida, SD 57564

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5778-3 to be published twice. Please publish the first notice on August 19, 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 Missouri River Investments, Larry Braun, Box 158, Warner, SD 57479 (Ph # 229-4086).

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
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 August 19, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5778-3 to
to Correct Water Permit Nos. 2003-3, 3125-3 and 3731-3

Notice is given that Missouri River Investments, Larry Braun, Box 158, Warner, SD 57479 has filed an application for a water permit to correct the location of 57.5 acres, specify the correct location of the diversion point from the Missouri River and specify the capacity of the storage dams utilized as part of the irrigation system. Water Permit No. 2003-3 appropriates 12.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 840 acres located in the E 1/2 Section 5-T113N-R80W and Section 32-T114N-R80W. Water Permit No. 3731-3 appropriates 10.7 cfs from the Missouri River and Hidden Timber Draw to irrigate 750 acres located in the N 1/2, SE 1/4 Section 29; NE 1/4, E 1/2 NW 1/4 Section 34 and the S 1/2 Section 28; all in T114N-R80W. Water Permit No. 3125-3 appropriates 9.1 cfs from the Missouri River for irrigation of 640 acres in Section 31-T114N-R80W. An inspection of the permits found 1,183.5 of the 2,230 acres authorized by Permit Nos. 2003-3, 3125-3, 3731-3 being irrigated. The diversion point from the Missouri River is located in the NE 1/4 NE 1/4 Section 17-T113N-R80W and is capable of diverting 17.8 cfs from the Missouri River. The irrigation system utilizes a canal and two storage dams. The dams are located in the S 1/2 SE 1/4 Section 32 (22 acre-foot capacity) and SW 1/4 SW 1/4 Section 28; E 1/2 SE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33 (1,090 acre-foot capacity); all in T114N-R80W. This application also proposes to correct the location of 57.5 acres which are located in the S 1/2 NW 1/4, S 1/2 NE 1/4, Section 28; NW 1/4 NW 1/4 Section 33; SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 27; all in T114N-R80W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5778-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 September 7, 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sully) ss

I, Parker Knox

certify that the attached printed Notice was

taken from the Onida

Hatchman

printed and published in Onida

County of Sully and State of

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

Aug. 19, 1993

Aug. 26, 1993

Cost of Printing: \$50.67

Parker Knox
(Signature)

publisher
(Title)

Aug. 26, 1993
(Date Signed)

NOTICE OF APPLICATION NO. 5778-3 to Correct Water Permit Nos. 2003-3, 3125-3 and 3731-3

Notice is given that Missouri River Investments, Larry Braun, Box 158, Warner, SD 57479 has filed an application for a water permit to correct the location of 57.5 acres, specify the correct location of the diversion point from the Missouri River and specify the capacity of the storage dams utilized as part of the irrigation system. Water Permit No. 2003-3 appropriates 12.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 840 acres located in the E 1/2 Section 5-T113N-R80W and Section 32-T114N-R80W. Water Permit No. 3731-3 appropriates 10.7 cfs from the Missouri River and Hidden Timber Draw to irrigate 750 acres located in the N 1/2, SE 1/4 Section 29; NE 1/4, E 1/2 NW 1/4 Section 34 and the S 1/2 Section 28; all in T114N-R80W. Water Permit No. 3125-3 appropriates 9.1 cfs from the Missouri River for irrigation of 640 acres in Section 31-T114N-R80W. An inspection of the permits found 1,183.5 of the 2,230 acres authorized by Permit Nos. 2003-3, 3125-3, 3731-3 being irrigated. The diversion point from the Missouri River is located in the NE 1/4 NE 1/4 Section 17-T113N-R80W and is capable of diverting 17.8 cfs from the Missouri River. The irrigation system utilizes a canal and two storage dams. the dams are located in the S 1/2 SE 1/4 Section 32 (22 acre-foot capacity) and SW 1/4 SW 1/4 Section 28; E 1/2 SE 1/4 Section 29 and the NW 1/4 NW 1/4 Section 33 (1,090 acre-foot capacity); all in T114N-R80W. This application also proposes to correct the location of 57.5 acres which are located in the S 1/2 NW 1/4, S 1/2 NE 1/4, Section 28; NW 1/4 NW 1/4 Section 33; SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 27; all in T114N-R80W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-

PROVAL of Application No. 5778-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

-32-33





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 4 1994

5778-3

Larry Braun
Missouri River Investments
Box 158
Warner, SD 57479

Dear Mr. Braun:

Enclosed are Water Permit and Water License No. 5778-3. Water License No. 5778-3 is the final document which completes the process of obtaining a water right.

On May 4, 1993, you submitted a \$150 filing fee for Permit No. 5778-3. It was later determined the filing fee for the permit should have been \$50. The license fee is an additional \$50; therefore, the remaining \$50 will be refunded to you. You should receive this refund in a couple of weeks.

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 2003-3, 3125-3 and 3731-3 are incorporated into 5778-3.

Permit No. 3731-3, 3125-3 and 2003-3Missouri 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 Missouri River Investments, Larry Braun of Box 158, Warner, SD 57479 holder of Permit No. 3731-3, 3125-3 and 2003-3 , bearing the priority of February 23, 1977; October 25, 1976; July 23, 1973 authorizing the diversion of 10.7; 9.1; 12 cu. ft. per second and/or the storage of 3100 acre-feet of the waters of Missouri River for irrigation purposes, in Sully County.

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

A. Works used to divert the water:

See attached inspection sheets.

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

See attached inspection sheets.

C. Works used to apply water to beneficial use:

See attached inspection sheets.

The system is in the following condition good. The point of diversion is located at the Missouri River - 400' S and 270' W of the SE corner Sec. 8, T113N, R80W (see attached inspection sheets for other div. pts.). The works are capable of diverting and conveying to the place of use 17.78 cfs from the Missouri River and 16 cfs through the center pivots cu. ft. per second of water and/or storing 1090 ac. ft. and 22 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 T114N, R80W

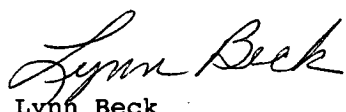
<u>Sec. 27:</u>	<u>Sec. 29:</u>	<u>Sec. 31:</u>
<u>SW1/4 NW1/4 0.5 acres</u>	<u>NW1/4 SE1/4 28 acres</u>	<u>NW1/4 SE1/4 33 acres</u>
<u>NW1/4 SW1/4 11 "</u>	<u>NE1/4 9 "</u>	<u>NE1/4 32 "</u>
<u>SW1/4 2 "</u>	<u>SW1/4 38</u>	<u>SW1/4 32 "</u>
	<u>SE1/4 24 "</u>	<u>SE1/4 33 "</u>

<u>Sec. 28:</u>			<u>Sec. 31:</u>			<u>Sec. 32:</u>		
SW1/4 NW1/4	9 acres		NW1/4 NW1/4	32 acres		NE1/4 NW1/4	33 acres	
SE1/4	15 "		NE1/4	33 "		SE1/4	34 "	
SW1/4 NE1/4	6 "		SW1/4	33 "		NW1/4 NE1/4	39 "	
SE1/4	13 "		SE1/4	32 "		NE1/4	20 "	
NW1/4 SW1/4	33 "		NW1/4 NE1/4	29 "		SW1/4	34 "	
NE1/4	40 "		NE1/4	32 "		NW1/4 SW1/4	3 "	
SW1/4	11 "		SW1/4	32 "		NE1/4	36 "	
SE1/4	24 "		SE1/4	33 "		SW1/4	4 "	
NW1/4 SE1/4	37 "		NW1/4 SW1/4	32 "		SE1/4	36 "	
NE1/4	38 "		NE1/4	32 "		NW1/4 SE1/4	27 "	
SW1/4	13 "		SW1/4	32 "		SW1/4	27 "	
SE1/4	24 "		SE1/4	32 "		<u>Sec. 33:</u>		
						NW1/4 NW1/4	1 "	

comprising a total of 1183.5 acres of land and the license should be issued for 17.78 cfs from the Missouri River and 16 cfs from the storage dams cfs and/or 1090 ac. ft. and 22 acre-feet of storage.

Application permit qualifications have been complied with Yes X No

Exceptions to compliance are: 57.5 acres are being irrigated that are not covered under a permit. Needs to make application for these acres. Date 7-27-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 3731-3

DATE 7-27-92

Other permit(s) associated with the project 3125-3 and 2003-3

DIVERSION POINT LEGAL LOCATION: Missouri River - 400'S and 270' W of the SE corner of Sec. 8-113-80.

- | | | |
|-----------|-------------------------------------|-----------------------------------|
| | b) Pump | 1) make <u>4 - Johnston</u> |
| | | 2) model <u>APT-21140 thru 43</u> |
| a) Motor: | | 3) size <u>inches</u> |
| | 1) make <u>4 - General Electric</u> | 4) capacity <u>2000 each</u> GPM |
| | 2) model No. <u>5K6257XM500C</u> | 5) turbine pump - No. of stages |
| | 3) horsepower rating <u>100</u> hp | 6) operating pressure <u>PSI</u> |

DIVERSION POINT LEGAL LOCATION: 22 ac. ft. storage dam in SE1/4 Sec 32-114-80 - 75' W and 115' and 190' W and 190' S of the center of the SE1/4 Sec. 32-114-80.

Pumps water to the center pivot in the N1/2 Sec. 32-114-80.

- | | | |
|-----------|--------------------------------------|----------------------------------|
| | b) Pump | 1) make <u>Cornell</u> |
| | | 2) model <u>4YB75-2</u> |
| a) Motor: | | 3) size <u>8 3/4</u> inches |
| | 1) make <u>Marathon Electric</u> | 4) capacity <u>950</u> GPM |
| | 2) model No. <u>364TTDS57321AAW1</u> | 5) turbine pump - No. of stages |
| | 3) horsepower rating <u>75</u> hp | 6) operating pressure <u>PSI</u> |

Pumps to the canal that transports water to Sec. 31-114-80.

- | | | |
|-----------|-----------------------------------|----------------------------------|
| | b) Pump | 1) make <u>Johnston</u> |
| | | 2) model <u>ATP-21145</u> |
| a) Motor: | | 3) size <u>inches</u> |
| | 1) make <u>General Elecatric</u> | 4) capacity <u>3200</u> GPM |
| | 2) model No. <u>5K625XM503B</u> | 5) turbine pump - No. of stages |
| | 3) horsepower rating <u>75</u> hp | 6) operating pressure <u>PSI</u> |

Pumps water to the center pivot in the S1/2 of Sec. 32-114-80.

- | | | |
|-----------|--------------------------------------|----------------------------------|
| | b) Pump | 1) make <u>Cornell</u> |
| | | 2) model <u>4YB75-2</u> |
| a) Motor: | | 3) size <u>8 3/4</u> inches |
| | 1) make <u>Marathon Electic</u> | 4) capacity <u>950</u> GPM |
| | 2) model No. <u>364TTDS57321AAW1</u> | 5) turbine pump - No. of stages |
| | 3) horsepower rating <u>75</u> hp | 6) operating pressure <u>PSI</u> |

DIVERSION POINT LEGAL LOCATION: 1090 ac. ft. storage dam - 525' E and 600' N of the SW corner Sec. 28-114-80. Pumps to center pivots in Sec. 28-114-80.

- | | |
|--|----------------------------------|
| a) Motor: | b) Pump |
| 1) make <u>2 - General Electric</u> | 1) make <u>2 - Johnston</u> |
| 2) model No. | 2) model <u>ATP-21144 and 46</u> |
| 3) horsepower rating <u>75, 100</u> hp | 3) size <u>inches</u> |
| | 4) capacity <u>950 each</u> GPM |
| | 5) turbine pump - No. of stages |
| | 6) operating pressure <u>PSI</u> |

DIVERSION POINT LEGAL LOCATION: From canal - 190' W and 680' S of the SE corner of Sec. 29-114-80. Pumps water to the center pivot in SE1/4 Sec.29.

- | | |
|-----------------------------------|----------------------------------|
| a) Motor: | b) Pump |
| 1) make <u>General Electric</u> | 1) make <u>Cornell</u> |
| 2) model No. <u>5K326J1156A</u> | 2) model <u>5WB60-2</u> |
| 3) horsepower rating <u>60</u> hp | 3) size <u>7 27/32</u> inches |
| | 4) capacity <u>900</u> GPM |
| | 5) turbine pump - No. of stages |
| | 6) operating pressure <u>PSI</u> |

DIVERSION POINT LEGAL LOCATION: From canal - 660' E of the center of Sec. 31-114-80. Pumps to the center pivots in Sec. 31-114-80.

- | | |
|--|----------------------------------|
| a) Motor: | b) Pump |
| 1) make <u>4 - General Electric</u> | 1) make <u>4 - Cornell</u> |
| 2) model No. <u>5K324JL1113</u> | 2) model <u>4WB50-2</u> |
| 3) horsepower rating <u>50 each</u> hp | 3) size <u>7 1/16</u> inches |
| | 4) capacity <u>800 each</u> GPM |
| | 5) turbine pump - No. of stages |
| | 6) operating pressure <u>PSI</u> |

DISTRIBUTION LINES OR CANALS:

- | | | |
|----------------------------|--------------------------|------------------------------|
| a) type <u>earth canal</u> | b) size <u>8'x20'</u> | c) length <u>4.11 miles</u> |
| a) type <u>steel</u> | b) size <u>15</u> inches | c) length <u>4080</u> feet |
| a) type <u>pvc</u> | b) size <u>12</u> inches | c) length <u>1510</u> feet |
| a) type <u>pvc</u> | b) size <u>8</u> inches | c) length <u>19,060</u> feet |

SYSTEM TYPE:

1) Center pivot:

- 1) make Electrogater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

3) Center pivot:

- 1) make Electrigater
- 2) overall length 1566 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 800 GPM

5) Center pivot:

- 1) make Electrigater
- 2) overall length 1284 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

7) Center pivot:

- 1) make Electrigater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

2) Center pivot:

- 1) make Electrogater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

4) Center pivot:

- 1) make Electrigater
- 2) overall length 1284 feet
- 3) number of towers 10
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

6) Center pivot:

- 1) make Electrigater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

8) Center pivot:

- 1) make Electrigater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

9) **Center pivot:**

- 1) make Electrigater
- 2) overall length 1292 feet
- 3) number of towers 8
- 4) distance between towers 1292 feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 800 GPM

DAM INFORMATION: Located in Sec. 28,29 and 33-114-80.

- | | |
|--|--|
| a) height to crest <u>64</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>55</u> feet | 1) diameter inches |
| c) height to secondary spillway feet | 2) type |
| d) crest width <u>15</u> feet | 3) valved (Y/N) |
| e) crest length <u>600</u> feet | 4) valve type |
| f) spillway length <u>720</u> feet | 5) location on structure |
| g) spillway width <u>110</u> feet | |
| h) approximate storage <u>1090</u> ac-ft | |
| i) approximate storage to crest ac-ft | |
| j) date constructed | l) category of dam <u>III</u> (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: |

DAM INFORMATION: Located in SE1/4 Sec. 32-114-80.

- | | |
|--|-------------------------------------|
| a) height to crest <u>22</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>20</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>270</u> feet | 4) valve type |
| f) spillway length <u>400</u> feet | 5) location on structure |
| g) spillway width <u>10</u> feet | |
| h) approximate storage <u>22</u> ac-ft | |
| i) approximate storage to crest ac-ft | |
| j) date constructed | l) category of dam (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: |

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N (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)

Note: There are 57.5 acres not covered under permit nos. 2003-3, 3125-3 or 3731-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5778-3

(1) Missouri River Investments, Larry Braun, of Box 158, Warner, SD 57479 made Application No. 5778-3, May 4, 1993 for a water permit to correct the location of 57.5 acres, specify the correct location of the diversion point from the Missouri River and to specify the capacity of the storage dams utilized as part of the irrigation system. Water Permit No. 5778-3 did not allow for an increase in the developed diversion rate or the number of acres being irrigated in Sully County, South Dakota. Permit No. 5778-3, approved September 7, 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.

Priority dates specified in Water Permit No. 5778-3 were established under Water Permit Nos. 2003-3, 3125-3 and 3731-3. The acreage corrected by No. 5778-3 will retain a priority date of February 23, 1977 as established under No. 3731-3. This acreage, irrigated by center pivots, is part of acreage originally intended for development under No. 3731-3. The applicable portions of Water Permit Nos. 2003-3, 3125-3 and 3731-3 have been incorporated into this Water License No. 5778-3. The priority dates, as they pertain to the acres irrigated, are further described in Attachment A.

(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 17.78 cubic feet of water per second (cfs) from the Missouri River and 16.00 cfs from the storage dams through the center pivots for beneficial use. The location of the diversion points are as follows: Missouri River - 400'S and 270'W of the SE corner Section 8, T113N, R80W (NE¼NE¼ Section 17, T113N, R80W); 22 acre feet storage dam - SW¼SE¼ Section 32, T114N, R80W; 1090 acre feet storage dam - SW¼SW¼ Section 28, T114N, R80W; canal - 190'W and 680'S of the SE corner of Section 29, T114N, R80W; canal - 660'E of the center of Section 31, T114N, R80W.

(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 land described in "**Attachment A**".

(4) Pursuant to South Dakota Water Law 46-5-30.1 Missouri River Investments, Larry Braun of Box 158, Warner, SD 57479 the holder and/or owner of Incorporated Water Permit No. 5778-3 is issued a license to appropriate water, the right to use 17.78 cfs from the Missouri River and 16.00 cfs from the storage dams through the center pivots with storage of 1090 acre feet of water in the large dam and 22 acre feet of water in the small dam with priority dates of July 23, 1973, October 25, 1976 and February 23, 1977 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in Attachment A of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5778-3 and subject to South Dakota State Law.



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

JAN 4 1994
date

WATER LICENSE NO. 5778-3 - ATTACHMENT A

PRIORITY DATE: February 23, 1977

(Established under Water Permit No. 3731-3)

Section 27, T114N, R80W

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.0 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acres

Section 28, T114N, R80W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.0 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 24.0 acres

Section 29, T114N, R80W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 28.0 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.0 acres

Section 28, T114N, R80W

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.0 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.0 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.0 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24.0 acres

Section 33, T114N, R80W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 acre

PRIORITY DATE: October 25, 1976

(Established under Water Permit No. 3125-3)

Section 31, T114N, R80W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0 acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 32.0 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.0 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.0 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.0 acres

Section 31, T114N, R80W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.0 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.0 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 acres

PRIORITY DATE: July 23, 1973

(Established under Water Permit No. 2003-3)

Section 32, T114N, R80W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.0 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34.0 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 34.0 acres

Section 32, T114N, R80W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.0 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.0 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.0 acres

Total irrigated - 1183.5 acres



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: MISSOURI RIVER INVESTMENTS, LARRY BRAUN, PO BOX 108, WARNER, SD 57479

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5778-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5778-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5778-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7149		MISSOURI RIVER INVESTMENTS LARRY BRAUN PO BOX 108 WARNER SD 57479	
Waiver of Signature ☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2009

3274-3
5778-3

Larry Braun
PO Box 108
Warner SD 57479-0108

Dear Mr. Braun:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 3274-3 (BLTS Farm Partnership) and Water Right No. 5778-3 (Missouri River Investments).

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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