

**WATER PERMIT NO. 6163-3**

Name of Applicant: Robert Sargent

Address: 18559 Remington Place, Pierre SD

Phone: 605 224-5462

Amount of Water Claimed: 8.2 cfs Total Acres: 574

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Sully

Type of Waste Disposal System: NA

Location: about 20 miles east of Onida

PRIORITY Date Received: 1-4-2000 Fee: \$425

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks: Same lands were originally irrigated under Water Right No. 3560-3

Diversion Point: Missouri River – SE ¼ SW ¼

Sec 4 & SE ¼ SE ¼ Sec 21; storage dams – NE ¼

SW ¼ Sec 11 & SW ¼ NE ¼ Sec 22; T114N-

R81W

Land to be Irrigated: NE ¼ Sec 10, N ½, SW ¼

Sec 14, SW ¼, W ½ SE ¼ Sec 15; T114N-R81W

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Depth of Well: \_

Well Driller: \_

Remarks:

Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 1-5-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA  
WATER PERMIT NO. 6163-3**

Date of first receipt of application January 4, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6163-3 to Robert Sargent, 18559 Remington Place, Pierre SD 57501 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. 6163-3 appropriates 8.2 cubic feet of water per second from the Missouri River located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 4 and the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21; all in T114N-R81W. The permit authorizes irrigation of 574 acres located in the NE  $\frac{1}{4}$  Section 10, N  $\frac{1}{2}$ , SW  $\frac{1}{4}$  Section 14, SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 15; all in T114N-R81W.

Water is pumped from the two diversion points along the Missouri River and used directly for irrigation or diverted to 2 storage dams prior to the water being applied to the land. The dams are located in Section 11 (960 acre feet storage capacity) and the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 22 (19 acre feet storage capacity); all in T114N, R81W. Both diversion point locations and storage dams are affiliated with water rights held by two neighboring irrigators (Water Right No. 2997-3, Jack Alexander and Water Right No. 5761-3, Hartman & Pahl Farms).

Water Permit No. 6163-3 replaces Water Right No. 3560-3. Water Right No. 3560-3 is cancelled due to forfeiture for non-use.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is January 4, 2000.
4. The date of approval of Permit No. 6163-3 is January 31, 2000.
5. One-fifth of the construction is to be completed on or before July 4, 2002.
6. All construction is to be completed on or before January 4, 2005.
7. Water is to be put to beneficial use on or before January 4, 2009.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Water Permit No. 3560-3 which has been forfeited for nonuse is cancelled.

**WATER MANAGEMENT BOARD**

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

**FEB 11 2000**

date



**Water Permit No. 6163-3 has been divided and reissued to reflect separate ownership as follows:**

**No. 6163A-3, Robert Sargent, 18559 Remington Place, Pierre, SD 57501** appropriates 4.54 cfs from the Missouri River located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 4 and the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21; all in T114N-R81W. The permit authorizes irrigation of 318 acres located in the NE  $\frac{1}{4}$  Section 10, W  $\frac{1}{2}$  NW  $\frac{1}{4}$  and W  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 14; and the SW  $\frac{1}{4}$  & W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 15, T114N, R81W. Water can be pumped from the two diversion points along the Missouri River and used directly for irrigation or diverted to one of two storage dams located in Sections 11 & 22, T114N, R81W. The storage dams are affiliated with Water Right Nos. 2997-3, Jack Alexander and 5761-3, Hartman and Pahl Farms.

**No. 6163B-3, Hartman & Pahl Farms, a partnership, PO Box 837, Huron, SD 57350,** appropriates 3.66 cfs from the Missouri River located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21, T114N, R81W. The permit authorizes irrigation of 256 acres in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  Section 14, T114N, R81W. Water can be pumped from the diversion point along the Missouri River and used for irrigation or diverted to a 19 acre feet storage dam located in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 22, T114N, R81W. The storage dam is affiliated with Water Right No. 5761-3, Hartman & Pahl Farms.

|                                                                                                                    |                                            |                                                      |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>663-3</u>                           | (office use only)<br>Hydrologic Unit <u>10/30/05</u> |
|                                                                                                                    | Basin <u>Missouri River</u>                |                                                      |
|                                                                                                                    | Newspaper <u>Onida Watchman, Onida, SD</u> |                                                      |
|                                                                                                                    |                                            |                                                      |



## Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) \_\_\_\_\_

- Name of Applicant Robert Sargent Phone (605) 224-5462  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 18559 Remington Place Pierre State SD 57501  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 29.7 \*CFS or 574 \*\*GPM \*\*\*AF Total Acreage 574  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
See Water License #3560-3 (attached)  
County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used May through October 31
- List below each forty acre division, 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 |
|---------------------------------------|-------|------------------|-------|
| See Water License # 3560-3 (attached) |       |                  |       |
|                                       |       |                  |       |
|                                       |       |                  |       |
|                                       |       |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed) Irrigation of farm ground in Sully County.  
Diversion Rates from Missouri River  
in Water Right 3560-3

STATE OF SOUTH DAKOTA) SS  
County of Hughes

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

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

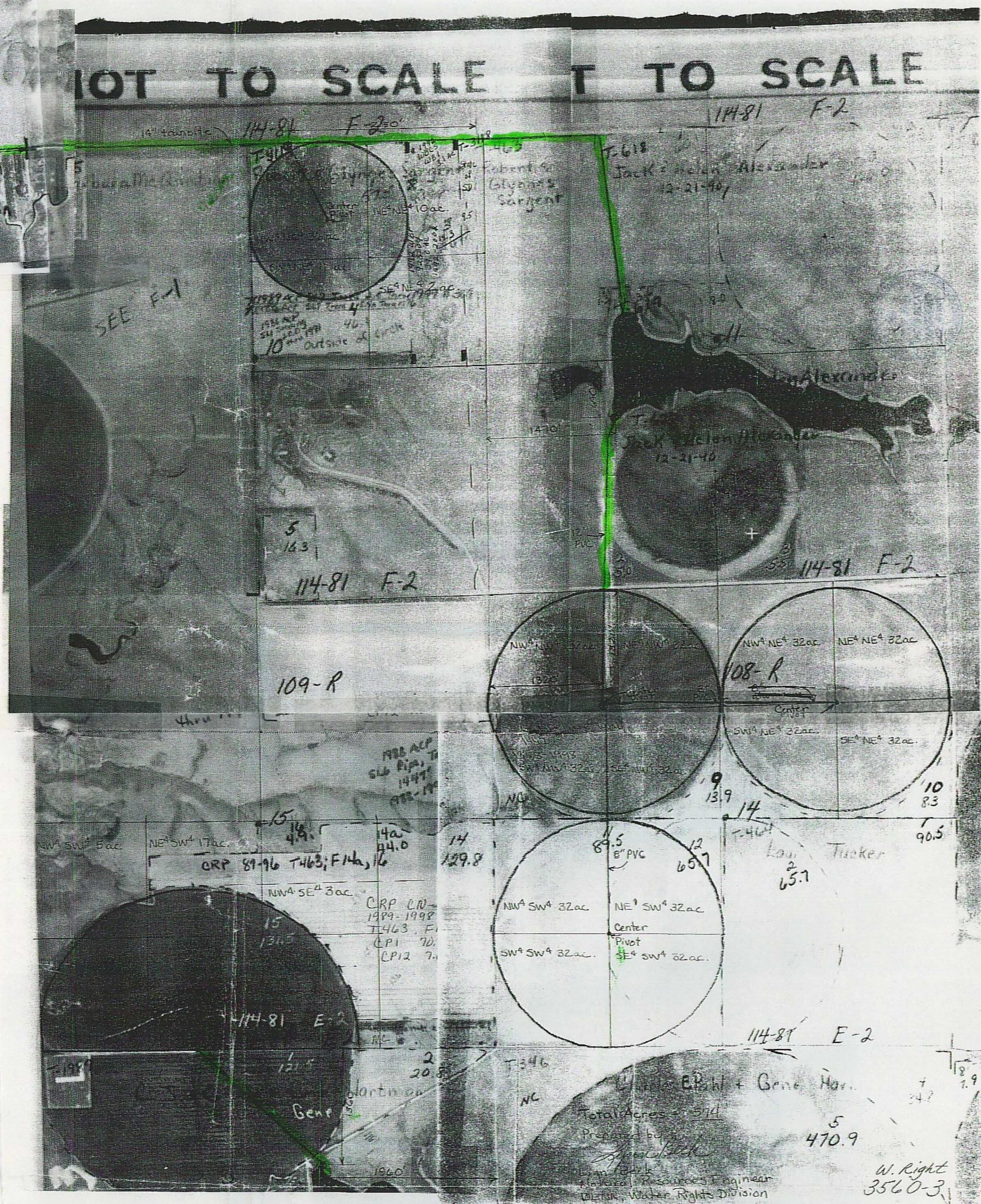
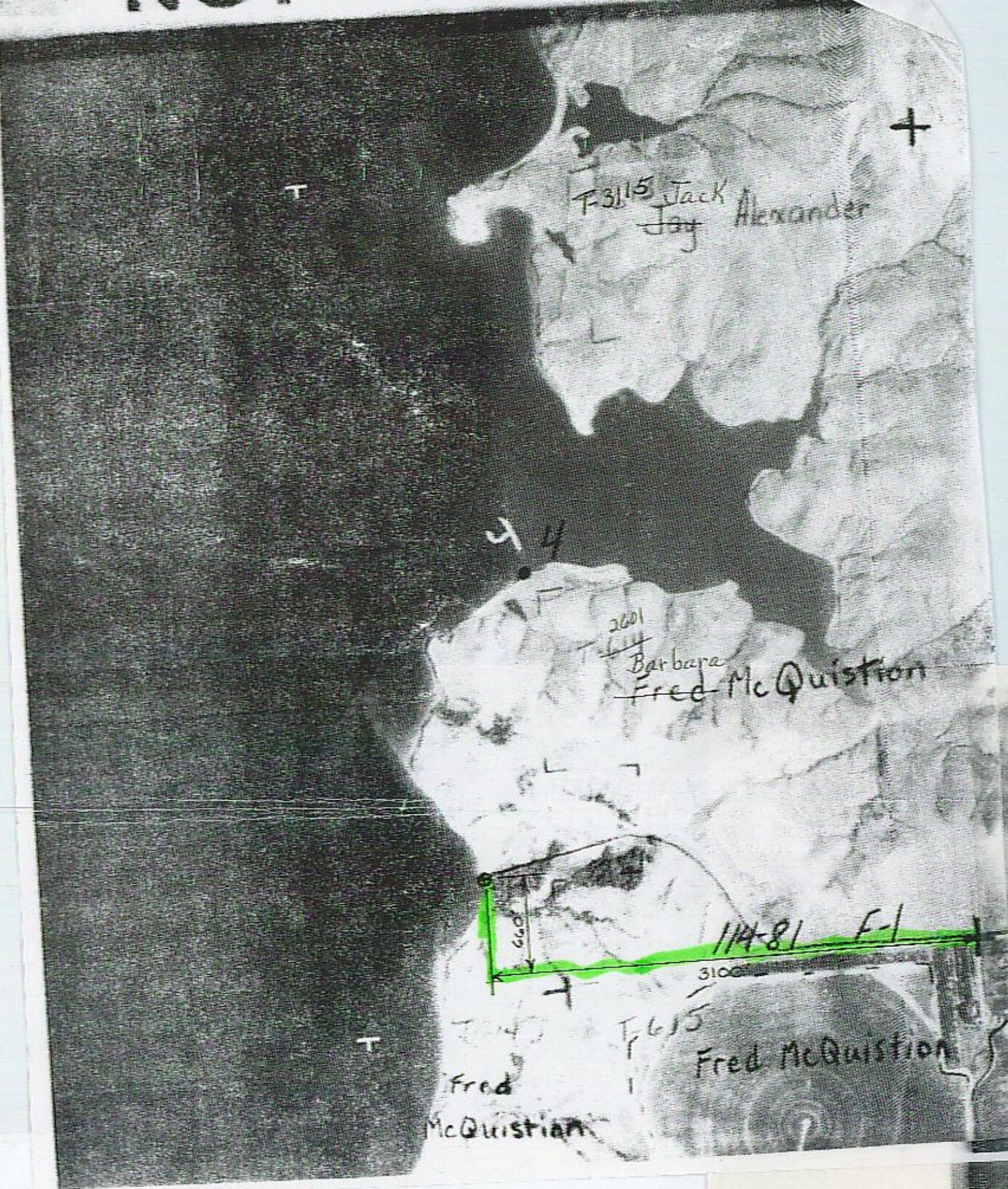
Applicant's signature Robert C Sargent

Subscribed and sworn to before me this 3rd day of JANUARY 19 2000

James Robbenolt

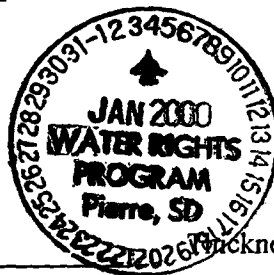
JAMES ROBBENOLT, Notary Public  
My Commission Expires  
January 13, 2001

NOT TO SCALE



# Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed Construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well: \_\_\_\_\_

On applicants property \_\_\_\_\_ On property owned by others \_\_\_\_\_

## 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_\_
- b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_
- c) Connected to the City of \_\_\_\_\_ Sanitary System \_\_\_\_\_

## 3. Dugout Information

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

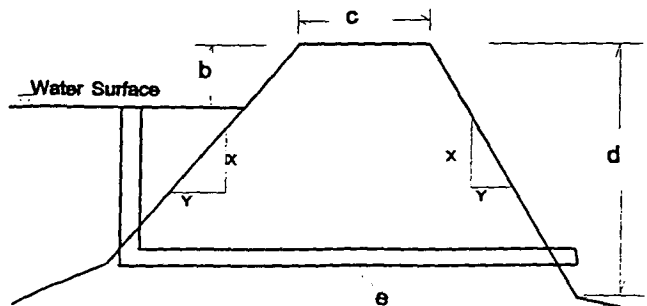
## 4. Water Storage Dams

The dam in Section 11, Twp. 114N, R81W, is covered under Permit 29973  
The dam in Section 22, Twp 114N, R81W is covered under Permit 42993.

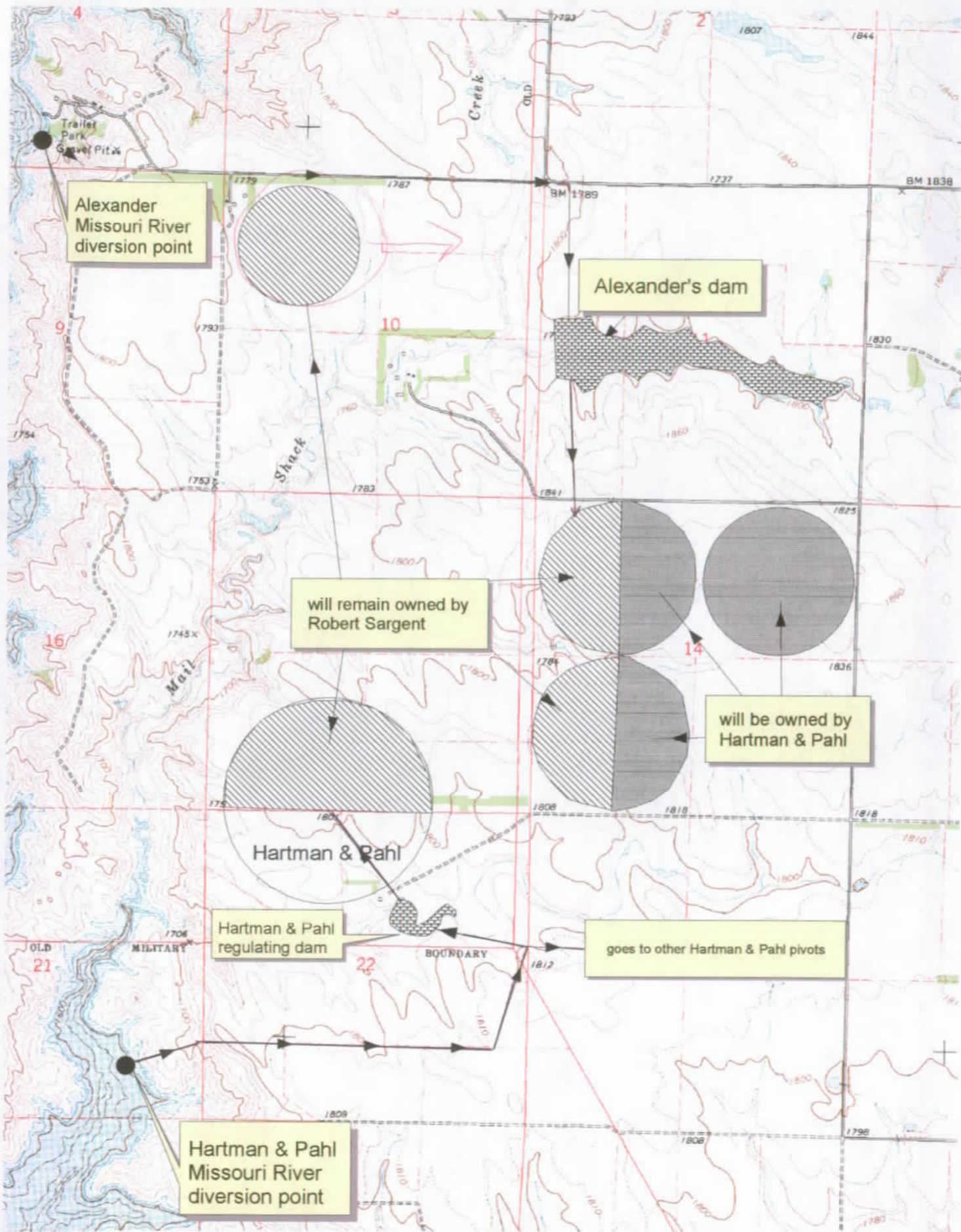
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

\_\_\_\_\_  
\_\_\_\_\_



- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416327

Pierre, \_\_\_\_\_ January 4, 2000

RECEIVED OF Olinger, Lovald, Robbenolt, McCahren & Reimers, P.C. (Robert Sargent), P.O. Box 66,  
the following amount in fees for services rendered as provided for by law: **Pierre, PSD 1750SD 57**

Fee for Application for Permit No. 6163-3 to Appropriate Water, to construct  
and to put water to beneficial use \_\_\_\_\_

425 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. 6163-3 \_\_\_\_\_

50 00

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

**Total**

475 00

By

John Hatch  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 22, 1999

Doug Austin  
PO Box 966  
Watertown, SD 57201-0966

RE: Water Right No. 3560-3 – Robert Sargent

Dear Mr. Austin:

Thank you for contacting us regarding the pending sale of Mr. Sargent's land. The land you described is covered under Water Right No. 3560-3. It is my understanding that your client is buying a portion of the land described in the water right.

Enclosed is a copy of Water Right No. 3560-3. I included a copy of the examination of works which describes the irrigation system and diversion works.

I am enclosing a "Notice of Transfer of Ownership" form for use in filing the ownership change. The form should be completed and then signed in the presence of a notary public by the **new owner(s)**. Upon completion, please return the form to our office with a required filing fee of \$2.50. When the water right is divided, it will be reissued as 3560A-3 for Robert Sargent and 3560B-3 for the new owner(s).

Since the water right will be split, it would be very helpful if you or the new owner would highlight the areas on the water license that pertain to the sale and return it along with the transfer form. For example, which diversion point(s), storage dams and acreage that will be affected. The license is extremely complex due to the numerous diversion points, acres irrigated and the diversion rates applied to each of them. I want to be sure to have as much information from you as possible to ensure the division of the water right is accurate.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

**AUSTIN, HINDERAKER, HOPPER,  
STRAIT & BRATLAND LLP**

*A Registered Limited Liability Partnership*  
**ATTORNEYS AT LAW**  
**25 FIRST AVENUE S.W.**  
**P. O. BOX 966**  
**WATERTOWN, SOUTH DAKOTA 57201-0966**  
**TELEPHONE (605) 886-5823**  
**FAX (605) 886-7553**

**J. DOUGLAS AUSTIN**  
**PAUL L. HINDERAKER**  
**ARTHUR M. HOPPER**  
**DAVID R. STRAIT**  
**SCOTT R. BRATLAND**  
**SCOTT R. SWIER**

**COUNSEL TO THE FIRM**  
**ALAN L. AUSTIN**  
**IRVING A. HINDERAKER**  
  
**W.A. HACKETT (1926-1985)**

December 13, 1999

Genny McMath, Environmental Scientist  
Water Rights Program  
Department of Environment and Natural Resources  
523 East Capitol  
Pierre, SD 57501-3181



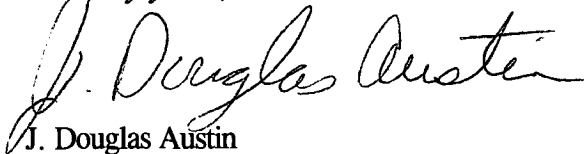
RE: Water Right No. 3560-3 – Robert Sargent

Dear Ms. McMath:

Thank you for your letter of September 22, 1999 concerning the above matter. In completing the Notice of Transfer of Ownership form, I note the following statement: "We understand the validity of Water Right No. \_\_\_\_ has not been determined by this transfer action." Can you provide us with an explanation of what is meant by this statement? In particular, is Water Right No. 3560-3 a valid water right?

Thanks for an early response to this inquiry. We anticipate that the Sargent transaction will close on January 4, 2000.

Sincerely yours,

  
J. Douglas Austin

JDA/nd

cc: Neil M. Meyer  
James C. Robbenolt



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 15, 1999

J Douglas Austin  
Austin, Hinderaker, Hopper, Strait & Bratland  
PO Box 966  
Watertown, SD 57201-0966

RE: Water Right No. 3560-3, Robert Sargent

Dear Mr. Austin:

Thank you for your letter of December 13<sup>th</sup> regarding the "Notice of Transfer of Ownership" form. The statement on the form concerning validity of a water permit or right is included on all transfer forms. It is meant to let anyone know when transferring a water right that signing the form saying they own the land does not necessarily mean that they have a valid water right.

Under South Dakota water law, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years or the water permit or right is subject to cancellation consideration for non-use. This three year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water (see enclosed excerpts of Water laws and Water Management Board Rules).

I reviewed the past 13 years of irrigation questionnaires submitted by Mr. Sargent. He reported "no irrigation" for the years 1993 through the present. The reasons he listed for not irrigating are as follows:

|      |                                                                                                                       |
|------|-----------------------------------------------------------------------------------------------------------------------|
| 1993 | "It is not profitable at the price of corn"                                                                           |
| 1994 | no reason given                                                                                                       |
| 1995 | no reason given                                                                                                       |
| 1996 | no reason given                                                                                                       |
| 1997 | no reason given                                                                                                       |
| 1998 | "with the price of corn what it is, I didn't think it would pay"                                                      |
| 1999 | "some land is in CRP and I didn't think it would be profitable considering the low prices to irrigate the rest of it" |

continued

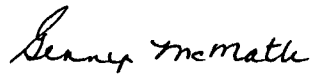
Page 2  
December 15, 1999  
J Douglas Austin

As you can see, there were four years with no reason given as to why the land was not irrigated. Three of the years Mr. Sargent listed poor prices for corn as a reason for not irrigating. The reasons given (or not given in this case) do not fall under criteria listed in ARSD 74:02:01:37.01, however, the Water Management Board is not limited to these criteria. The fact that some lands are enrolled in CRP may provide an exception to forfeiture for nonuse under SDCL 46-5-37.2, for those specific lands.

Formal determinations on the validity of any water right or permit must be made by the Water Management Board. If after reviewing the above information and excerpts from the water laws, you feel the matter should be presented to the Water Management Board for a declaratory ruling, please contact either myself or Eric Gronlund, with our program. The process for filing a declaratory ruling request is found in ARSD 74:02:01:46 – 48. Our next Water Management Board meeting is the first week in March, 2000.

Please get in touch with me as soon as possible with any questions you may have.

Sincerely,



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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6163-3, Robert Sargent**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6163-3, Robert Sargent, 18559 Remington Place, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6163-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Water Permit No. 3560-3 which has been forfeited for nonuse is cancelled.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer  
January 7, 2000

REVISED REPORT ON WATER PERMIT APPLICATION NO. 6163-3

Robert Sargent  
January 25, 2000

Application No. 6163-3, Robert Sargent, proposes to appropriate 8.2 cubic feet of water per second from the Missouri River. The diversion points are to be located in the SE1/4 SW1/4 of Section 4 and the SE1/4 SE1/4 of Section 21; all in T114N-R81W. The water will be used for the irrigation of 574 acres located in the NE1/4 of Section 10; N1/2, SW1/4 of Section 14; SW1/4, W1/2 SE1/4 of Section 15 all in T114N-R81W. This application proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right 3560-3 will be cancelled with the approval of Application No. 6163-3. The proposed project is located approximately 15 miles South West of Onida in Sully County.

Background

Mr. Sargent is in the process of selling a portion of the land authorized for irrigation under Water Right No. 3560-3. The attorney for the new owner filed transfer of ownership forms. During the process of the transfer of ownership it was discovered that irrigation had not taken place on the property for a number of years and the water right may be subject to cancellation due to forfeiture for nonuse. In order to clear up this issue, Mr. Sargent applied for a new water right permit for all the lands originally authorized by Water Right No. 3560-3.

Review of the Proposed Project and Existing Water Rights

The applicant proposes to appropriate Missouri River Water from two diversion points directly onto the irrigated acres or in to two storage dams. This application proposes to allow any of the land to be irrigated from either of the diversion points. Both of the diversion points and storage dams are affiliated with other water rights held by neighboring irrigators.

The diversion point located in Section 4 T114N-R81W is associated with Water Right No. 2997-3, held by Jack Alexander. This water right appropriates 2.22 cfs to irrigate 213 acres. Water can either be directly delivered to the land or diverted into a storage dam having a total storage capacity of 890 acre feet and is located in Section 11 T114N-R81W. The applicant originally used this diversion to directly irrigate land in the NE1/4 of Section 10 and diverted from the dam to irrigate land located in N1/2, SW1/4 of Section 14, T114N-R81W.

The diversion point located in Section 21 T114N-R81W is held by Hartman and Pahl Farms. This water right appropriates 28.89 cfs to irrigate 1,997 acres. Water can be delivered into a regulating dam with a total capacity of 19 acre feet of storage located in the S1/2 NE1/4 Section 21 T114N-R81W. The applicant originally diverted from the regulating pond to irrigate land located in SE1/4, E1/2 SE1/4 of Section 15, T114N-R81W.

The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.

## Conclusions

1. This application proposes to appropriate 8.2 cubic feet of water per second (cfs) from the Missouri River to irrigate 574 acres.
2. This application proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right 3560-3 will be cancelled with the approval of Application No. 6163-3.
3. The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.



Mark D. Rath  
Natural Resources Engineer III

REPORT ON WATER PERMIT APPLICATION NO. 6163-3

Robert Sargent

January 6, 2000

Application No. 6163-3, Robert Sargent, proposes to appropriate 8.2 cubic feet of water per second from the Missouri River. The diversion points are to be located in the SE1/4 SW1/4 of Section 4 and the SE1/4 SE1/4 of Section 21; all in T114N-R81W. The water will be used for the irrigation of 574 acres located in the NE1/4 of Section 10; N1/2, SW1/4 of Section 14; SW1/4, W1/2 SE1/4 of Section 15 all in T114N-R81W. This application proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right 3560-3 will be cancelled with the approval of Application No. 6163-3. The proposed project is located approximately 15 miles South West of Onida in Sully County.

Review of the Proposed Project and Existing Water Rights

The applicant proposes to appropriate Missouri River Water from two diversion points directly onto the irrigated acres or in to two storage dams. Both of the diversion points and storage dams are affiliated with other water rights held by neighboring irrigators.

The diversion point located in Section 4 T114N-R81W is associated with Water Right No. 2097-3, held by Jack Alexander. This water right appropriates 2.22 cfs to irrigate 213 acres. Water can either be directly delivered to the land or diverted into a storage dam having a total storage capacity of 890 acre feet and is located in Section 11 T114N-R81W. The applicant proposes to use this diversion to directly irrigate land in the NE1/4 of Section 10 and will divert from the dam to irrigate land located in N1/2, SW1/4 of Section 14, T114N-R81W.

The diversion point located in Section 21 T114N-R81W is held by Hartman and Pahl Farms. This water right appropriates 28.89 cfs to irrigate 1,997 acres. Water can be delivered into a regulating dam with a total capacity of 19 acre feet of storage located in the S1/2 NE1/4 Section 21 T114N-R81W. The applicant will divert from the regulating pond to irrigate land located in SE1/4, E1/2 SE1/4 of Section 15, T114N-R81W.

The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.

Conclusions

1. This application proposes to appropriate 8.2 cubic feet of water per second (cfs) from the Missouri River to irrigate 574 acres.
2. This application proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right 3560-3 will be cancelled with the approval of Application No. 6163-3.
3. The Missouri River is a reliable source of water. Adverse impacts to existing water rights would not be expected.



Mark D. Rath

Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 7, 1999

Jack Alexander  
Box 113  
Onida SD 57567

Dear Mr. Alexander:

Enclosed is a notice on Water Permit Application No. 6163-3 filed by Robert Sargent. This notice is scheduled to be published in the Onida Watchman on January 13 and 20, 2000.

This application is identical to and proposes to replace Mr. Sargent's Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. This information is being sent to you since one of the diversion points and storage dams under this application is also affiliated with your water right.

Please feel free to contact me if you have any questions.

Sincerely,

Ron Duvall  
Water Rights Program  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 7, 1999

Hartmann & Pahl Farms  
c/o Roger Shoup  
27994 188<sup>th</sup> Street  
Pierre SD 57501

Dear Mr. Shoup:

Enclosed is a notice on Water Permit Application No. 6163-3 filed by Robert Sargent. This notice is scheduled to be published in the Onida Watchman on January 13 and 20, 2000.

This application is identical to and proposes to replace Mr. Sargent's Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. This information is being sent to you since one of the diversion points and storage dams under this application is also affiliated with your water right.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

January 7, 2000

Robert Sargent  
18559 Remington Place  
Pierre, SD 57501

Dear Mr. Sargent:

Water Permit Application No. 6163-3 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 Watchmen printed at Onida, SD (Ph # (605) 258-2604). For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent to you at a later date. 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

c: James Robbennolt, Olinger Law Firm, Box 66, Pierre, SD 57501

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  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 7, 2000

The Onida Watchmen  
Box 245  
Onida, SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6163-3 to Appropriate Water to be published twice. Please publish the first notice on January 13, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Robert Sargent, 18559 Remington Place, Pierre, SD 57501 (Ph # (605) 224-5462).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CU T HERE-----

No. 6163-3

TO: Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_  
We are in receipt of your letter of January 7, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6163-3 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 January 13, 2000, with the second publication 7 days later. The applicant is responsible for payment.

---

## NOTICE OF APPLICATION NO. 6163-3 to Appropriate Water

Notice is given that Robert Sargent, 18559 Remington Place, Pierre SD 57501 has filed an application for a water permit to appropriate and use Missouri River water for irrigation of 574 acres located in the NE ¼ Section 10, N ½, SW ¼ Section 14, SW ¼, W ½ SE ¼ Section 15; all in T114N-R81W. This application is identical to and proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right No. 3560-3 will be cancelled with the approval of Application No. 6163-3

This application proposes to appropriate and use water at a rate up to 8.2 cubic feet of water per second (cfs) for irrigation of the land described above. Water is pumped from two diversion points along the Missouri River (Lake Oahe) and used directly for irrigation or diverted to 2 storage dams prior to the water being applied to the land. Both diversion point locations and storage dams are affiliated with other water rights held by neighboring irrigators as explained below.

Water Right No. 2997-3, held by Jack Alexander, appropriates 2.22 cfs from the Missouri River located in the SE ¼ SW ¼ Section 4, T114N, R81W to irrigate 213 acres. Water is either applied directly to irrigated acres or diverted to a dam (890 acre feet storage capacity) located in Section 11, T114N, R81W prior to use for irrigation. Mr. Sargent will use this diversion to irrigate portions of the NE ¼ Section 10 and diverts from this dam to irrigate portions of the N ½, SW ¼ Section 14, T114N, R81W.

Water Right No. 5761-3, held by Hartman & Pahl Farms, appropriates 28.89 cfs from the Missouri River located in the SE ¼ SE ¼ Section 21, T114N, R81W to irrigate 1,997 acres. Water is either applied directly to irrigated acres or diverted to a regulating dam (19 acre feet storage capacity) located in the S ½ NE ¼ Section 21, T114N, R81W. Mr. Sargent will divert from this regulating dam to irrigate portions of the SW ¼, W ½ SE ¼ Section 15, T114N, R81W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6163-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 Program, 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 January 31, 2000.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County of Sully ) SS  
 I, Alice Olson

certify that the attached printed Notice was taken

from the Onida Watchman

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:

Thursday, Jan. 13, 2000  
Thursday, Jan. 20, 2000

Cost of Printing \$53.66

Alice Olson  
 (Signature)

Publisher  
 (Title)

1-21-00  
 (Date Signed)

## NOTICE OF APPLICATION

NO. 6163-3

### to Appropriate Water

Notice is given that Robert Sargent, 18559 Remington Place, Pierre, SD 57501 has filed an application for a water permit to appropriate and use Missouri River water for irrigation of 574 acres located in the NE  $\frac{1}{4}$  Section 10, N  $\frac{1}{2}$ , SW  $\frac{1}{4}$  Section 14, SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 15; all in T114N-R81W. This application is identical to and proposes to replace Water Right No. 3560-3 which is subject to cancellation due to forfeiture for nonuse. Water Right No. 3560-3 will be cancelled with the approval of Application No. 6163-3.

This application proposes to appropriate and use water at a rate up to 8.2 cubic feet of water per second (cfs) for irrigation of the land described above. Water is pumped from two diversion points along the Missouri River (Lake Oahe) and used directly for irrigation or diverted to 2 storage dams prior to the water being applied to the land. Both diversion point locations and storage dams are affiliated with other water rights held by neighboring irrigators as explained below.

Water Right No. 2997-3, held by Jack Alexander, appropriates 2.22 cfs from the Missouri River located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 4, T114N, R81W to irrigate 213 acres. Water is either applied directly to irrigated acres or diverted to a dam (890 acre feet storage capacity) located in Section 11, T114N, R81W prior to use for irrigation. Mr. Sargent will use this diversion to irrigate portions of the NE  $\frac{1}{4}$  Section 10 and diverts from this dam to irrigate portions of the N  $\frac{1}{2}$ , SW  $\frac{1}{4}$  Section 14, T114N, R81W.

Water Right No. 5761-3, held by Hartman & Pahl Farms, appropriates 28.89 cfs from the Missouri River located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21, T114N, R81W to irrigate 1,997 acres. Water is either applied directly to irrigated acres or diverted to a regulating dam (19 acre feet storage capacity) located in the S  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 21, T114N, R81W. Mr. Sargent will divert from this regulating dam to irrigate portions of the SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 15, T114N, R81W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6163-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition 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 the Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 January 31, 2000.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary  
 Department of Environment and  
 Natural Resources



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 19, 2000

Robert Sargent  
18559 Remington Place  
Pierre, SD 57501

Dear Mr. Sargent:

Enclosed is a copy of the Report and Recommendation for Water Permit Application No. 6163-3 for irrigation. The application is currently being public noticed in the Onida Watchman newspaper.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

c: James Robbennolt, Olinger Law Firm, Box 66, Pierre, SD 57501

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6163-3, Robert Sargent

ADDRESS: COUNTY: Sully County

DATE: January 24, 2000 TELEPHONE:

RE: Discussion of what lands were sold and how the transfer of ownership will take place after Water Permit Application No. 6163-3 is approved

COMMENTS:

Mr. Jack Alexander came into the office on January 19<sup>th</sup> to discuss Mr. Sargent's application. Mr. Alexander explained that in the past Mr. Sargent and he had an agreement (part of the old West Sully Irrigation District) where Mr. Sargent could use Alexander's dam if the water was replaced with diversions from the Missouri River (SE ¼ SW ¼ Section 4, T114N, R81W). Now that Mr. Sargent has sold some of this land to Hartman & Pahl, Mr. Alexander did not want his dam used for irrigation of their acreage. I believe part of his reason was he didn't want to draw the dam down as he did not intend to use the Missouri River diversion works to supplement/maintain the dam.

Mr. Robert Sargent stopped in the office on Monday, January 24<sup>th</sup> to further discuss his application. He clarified which lands are being sold to Hartman & Pahl. I discovered the land being sold was different than what I had previously believed. The following is a breakdown of the future land ownership filed for under this water right permit application.

| Robert Sargent       | Number of Acres |  | Hartman & Pahl       | Number of Acres |
|----------------------|-----------------|--|----------------------|-----------------|
| NE ¼ Section 10 *    | 59              |  | E½ NW¼ Section 14 ** | 64              |
| W½ NW¼ Section 14 *  | 64              |  | E½ SW¼ Section 14 ** | 64              |
| W½ SW¼ Section 14 *  | 64              |  | NE¼ Section 14 **    | 128             |
| SW¼ Section 15 **    | 98              |  |                      |                 |
| W½ SE¼ Section 15 ** | 33              |  |                      |                 |
|                      |                 |  |                      |                 |
| <b>TOTAL</b>         | <b>318</b>      |  |                      | <b>256</b>      |

\* irrigated from diversion point authorized by Water Right No. 2997-3, Alexander

\*\* to be irrigated from diversion points authorized by Water Right No. 5761-3, Hartman & Pahl

Mr. Sargent indicated that all the lands owned by Hartman & Pahl will be irrigated from Hartman & Pahl's Missouri River diversion point located in the SE ¼ SE ¼ Section 21, T114N, R81W (authorized under Water Right No. 5761-3). He was unsure whether the regulating dam located in the S ½ NE ¼ Section 21, T114N, R81W would be used or if irrigation of the Hartman & Pahl

acreage would be directly from the Missouri River. He indicated they would have to run pipeline up to these areas. Mr. Sargent said that Hartman & Pahl were fully aware that they could not and would not have access to water from the dam on Alexander's land. Mr. Sargent did indicate that in the future he may want to divert from the Alexander dam for irrigation of his land located of the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  & W  $\frac{1}{2}$  SW  $\frac{1}{4}$  of Section 14 under the terms of previous agreements signed as part of the defunct West Sully Irrigation District.

I have reviewed the file in this matter and the publication notice of Application No. 6163-3 does represent the acreage as originally authorized under Water Right No. 3560-3 and further specifies which land will be irrigated from the two Missouri River diversion points. After the land sale takes place, Hartman & Pahl will file a transfer of ownership to reflect that any acreage owned by them will be irrigated from the Missouri River diversion point located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21, T114N, R81W. This should be able to be allowed because SDCL 46-5-13.1 does allow for a change of diversion point and since this is a Missouri River (Lake Oahe) diversion point there should not be any adverse impairment by allowing this change. Additionally, Mr. Sargent will remain the holder of a water right to irrigate 318 acres that will include both diversion points. Obviously, there need to be the proper easement/agreements in place to allow for diversions from the Missouri River or dam diversion points.

I believe the public notice was written with this type of flexibility since it states and appropriation of 8.2 cfs without specifying the diversion rate from any of the diversion points. If this application is approved based on the current public notice and is not contested, the water right permit will be issued on February 19, 2000. It is then anticipated that Hartman & Pahl will file a transfer of ownership for the portion of the water right they own. This transfer should include only their diversion point located in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 21, T114N, R81W. The remaining amount that will remain with Sargent's water right include the W $\frac{1}{2}$  W $\frac{1}{2}$  Section 14 and the SW  $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  Section 15 from either of the two diversion points.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hartman



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2000

**FAX No. 886-7553**

Doug Austin  
Austin, Hinderraker, Hopper, Strait & Pratland  
P.O. Box 966  
Watertown SD 57201-0966

Dear Mr. Austin:

I am writing as a follow-up to our telephone call regarding Robert Sargent's water permit application. It is my understanding that once the water right permit is in place, your clients will finalize the purchase of a portion of the lands that will be covered under the permit.

Attached is a map showing the lands that will be covered for irrigation by the pending application (these are the lands originally covered under Water Right No. 3560-3). I have attempted to differentiate between which lands will be continued to be owned by Robert Sargent and which lands will ultimately be owned by Hartman & Pahl. The map also shows the approximate location of the two Missouri River diversion points and the two dams that were in the past part of the Sargent irrigation system. These diversion points and dams are also part of permitted irrigation systems held by neighboring landowners, one being your client Hartman & Pahl and the other being Jack Alexander.

Once the water right permit is secured, Hartman & Pahl will seek to transfer ownership of the portion of the lands they are purchasing for irrigation from their existing Missouri River diversion structure in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 21 and their regulating dam in the S $\frac{1}{2}$  NE $\frac{1}{4}$  Section 22. It is my understanding your client will run a pipeline from their existing works to provide irrigation to these acres and will not rely on Alexander diversion point or dam as a means of providing irrigation to these acres. Is this a true representation of your clients intent?

I want to make sure there are no misunderstandings down the road so I am contacting you to make sure I correctly understand your clients intent for irrigating the lands they are acquiring with their own existing diversion works.

Sincerely,

  
Eric Gronlund  
Water Rights Program  
605 773-3352

attachment

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6163-3, Robert Sargent

ADDRESS: COUNTY: Sully County

DATE: January 28, 2000 TELEPHONE:

RE: Call from Mr. Austin, attorney for Hartman & Pahl

COMMENTS:

Mr. Austin stated that he had consulted with his clients who are purchasing a portion of the property that will be authorized for irrigation under Water Permit No. 6163-3. Once the water permit is approved, they will transfer ownership of the portion of the property that Hartman & Pahl is purchasing. Mr. Austin confirmed that Hartman & Pahl will run a pipeline from their existing works to provided irrigation to their acres and will not rely on Alexander's diversion point or dam as a means of providing irrigation to theses acres.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: *Eric Stensrud*



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**FEB 11 2000**

Robert Sargent  
18559 Remington Place  
Pierre, SD 57501

Dear Mr. Sargent:

Enclosed is Water Permit No. 6163-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 11, 2000

Doug Austin, Attorney  
P.O. Box 966  
Watertown SD 57201

Dear Mr. Austin:

Enclosed is a copy of Water Permit No. 6163-3 issued to Robert Sargent for irrigation in Sully County. Also enclosed is a partially completed transfer of ownership form for the portion of the property I understand is being purchased by Hartman & Pahl. This form, if correct, needs to be completed with the name of the new owner, signed before a notary public and submitted with a \$2.50 filing fee. I have also enclosed a blank transfer of ownership form if needed.

Once the completed transfer of ownership form is filed, Water Permit No. 6163-3 will be split into "No. 6163A-3" and "6163B-3" to represent the property owned by Mr. Sargent and Hartman & Pahl.

The portion of the water permit associated with Hartman & Pahl's property will be a diversion rate of 3.66 cubic feet of water per second from the Missouri River diversion works located in the SE ¼ SE ¼ Section 21, T114N, R81W to irrigate 256 acres of land (described on transfer form). The Hartman & Pahl water permit will also include the regulating dam located in the S ½ NE ¼ Section 22, T114N, R81W.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund

Water Rights Program  
605 773-3352

[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)

enclosure