

WATER PERMIT NO. 6305-3

Name of Applicant: Burton Raymer

Address: RR 1 Box 1A, Bradley SD 57217

Phone: 605 784-3639

Amount of Water Claimed:

Total Acres: 70 acres

Source of Water Supply: slough

Water to be used for: irrigation

County: Clark

Type of Waste Disposal System:

Location: 1 mile southeast of Bradley

PRIORITY

Date Received: 2-25-02

Fee: \$225

Corrected Application Received:

Period of Annual Use: April 1 – September 30

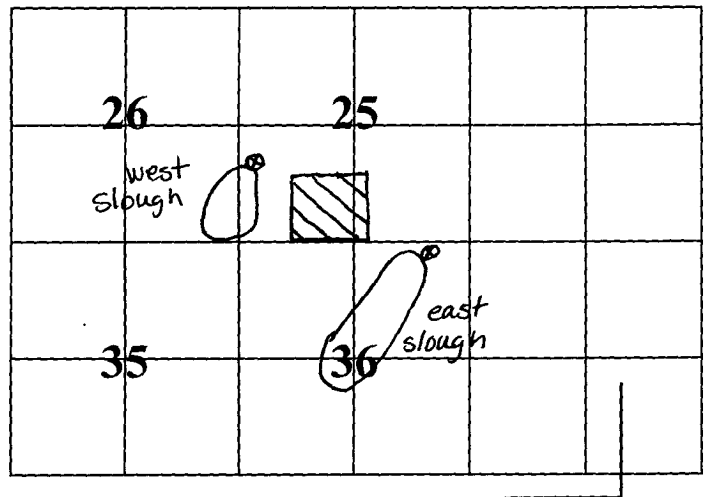
Remarks: pump flood water from adjacent land to supplement feedlot disposal

Diversion Point: West Slough -

NW ¼ SW ¼ Sec 25-T119N-R57W

Land to be Irrigated: E ½ SW ¼, SW ¼ SE ¼

Sec 25-T119N-R57W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: ?, NRCS

Reviewed and the Number Assigned on: 2-25-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6305-3 FOR IRRIGATION

Date of first receipt of application February 25, 2002.

The Water Management Board approved Water Permit Application No. 6305-3 on July 10, 2002 for Burton Raymer, RR 1 Box 1A, Bradley SD 57217 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. 6305-3 appropriates 1.34 cubic feet of water per second (cfs) from a slough for irrigation of 70 acres located in the E ½ SW ¼ and W ½ SE ¼ Section 25-T119N-R57W. Water will be diverted from the slough to a wastewater lagoon prior to being applied to the irrigated acreage. The diversion points from the slough are located in the NW ¼ SW ¼ of Section 25-T119N-R57W. At current water level, this slough's water surface area covers portions of the E ½ SE ¼ of Section 26 and W ½ SW ¼ of Section 25, NE ¼ Section 35 and NW ¼ Section 36; all in T119N-R57W. Pumping from the slough will occur only when the water level in this slough is above 1,761.3 feet mean sea level which is the elevation of the culvert through the section line road between Sections 26 and 35. These are the same 70 acres that are authorized for irrigation under Water Permit No. 6304-3.
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: April 1 – September 30.
3. The date from which applicant may claim right is February 25, 2002.
4. One-fifth of the construction is to be completed on or before January 10, 2005.
5. All construction is to be completed on or before July 10, 2007.
6. Water is to be put to beneficial use on or before July 10, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 6305-3 authorizes diversion of water only when the water elevation of the slough (west slough) is above 1761.3 feet mean sea level.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6304-3 and 6305-3, combined, authorize a maximum diversion rate of 1.34 cfs for the irrigation of 70 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 31 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6305-3</u>	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark Co. Courier</u>	

RECEIVED
FEB 25 2002
WATER RIGHTS
PROGRAM

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 Burton Raymer Phone 1-605-784-3639
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address RR 1, Box 1A, Bradley State SD 57217
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.34 *CFS or 600 **GPM ***AF Total Acreage 70
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply slough waters above 1761.3' elevation West Slough
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 SW 1/4 25-119-57
use of portable pump _____ County Clark
- County or counties where water will be used Clark
- Annual period during which water is to be used April to September 30
- 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
SE 1/4 SW 1/4 25-119-57	40		
NE 1/4 SW 1/4 25-119-57	10		
SW 1/4 SE 1/4 25-119-57	20 15		
<u>NW 1/4 SE 1/4 25-119-57</u>			

- Give a description of the project. (Attach sheet if more space is needed)
Pump flood waters from adjacent land to supplement feedlot disposal.

STATE OF SOUTH DAKOTA) SS
County of Codington

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, BURTON RAYMER, 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.

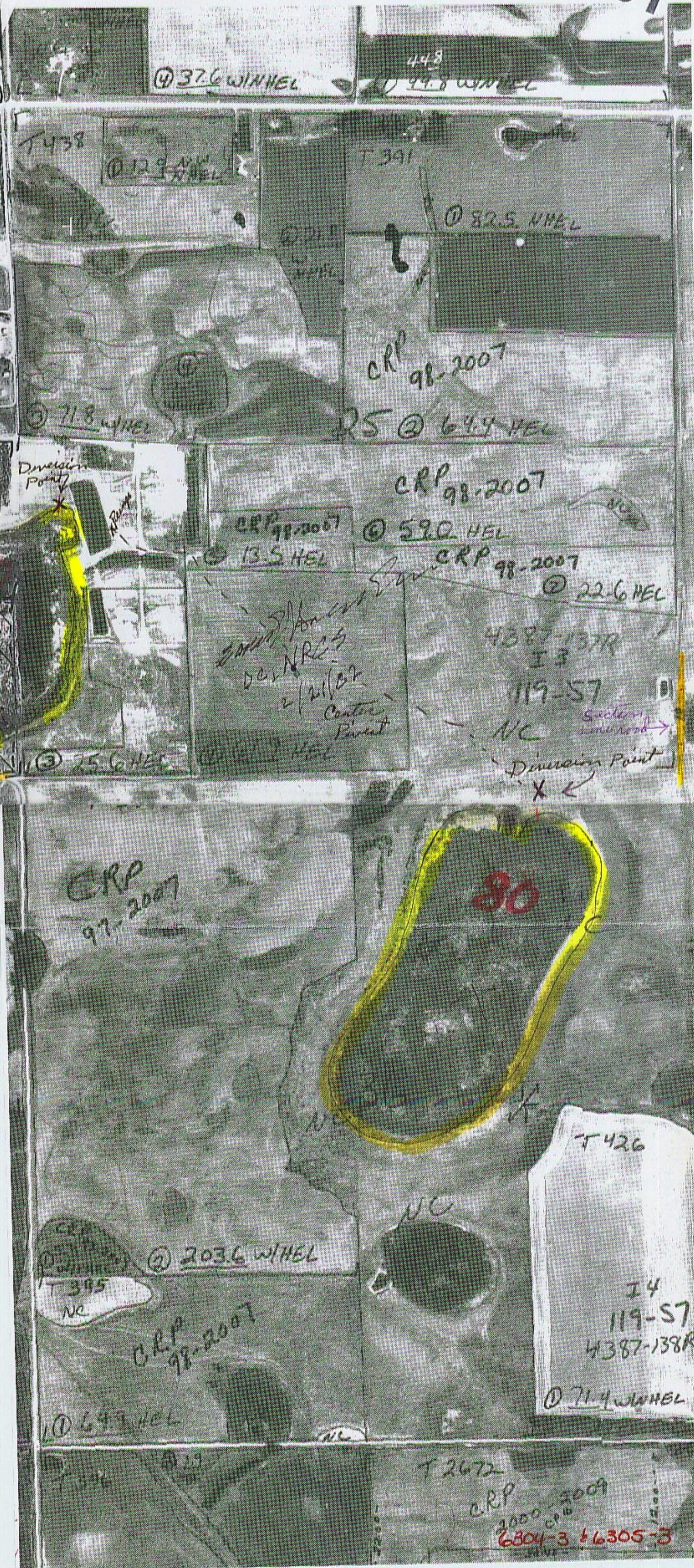
Applicant's signature Burton Raymer

Subscribed and sworn to before me this 20 day of Feb 20 02

[Signature]
Notary Public signature

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417097

Pierre, February 25, 20 02

RECEIVED OF Rayner Farms, Inc., HC 1 Box 1A, Bradley, SD 57217
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6305-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6305-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By Darland Ebele
Chief Engineer

gpr

West Slough to 7000.
irrigation pivot.

1761.3' elevation is to
bottom of Culvert on
Section line road.

Water has been over
road for the last 4 years
so we can't travel on it.

on west Devision point
first we will pump from
North lozen; then pull plug
on South lozen and
pump out. then back in
PTO Pump into Slough
and pump into North lozen
~~to~~ to flush out. maybe
ones a year

Burton Rayner

2-2102

adjacent landowners

1. Roger Springer
HC1 Box 120
Bradley SD 57217
2. Alan and Ernest Yeley
HC1 Box 40
Bradley SD 57217
3. S. D. G. F. P.
South Dakota Game Fish Parks
Don't know address

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, February 22, 2002 1:32 PM
To: Rath, Mark; Schlaak, Karen
Subject: Burton Raymers sending in two applications

He called and was putting his application in the mail. Each application is for irrigation of 70 acres so I told him the fee was \$275 for each (\$550 total). I also asked that he include a basic description of how he planned to operate the system. Would the sloughs be pumping into the lagoons prior to application? He is also sending in a list of landowners who share the slough boundaries.

-----Original Message-----

From: Gronlund, Eric
Sent: Friday, February 15, 2002 9:18 AM
To: Rath, Mark; Schlaak, Karen
Subject: Call from Ray Rylance, attorney for feedlot operator who will be filing two applications

Mr. Rylance, who used to be a WMB member, called and was completing an application for his client NW of Watertown (I believe his client is Burton Raymers near Bradley in Clark Cty). His client runs a feedlot which has been opposed by neighbors. This gentleman wants to apply for two permits from sloughs that would be diverted into the lagoons for dilution water prior to being used to irrigate 70 acres with a 5 tower system (used to have a travel gun used to dispose of effluent from the lagoons). When through the application, map and fee requirements.

I asked about whether there were adjacent landowners on the slough. He indicated there were other owners and that he knew GF&P had an easement on one slough and thought USFWS might have an easement on the other slough. I said that we generally qualified these type of application that an agreement/easement needed to be reached with others that share the slough and that they could not interfere with existing easements. He said these sloughs have expanded and it is their intent to have a surveyor obtain an elevation of the culvert and they wouldn't divert if the sloughs went below these elevations. I explained that I still thought that an agreement needed to be obtained from neighboring landowners and that GF&P and USFWS may have concerns on the impacts to their established easements. He said his client by pumping would provide protection to the road and that there is no OHWM set on these sloughs so it's reasonable to use the roadway culvert as the elevation. He also said there's no way they'd get an agreement with one of the neighbors that shares the slough boundary.

He expects the application to be contested based on the past hard feelings with the neighbors. This might be one that we want to go out and take a look at prior to the Board hearing. Also, these GF&P & USFWS easements cause me some concern if they don't get the agencies to agree to it. I recommended that he talk to the agencies and Mr. Rylance didn't seem too interested in doing that - he thought he could make the case by using these culvert elevations that the easements would not be harmed.

Just thought I'd let you know about our discussion.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application Nos. 6304-3 & 6305-3, Burton Raymer

ADDRESS: COUNTY:

DATE: March 1, 2002 TELEPHONE:

RE: Discussion on the statutory limit for irrigation

COMMENTS:

Mr. Raymer returned my call. I explained that his application requested greater than the 1 cfs per 70 acre statutory limit provided in SDCL 46-5-6. His application requests 1.33 cfs for irrigation of 70 acres. I explained that the law does allow for a greater amount if the method of irrigation, any time constraints on the diversion of water, or the type of soil so requires. Mr. Raymer explained that the center pivot he purchased operates at 600 gpm and that was his reason for claiming that amount of water.

Mr. Raymer also asked about the needing to contact the neighboring property owners who share the boundary of the slough. I said it is not a requirement that he contact them, but our past practice is to provide those neighbors a copy of the notice.

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:



Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Jeanne Goodman and Kent Woodmansey, SWQ DENR**

File No. **6304&5-3**

Address: County: **Clark**

Date: **3-19-02** Telephone:

RE: **Further information regarding Application No. 6304-3 and 6305-3**

Comments:

Feedlot complaints:

Mr. Raymer was sued by EPA and fined for discharge from his feedlot to a wetland. Drainage occurred through the feedlot and drained to a wetland. FC-12 is held by Mr. Raymer to divert drainage around his feedlot to a slough just north of the feedlot. The water is then piped to the slough just west of the feedlot. This took care of the problem. As a result of all this plans and specs for the feedlot were reviewed and approved by DENR.

Spring 2001 a complaint was filed against Burton Raymer for discharge of waste water to a wetland. The matter was investigated by DENR and it was found that a small puddle of water was pumped to a stock dam owned by Mr. Raymer.

Existing Water Rights:

There are two water rights on the W slough. One held by Mr. Raymer for second priority of 38 ac-ft of storage for fish and wildlife propagation and recreation. Laverne Springer holds the other water right for first priority of 32 ac-ft of storage for fish and wildlife propagation, recreation, and domestic use. WR 5344-3 and 5342-3 allow storage to 1760.9 fmsl, the bottom of culvert elevation (same culvert mentioned above).

FC-12 is held by Burton Raymer to divert drainage around his feedlot. The drainage is diverted to a small wetland just N of the feedlot and then piped to the slough just W of the feedlot.



Lynn Beck
Natural Resources Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Burton Raymer File No. 6304&5-3
Address: RR 1, Box 1A, Bradley SD 57217 County: Clark
Date: 3-19-02 Telephone: (605) 784-3639 hm. (605) 784-3464 wk.
RE: Application Nos. 6304-3 and 6305-3

Comments:

6304-3:

I spoke with Mr. Raymer to clarify his project. The slough to the SW of the feedlot will pump directly to the center pivot for irrigation of 61.9 planted acres. The center pivot will cover a total of 70 acres including the over-spray. Mr. Raymer owns the 70 acres. The center of the center pivot is in the center of the 61.9 acre field.

Dave Bronson with Brookings SCS surveyed elevations to the top of the N-S road between R57W and R56W. The road elevation is 1737.7 fmsl and the estimated bottom of ditch elevation is 1734.7 fmsl. Mr. Raymer wants to be able to draw down the slough to an elevation of 1734.7 fmsl. The water is currently 8' over the road. The road is a dirt road with some grading and gravel. The center pivot is capable of 600 gpm.

Also discussed the diversion point location for this application. The diversion point is listed at in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, at the current water elevation it would be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25. Mr. Raymer agreed to a change of the application stating that the diversion point will be located between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 all in T119N, R57W.

6305-3:

The slough to the W of the feedlot will pump water to the N wastewater pond to flush the pond. Water will first be pumped from the N pond and then the S pond for irrigation of the 61.9 acres. Then the ponds will be filled with water from the slough to the west and this water will also be used for irrigation. This will occur approximately once a year unless wet conditions make it necessary to do it more often.

Dave Bronson surveyed the bottom of the culvert elevation at 1761.3 fmsl. This culvert is located in the E-W road between sections 26 and 35, T119N-R57W. The application indicates that pumping will not occur below 1761.3 fmsl.

There are two water rights on the west slough for storage to elevation 1760.9 fmsl.

The application map for 6304-3 and 6305-3 shows irrigated lands in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25, this is not on the application. Mr. Raymer agreed to add the location to the application.

Mr. Raymer currently runs 2500 head of cattle in his feedlot operation.



Lynn Beck
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATION NOS. 6304-3 AND 6305-3

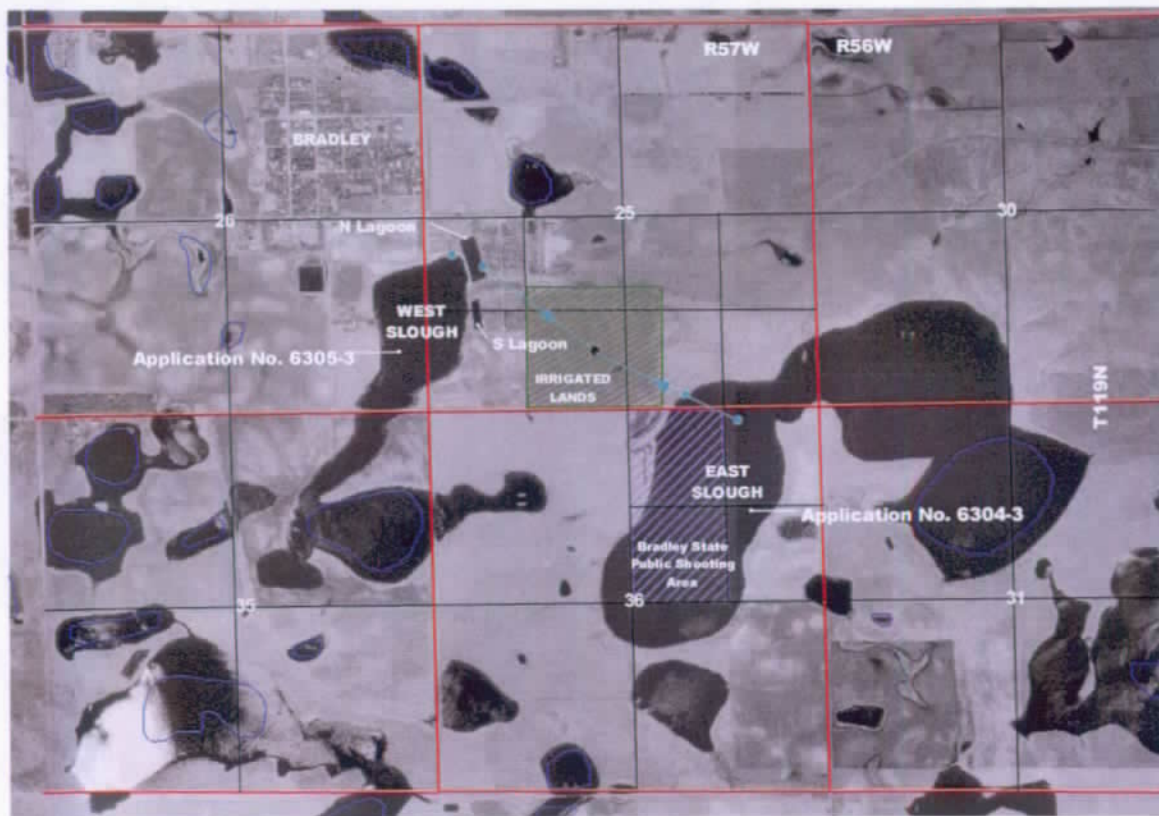
Burton Raymer

March 27, 2002

Burton Raymer has filed two water permit applications for irrigation of 70 acres and for flushing feedlot ponds. Water Permit Application No. 6304-3 proposes to appropriate 1.34 cubic feet of water per second (cfs) from a slough to irrigate 70 acres of land. The irrigated acres are located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, T119N, R57W. The diversion point is located between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T119N, R57W.

Water Permit Application No. 6305-3 proposes to appropriate 1.34 cfs from another slough for irrigation of the same 70 acres as above. Water will be diverted from the slough to a wastewater pond then diverted from the pond for irrigation. The two diversion points are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T119N, R57W.

LOCATION MAP:



PROPOSED PROJECT

Mr. Raymer is currently running 2,500 head of cattle in his feedlot operation and land applies wastewater from two wastewater lagoons. The proposed projects will irrigate 70 acres located next to the feedlot and provide a method for flushing the wastewater ponds using floodwater from two sloughs.

The two sloughs are currently full and have spread to include other bodies of water. Though water levels are presently high, the sloughs can not be considered a reliable source of water. During periods of dryer climate conditions the water levels may be below the elevations at which pumping is allowed.

Water Permit Application No. 6304-3 will divert water from a slough currently located in the SE $\frac{1}{4}$ Section 25 and portions of Section 36, T119N, R57W and in the SW $\frac{1}{4}$ Section 30 and the N $\frac{1}{2}$ Section 31, T119N, R56W (**east slough**). Water from this slough will go directly to the lands to be irrigated. Pumping can occur when the water level in the east slough is above 1734.7 feet mean sea level (fmsl), 3 feet below top of road located on the township line between R56W and R57W. A survey conducted by NRCS showed the road elevation to be 1737.7 fmsl and the current water level elevation to be 1745.7 fmsl. When the water level in the east slough is below the road it is confined to Sections 25 and 36, T119N, R57W.

Water Permit Application No. 6305-3 will divert water from a slough just west of the feedlot. At the current water level the slough is located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26, NE $\frac{1}{4}$ Section 35, and NW $\frac{1}{4}$ Section 36, all in T119N, R57W (**west slough**). Water from this slough will be used to flush the two wastewater ponds. Once wastewater from the ponds is land applied and the ponds are empty, water from the west slough will be pumped to the north lagoon until both lagoons are filled. The flush water will also be used to irrigate the 70 acres. Pumping from the slough can occur when the water level is above elevation 1761.3 fmsl. This elevation is the recently surveyed bottom elevation of the culvert through the road located on the section line between Sections 26 and 35, T119N, R57W. When the water elevation is at or below the bottom of the culvert the west slough is confined to W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25 and E $\frac{1}{2}$ SE $\frac{1}{4}$ 26, T119N, R57W.

The applied for diversion rate of 1.34 cfs to irrigate 70 acres is greater than the statutory limit of 1 cfs for every 70 acres irrigated. Mr. Raymer explained that the center pivot operates at 600 gallons of water per minute (gpm) or 1.34 cfs. SDCL 46-5-6 establishes the statutory rate of 1 cfs per 70 acres and a maximum volume of 2 acre-feet per year. The statute also states that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires.

If a designated wetland is affected by the proposed project there could be a wetland violation from the Natural Resources Conservation Service (NRCS). The water source in Water Permit Application No. 6304-3, east slough, is shown on the Wetland Inventory Map in portions of Section 36, T119N, R57W. Mr. Raymer indicated that he has contacted NRCS concerning this issue.

In addition to wetland issues, there are three other landowners riparian to the two sloughs. Mr. Raymer has spoken to one of the two private landowners and intends to speak with the other soon. South Dakota Game, Fish, and Parks (GFP) own the Bradley Public Shooting Area located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 36, T119N, R57W. The public shooting area covers most of the east slough. GFP has agreed to a minimum pumping elevation of 1734.7 fmsl for the east slough. Construction of the two projects will be on Mr. Raymer's property.

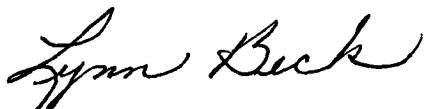
EXISTING WATER RIGHTS:

There are two water rights on the west slough. Laverne Springer holds Water Right 5342-3 for first priority on 32 acre-feet of water for domestic use and wildlife propagation. The 32 acre-feet of storage is part of an undivided interest in 70 acre-feet of water stored to the outlet elevation of 1760.9 fmsl. Water Right No. 5344-3, held by Burton Raymer, establishes a second priority to 38 acre-feet of the undivided interest in the 70 acre-feet of water stored in the west slough. The storage is for recreation and wildlife production. Storage of water is allowed to the outlet elevation of 1760.9 fmsl. Water Permit Application No. 6305-3 is asking for water stored above the outlet elevation, therefore both Water Right 5342-3 and 5344-3 should not be adversely affected.

Mr. Raymer also holds Flood Control Right FC-12. This water right was constructed to divert water around Mr. Raymer's feedlot and into a slough to the north of the feedlot. The project came about as a result of an illegal discharge from the feedlot to a wetland. Runoff from the watershed now flows around the bermed east side of the feedlot and into the slough to the north. Water from the slough is piped under the feedlot to the west slough. FC-12 corrected the problem of drainage through the feedlot. Though the feedlot does not have a State General Permit, plans and specifications were approved by the State after the discharge violation. Mr. Raymer has worked closely with the Surface Water Quality Program in the Department of Environment and Natural Resources.

CONCLUSIONS:

- 1) Application No. 6304-3 proposes to appropriate 1.34 cfs from a slough to irrigate 70 acres.
- 2) Application No. 6305-3 proposes to appropriate 1.34 cfs from a slough for flushing wastewater ponds and irrigation of the same 70 acres as Application No. 6304-3.
- 3) SDCL 46-5-6 establishes the statutory rate of 1 cfs per 70 acres and a maximum volume of 2 acre-feet per year. The statute also states that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires
- 4) The water sources for the two projects are from two sloughs that catch local runoff from precipitation events. Sloughs are not expected to be a reliable source of water, particularly during dry climatic conditions.
- 5) Construction of the two projects is on Burton Raymer's property.
- 6) Application Nos. 6304-3 and 6305-3 will not affect existing water rights.
- 7) If Water Permit Application Nos. 6304-3 and 6305-3 are approved the following qualifications should be included:
 - a) Permit No. 6304-3 requires pumping to cease at water elevation 1734.7 fmsl.
 - b) Permit No. 6305-3 requires pumping to cease at water elevation 1761.3 fmsl.
 - c) Issuance of these permits does not exempt the permit holder from any other permit requirements.
 - d) The maximum amount of water applied to the irrigated acres shall not exceed 2 acre-feet per acre annually.



Lynn Beck,
Natural Resources Engineer Specialist
Water Rights Program, DENR

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6305-3, Burton Raymer**

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. 6305-3, Burton Raymer, RR 1 Box 1A, Bradley SD 57217.

The Chief Engineer is recommending APPROVAL of Application No. 6305-3 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. Water Permit No. 6305-3 authorizes diversion of water only when the water elevation of the slough (westslough) is above 1761.3 feet mean sea level.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6304-3 and 6305-3, combined, authorize a maximum diversion rate of 1.34 cfs for the irrigation of 70 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Garland Erbele, Chief Engineer
March 28, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2002

Roger Springer
HC 1 Box 120
Bradley SD 57217

Dear Mr. Springer:

Enclosed is a copy of the report, recommendation and notice of hearing on Water Right Permit Application Nos. 6304-3 and 6305-3 filed by Burton Raymer. The notice will be published in the Clark Co. Courier on April 3 and 10, 2002 and schedules a May 1st hearing before the Water Management Board in Pierre. If you want to participate in the hearing, a petition to intervene must be submitted by April 22, 2002 as set forth in the notice.

This information is being sent to you because our records indicate that you own land adjacent to one of the sloughs that are the source of water for these applications.

If you have any questions, please contact Lynn Beck or myself at (605) 773-3352.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2002

Alan and Ernest Yexley
HC 1 Box 40
Bradley SD 57217

Gentlemen:

Enclosed is a copy of the report, recommendation and notice of hearing on Water Right Permit Application Nos. 6304-3 and 6305-3 filed by Burton Raymer. The notice will be published in the Clark Co. Courier on April 3 and 10, 2002 and schedules a May 1st hearing before the Water Management Board in Pierre. If you want to participate in the hearing, a petition to intervene must be submitted by April 22, 2002 as set forth in the notice.

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Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2002

Lavern Springer
HC1 Box 47A
Bradley SD 57217

Dear Mr. Springer:

Enclosed is a copy of the report, recommendation and notice of hearing on Water Right Permit Application Nos. 6304-3 and 6305-3 filed by Burton Raymer. The notice will be published in the Clark Co. Courier on April 3 and 10, 2002 and schedules a May 1st hearing before the Water Management Board in Pierre. If you want to participate in the hearing, a petition to intervene must be submitted by April 22, 2002 as set forth in the notice.

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If you have any questions, please contact Lynn Beck or myself at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

6305-3

WATER RIGHTS PERMIT APPLICATION

Notice is given that Burton Raymer, RR 1 Box 1A, Bradley, S.D., 57217 has filed two water right permit applications.

Water Permit Application No. 6304-3 proposes to appropriate 1.34 cfs from a slough to irrigate 70 acres located in the E1/2SW1/4, W1/2SE1/4 Section 25, T119N, R57W. At current water levels, the slough's water surface area covers portions of the S1/2SE1/4 Section 25 and the NE1/4, SE1/4NW1/4, NE1/4SW1/4 and N1/2SE1/4 of Section 36, T119N R57W and the SW1/4 Section 30 and N1/2 Section 31, T119N, R56W. The proposed diversion point is located in the NE1/4NE1/4 of Section 36 and the S1/2SE1/4 of Section 25, T119N, R57W. Diversion of water will occur only when the water level in the slough is above elevation 1,734.7 feet mean sea level.

The Water Management Board considers these applications at 10 a.m. May 1, 2002, in the new Training Center, Room 111, 523 E. Capitol Ave., Pierre, S.D. The Chief Engineer's recommendations are not final or binding on the Board. The Board is authorized to (1) approve, (2) approve with modifications, (3) defer, or (4) deny these applications based on the facts presented at the public hearing. The hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 2002.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court or State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2002, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing-impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-4, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10; 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20; 46-2A-21; 46-5-1 thru 46-5-11; 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30, 46-5-31, 46-5-32; 46-6-3, 46-6-3.1, 46-6-6, 46-6-10, 46-6-13, 46-6-14; 46-6-16; Board Rules ARSD 74:02:01 thru 74:02:01:15.

Steven M. Pirner, Secretary
Department of Environment and Natural Resources
4-3-2

Water Permit Application 6305-3 proposes to appropriate 1.34 cubic feet of water per second (cfs) from a slough for irrigation of the same 70 acres. Water will be diverted from the slough to a wastewater lagoon prior to being applied to the irrigated acreage. The diversion points from the slough are located in the NW1/4SW1/4 of Section 25, T119N, R57W. At current water level, this slough's water surface area covers portions of the E1/2SE1/4 of Section 25, 26 and W1/2SW1/4 of Section 25, NE1/4 Section 35 and NW1/4 Section 36; all in T119N, R57W. Pumping from the slough will occur only when the water level in this slough is above 1,761.3 feet mean sea level which is the elevation of the culvert through the section line road between Sections 26 and 35.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6304-3 and 6305-3 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.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Ross Building, 523 E. Capitol Avenue, 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 April 22, 2002. The petition may be informal but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Affidavit of Publication

State of South Dakota

County of Clark

§

William J. Krikac of said county, being first sworn, on oath says that he is the publisher of 1 **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of this notice herein mentioned, and was and is printed wholly or in part in an office maintained at the place of publication; that the

RECEIVED

MAY 03 2002

WATER RIGHTS PROGRAM

**BURTON RAYMER
WATER RIGHTS PERMIT**

a printed copy of which, taken from the paper which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week in which said newspaper was regularly published, to wit:

April 3, 2002
April 10, 2002

that the full amount of the fees for the publication of the annexed notice is

\$77.67

William J. Krikac

Subscribed and sworn to before me this

2nd day of May, 2002

Kimberly C. Seefeldt

Notary Public

Clark County, South Dakota

My commission expires: 10-02-07



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 28, 2002

Clark Co. Courier
119 1st Ave E.
Clark, SD 57225

ATTENTION: Legal Public Notice

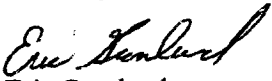
Enclosed is a Notice of Hearing on Application Nos. 6304-3 & 6305-3 to Appropriate Water to be published twice. Please publish the first notice on April 3, 2002 with the second publication 7 days later.

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 Burton Raymer, RR 1 Box 1A, Bradley, SD (Ph # 605-784-3639).

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

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

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

No. 6304-3 & 6305-3

Date _____

We are in receipt of your letter of March 28, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6304-3 & 6305-3 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 April 3, 2002 with the second publication 7 days later. The applicant is responsible for payment.

Notice is given that Burton Raymer, RR 1 Box 1A, Bradley SD 57217 has filed two water right permit applications.

Water Permit Application No. 6304-3 proposes to appropriate 1.34 cfs from a slough to irrigate 70 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, T119N, R57W. At current water levels, the slough's water surface area covers portions of the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25 and the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, T119N R57W and the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ Section 31, T119N, R56W. The proposed diversion point is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25, T119N, R57W. Diversion of water will occur only when the water level in the slough is above elevation 1,734.7 feet mean sea level.

Water Permit Application No. 6305-3 proposes to appropriate 1.34 cubic feet of water per second (cfs) from a slough for irrigation of the same 70 acres. Water will be diverted from the slough to a wastewater lagoon prior to being applied to the irrigated acreage. The diversion points from the slough are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T119N, R57W. At current water level, this slough's water surface area covers portions of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26 and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, NE $\frac{1}{4}$ Section 35 and NW $\frac{1}{4}$ Section 36; all in T119N, R57W. Pumping from the slough will occur only when the water level in this slough is above 1,761.3 feet mean sea level which is the elevation of the culvert through the section line road between Sections 26 and 35.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6304-3 and 6305-3 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.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 April 22, 2002. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 9:00 A.M. May 1, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 1, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 2002.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2002, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 28, 2002

Burton Raymer
RR 1 Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

Water Permit Application Nos. 6304-3 & 6305-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Clark Co. Courier printed at Clark, SD (Ph # 605-532-3654). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Burton Raymer** File No. **6304-3 and 6305-3**
Address: County: **Clark**
Date: **5-02-02 and 5-03-02** Telephone: **(605) 784-3464 wk 3639 hm 520-1394 cell**
RE: **Source and rate of water use for livestock**

Comments:

Burton Raymer uses 2 shallow wells for watering livestock at his feedlot operation. RWS is available for back up. The well capacity is 25 gpm each and the system is set up so that if one well starts loosing pressure the second well kicks in. Water is pumped to a pressure tank. The maximum rate at any one time is 25 gpm. Mr. Raymer stated that he does not pump more than an equivalent of 18 gpm continuously only to keep tank pressurized.

I believe that as explained to me Mr. Raymer meets the definition of reasonable domestic use and as such would not need a permit. However I suggested he apply for a permit for the two wells after discussing it with his attorney. I also suggested that he be present or represented, in person or by phone, at the July Board meeting when his deferred permit application comes up.

Three definitions and rule number 74:02:01:03 come into play when deciding if a livestock feedlot comes under reasonable domestic use.

74:02:01:01 "Commercial use," water use supplied from other than a common water distribution system to a business such as a truckstop; tourist attraction; eating, drinking, or lodging establishment; commercial campground; convenience store; implement business; salvage business; or any other business or to a livestock confinement feeding operation that exceeds reasonable domestic use.

"Reasonable domestic use," the use of 25,920 gallons of water per day or less as necessary for domestic purposes, with a maximum pumping rate of 25 gallons per minute.

"Stock watering," watering of animals as follows:

Domestic and other farm animals.

Livestock in confinement feeding operations that do not exceed reasonable domestic use.

74:02:01:03 Use of water which require permits. Water permits or water rights are required for all beneficial uses of water except vested right claims, water distribution systems and public recreation areas diverting 18 gallons per minute or less, and reasonable domestic use. A water permit or right is required for any water source to be pumped or a well allowed to flow in excess of reasonable domestic use. Commercial use, even less than 18 gallons per minute, requires a water permit.

This information was faxed to Raymon Rylance, Mr. Raymer's attorney.


Lynn Beck
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 2002

NOTICE

TO: Burton Raymer
RR 1, Box 1A
Bradley SD 57217

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Water Management Board Action on Water Permit Nos. 6304-3 and 6305-3

At the May 1st meeting, the Water Management Board approved Water Permit Application No. 6304-3 and deferred action on Application No. 6305-3 until the July meeting.

Water Permit No. 6304-3 appropriates water from the east slough for irrigation of 70 acres. We are in the process of drafting and issuing this permit. The permit will be sent to you in the near future.

Water Permit Application No. 6305-3 proposes to appropriate water from the west slough for irrigation of the same 70 acres. This application also included the water being diverted from the slough to the feedlot's wastewater pond prior to being land applied. The Board deferred action on this application until the July meeting so that their questions could be answered. Specifically, questions that the Board asked were:

- What is the water source for the animal feeding operation? If it is a private well, does the use exceed reasonable domestic use and require a water right permit?
- How many animals are kept at the facility?
- What are the zoning requirements of Clark County regarding this type of facility?
- General questions on the operation of the facility.

Future notice will be provided to you of the time and location of the July 10 – 11, 2002, meeting in Pierre.

If you have any questions, please feel free to contact Lynn Beck or Eric Gronlund at (605) 773-3352.

c: Diane Best, Assistant Attorney General
Raymond Rylance, PO Box 227, Watertown SD 57201

CERTIFICATION

I hereby certify that on May 3, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 3, 2002, regarding Board action on Water Permit Application Nos. 6304-3 and 6305-3, Burton Raymer., addressed as stated below.

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Raymond Rylance
PO Box 227
Watertown SD 57201

A copy of the Notice was sent Inter-office to:

Diane Best, Assistant Attorney General



Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007

WILES & RYLANCE LLP
A Registered Limited Liability Partnership
ATTORNEYS AT LAW

3 East Kemp - Suite 200
P. O. Box 227
Watertown, South Dakota 57201-0227
(605) 886-5881

FACSIMILE
(605) 886-3934

E-MAIL:
rdr@wilesandrylance.com

RECEIVED

MAY 17 2002

**WATER RIGHTS
PROGRAM**

PARTNERS:

John C. Wiles, P.C.
Raymond D. Rylance, P.C.

ASSOCIATE:

Rebecca L. Morlock Reeves

May 16, 2002

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment
and Natural Resources
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3182

Re: Burton Raymer

Dear Mr. Erbele:

Our office represents Burton Raymer with reference to ongoing applications that are currently pending with the Department of Environment and Natural Resources.

I was forwarded a copy of your letter dated May 3, 2002, and have been directed by my client to answer the questions propounded by the Board at their May 1 meeting.

I will therefore try and provide the necessary information that I have available.

1. What is the water source for the animal feeding operation? If it is a private well, does the use exceed reasonable domestic use and require a water right permit?

ANSWER: The water source for the east feedlot is from two private wells which do not have a pumping capacity in excess of 25 gallons per minute or a daily use in excess of 26,000 gallons per day.

2. How many animals are kept at the facility?

Garland Erbele, Chief Engineer
May 16, 2002
Page Two

ANSWER: The maximum capacity of the feedlot is 2,500 animals. The feedlot is normally empty during the summer months when livestock are out on pasture. The summer months are used for animal waste removal and disposal and maintenance of the facility.

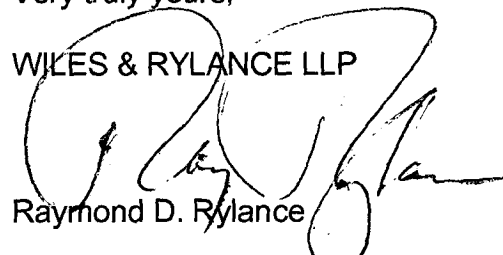
We enclose for your file the following documents: 1) A January 12, 1993 letter from the Department of Environment and Natural Resources; 2) A Certificate of Compliance for the east feedlot; 3) Notice of Completion of Animal Waste Management System Construction for the east feedlot; 4) Certificate of Compliance for the west feedlot; and 5) Notice of Completion of Animal Waste Management System Construction for the west feedlot.

At the time of the construction of the feedlot complex, the plans and specifications were approved by the Department of Environment and Natural Resources and designed by Ken Read, the Design Engineer located in Brookings, South Dakota. Mr. Raymer's plans and specifications met local state and federal rules concerning construction, waste disposal and related matters.

Should you have any further questions, please advise.

Very truly yours,

WILES & RYLANCE LLP


Raymond D. Rylance

RDR:bjs

cc. Diane Best, Assistant Attorney General
Burton Raymer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 1993

Mr. Burton Raymer
RR 1, Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

At the time construction was completed at your two animal waste management systems, you requested that the department provide you with a letter stating that your feedlot operations were in compliance. In response to your request, we sent you such a letter.

As you may be aware, one of the recommendations contained in the *Final Report of Findings and Recommendations of the Feedlot Program Review Committee*, was that the department begin a program to certify feedlot operations which have constructed an approved animal waste management system and are in compliance with current regulations and requirements. As we began to implement this recommendation, because of your past request, we asked the SCS to complete the paperwork necessary for us to be able to issue Certificates of Compliance to your systems. They acted on our request, so please find enclosed Certificates of Compliance for your two systems. I would like to thank you for your cooperation and encourage you to keep your operation in compliance by properly operating and maintaining these systems.

Sincerely,

Kent R. Woodmansey
Natural Resources Engineer
Point Source Control Program
(605) 773-3351

Enclosures

- Notices of Completion of Animal Waste Management Construction
- Certificates of Compliance



Certificate of Compliance

By virtue of authority vested in me by law, I do hereby certify that

Burton Raymer

has constructed an

Animal Waste Management System

in the State of South Dakota in accordance with plans and specifications approved by the DENR for a facility consisting of 2,500 animal units and 32.1 acres of drainage area and is in compliance with environmental laws in effect as of the date of this certificate and shall remain in compliance as long as this operation does not significantly change. Continued compliance is dependant upon proper operation and maintenance activities being performed by the owner/operator. This certificate does not relieve the owner/operator from any liabilities for noncompliance.

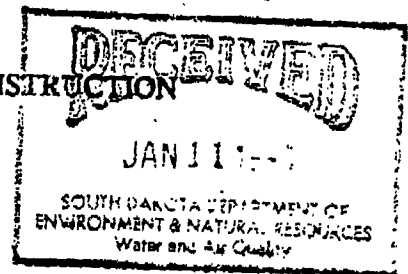
No. 1

N. L. E. N. S.

Secretary, Department of Environment and Natural Resources
Dated this 12th day of January, 1993.

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF COMPLETION OF
ANIMAL WASTE MANAGEMENT SYSTEM CONSTRUCTION



Return to: Point Source Control Program
DENR
Joe Foss Building - 523 E. Capitol
Pierre, SD 57501-3181

FACILITY (Please print): RAYMER BURTON
OWNER/OPERATOR LAST NAME FIRST NAME
RR1 Box 1A BRADLEY, SD 57217
ADDRESS CITY ZIP CODE

Construction of the animal waste management system for the above owner/operator which had plans and specifications approved by letter by the DENR on 7-26-90 is completed. The system was designed for a CATTLE ^{feeding} operation with 2,500 animal units and 32.1 acres of drainage area. The facility was constructed in accordance with the approved plans and specifications.

Dated at BROOKINGS, South Dakota this 8th day of JANUARY, 1993

Kimeth Reed
Design Engineer's Signature

STATE OF SOUTH DAKOTA)
COUNTY OF Brookings) SS

Signed and sworn before me for the purposes stated herein and satisfactorily proven to be the person whose name appears in this document this 8th day of January, 1993

Pamela K. Zeigler
Notary Public
My Commission Expires:

(SEAL)

Pamela K. Zeigler
Notary Public, Brookings County
My Commission Expires February 20, 2000



Certificate of Compliance

By virtue of authority vested in me by law, I do hereby certify that

Burton Raymer

has constructed an

Animal Waste Management System

in the State of South Dakota in accordance with plans and specifications approved by the DENR for a facility consisting of 600 animal units and 14.6 acres of drainage area and is in compliance with environmental laws in effect as of the date of this certificate and shall remain in compliance as long as this operation does not significantly change. Continued compliance is dependant upon proper operation and maintenance activities being performed by the owner/operator. This certificate does not relieve the owner/operator from any liabilities for noncompliance.

No. 2

N. L. E. N. L.

Secretary, Department of Environment and Natural Resources
Dated this 12th day of January, 1993.

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF COMPLETION OF
ANIMAL WASTE MANAGEMENT SYSTEM CONSTRUCTION

Return to: Point Source Control Program
DENR
Joe Foss Building - 523 E. Capitol
Pierre, SD 57501-3181

FACILITY (Please print): RYMER SURTON
OWNER/OPERATOR LAST NAME FIRST NAME
RR 1 Box 1A BRADLEY, SD 57217
ADDRESS CITY ZIP CODE

Construction of the animal waste management system for the above owner/operator which
had plans and specifications approved by letter by the DENR on 4-25-89 is
DATE
completed. The system was designed for a CATTLE FEEDING operation with 600
ANIMAL TYPE
animal units and 14.6 acres of drainage area. The facility was constructed in accordance
with the approved plans and specifications.

Dated at BROOKINGS, South Dakota this 8TH day of JANUARY, 1993

Kenneth Root
Design Engineer's Signature

STATE OF SOUTH DAKOTA)
COUNTY OF Brookings) SS

Signed and sworn before me for the purposes stated herein and satisfactorily proven to be the
person whose name appears in this document this 8th day of January, 1993.

Pamela K. Zeigler (SEAL)
Notary Public
My Commission Expires:

Pamela K. Zeigler
Notary Public, Brookings County
My Commission Expires February 20, 2000

ROUTING AND TRANSMITTAL SLIP

Date

5-20-02

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. *Water Rights Division*2. *DENR*

RECEIVED

3. *MAY 22 2002*4. *WATER RIGHTS
PROGRAM*

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Someone requested a wetland determination from Mr. Raymer in order for him to obtain a water rights permit.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

*Kenny Galinat
Admin. Coord.*

Phone No.

224-2476

5041-102

GPO : 1987 O - 196-409

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE



NRCS-CPA-026E
8-95

HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION

Name: *Burtan Raymer*
County: *Clark*

Tract: *391*
Request Date: *3/26/02*

Farm: *3177*
FSA Farm No.: *3177*

Section I - Highly Erodible Land

Fields in this section have undergone a determination of whether they were highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field	HEL(Y/N)	Sodbusted(Y/N)	Acres	Determination Date
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Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Wetlands Explanation section for additional information regarding allowable activities under the wetland conservation provisions of the Farm Bill and Section 404 of the Clean Water Act.

Field	Wetland Label	Acres	Determination Date	Certification Date
-------	---------------	-------	--------------------	--------------------

4, 6, NE	W	19.0		5/9/02
----------	---	------	--	--------

1, 6, 8, NE	FW	6.3		
-------------	----	-----	--	--

Remarks *Any land with Fish and Wildlife easements, check with them before doing any maintenance or alterations.*

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist

Date

Frank Horn

5/9/02

All USDA programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP

T 438

① 12.9 NW/NHEL

NC

② 21.8 W/NHEL

T 39 PC

WHE
FWEL

① 82.5 NHEL

L ③ 71.8 W/NHEL

④ 7.2 W/NHEL

CRP 98-2007

25 ② 64.4 HEL

CRP 98-2007

⑥ 59.0

CRP 98-07

⑤ 13.5

CRP 98-2007

⑦ 22.6 HEL

I3

119-57

9357-30B

NC

③ 22.6 HEL

④ 61.9 HEL

T 351

HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION

Name: *Burton Raymer* Tract: *39.5* Farm: _____
County: *Clark* Request Date: *3/26/02* FSA Farm No.: *3128*

Section I - Highly Erodible Land

Fields in this section have undergone a determination of whether they were highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field	HEL(Y/N)	Sodbusted(Y/N)	Acres	Determination Date
-------	----------	----------------	-------	--------------------

Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Wetlands Explanation section for additional information regarding allowable activities under the wetland conservation provisions of the Farm Bill and Section 404 of the Clean Water Act.

Field	Wetland Label	Acres	Determination Date	Certification Date
-------	---------------	-------	--------------------	--------------------

<i>NC</i>	<i>W</i>	<i>70.2</i>		<i>5/9/02</i>
-----------	----------	-------------	--	---------------

Remarks *Any land with Fish and Wildlife easements, check with them before doing any maintenance of alterations.*

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist

Date

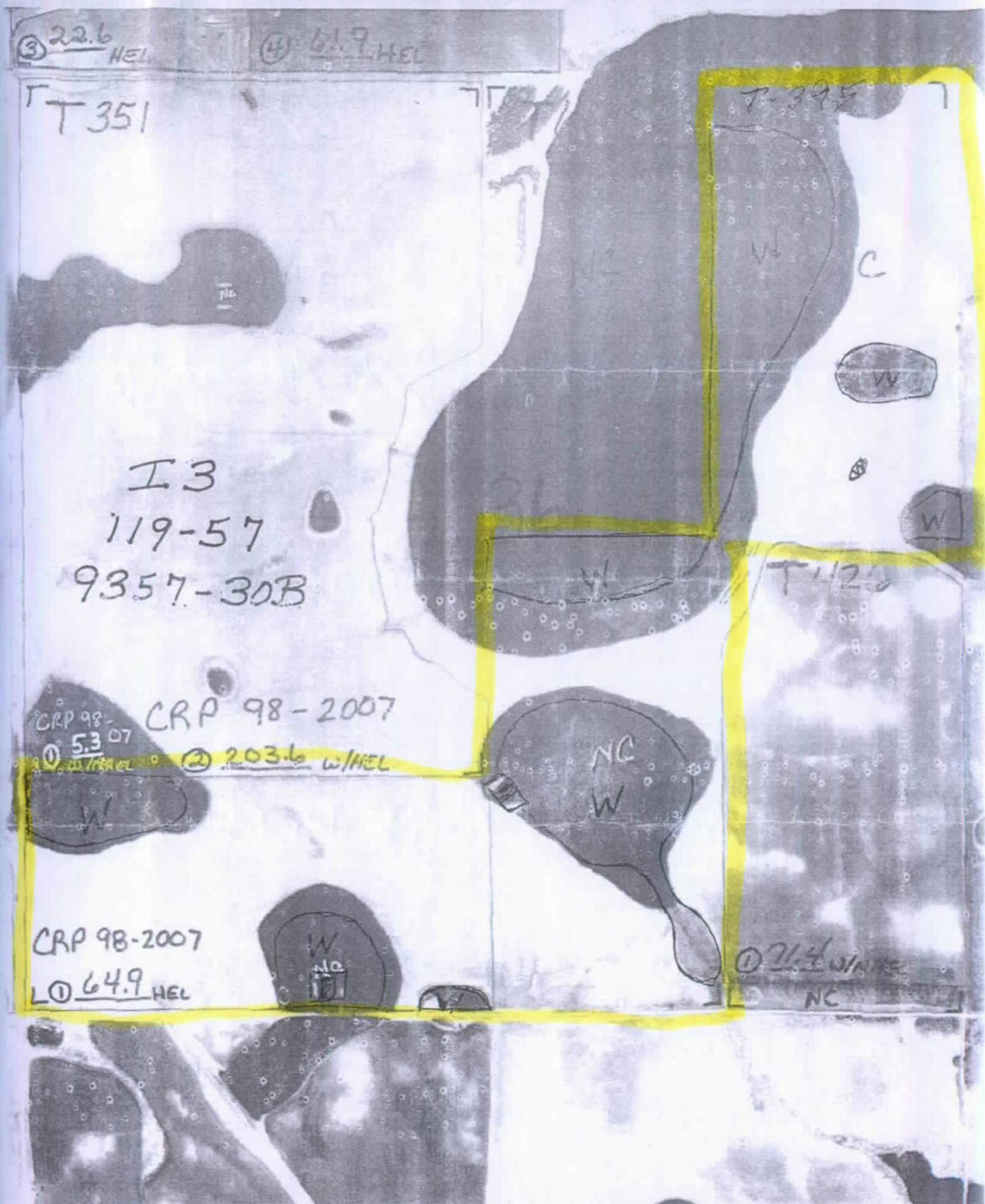
Earl D.

5/9/02

All USDA programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP





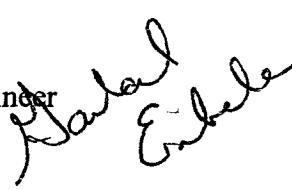
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 2002

NOTICE

TO: Burton Raymer
RR 1, Box 1A
Bradley SD 57217

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of the Hearing on Deferred Water Right Permit Application No.
6305-3, Burton Raymer

Water Permit Application No. 6305-3 proposes to appropriate 1.34 cubic feet of water per second from a slough located south of Bradley to irrigate 70 acres. Water will be diverted from the slough to a wastewater pond used in the animal feeding operation prior to being diverted for irrigation. At their May 1st meeting, the Water Management Board deferred action on this application until the July meeting.

The Water Management Board will now consider Application No. 6305-3 on July 10, 2002, at 11:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre SD. The hearing time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice published April 3 and 10, 2002, in the Clark County Courier will still apply at the July 10, 2002 hearing before the Water Management Board. This hearing may be an adversarial proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Raymond Rylance, PO Box 227, Watertown SD 57201

CERTIFICATION

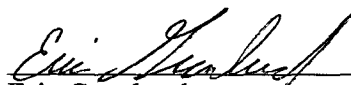
I hereby certify that on May 30, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 30, 2002, scheduling a hearing on deferred Water Permit Application No. 6305-3, Burton Raymer., addressed as stated below.

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Raymond Rylance
PO Box 227
Watertown SD 57201

A copy of the Notice was sent Inter-office to:

Diane Best, Assistant Attorney General



Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of May, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 31 2002

Burton Raymer
RR 1 Box 1A
Bradley SD 57217

Dear Mr. Raymer:

Enclosed is Water Permit No. 6305-3 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



6305-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: BURTON RAYMER, RR 1 BOX 1A, BRADLEY, SD 57217

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6304-3 & 6305-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 6304-3 & 6305-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 6304-3 & 6305-3 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 **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

6304-3
6305-3

Burton Raymer
RR 1 Box 1A
Bradley SD 57217

Dear Mr. Raymer:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit Nos. 6304-3 and 6305-3.

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,

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 5-23-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Burton Raymer
(name)
HC 1 Box 1A
(address)
Bradley SD 57217
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6305-3
6304-3 states that the water use system is to be constructed by
7-18-03, and water is to be put to beneficial use by 7-18-03.
(date) (date)

The water use system was completed on 7-16-03.
(date)

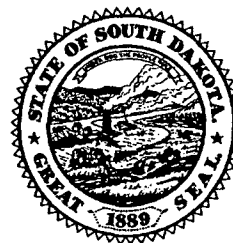
Applying the water to beneficial use was completed on 7-18-03.
(date)

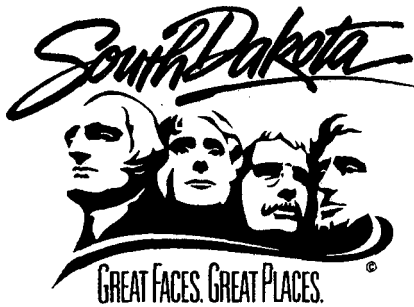
You may schedule an investigation so that the water license may be issued.

Burton Raymer
(signature)

RECEIVED

JUL 24 2003

WATER RIGHTS
PROGRAM



6304-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: BURTON RAYMER, RR 1 BOX 1A, BRADLEY, SD 57217

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6304-3 & 6305-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 6304-3 & 6305-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6304-3 & 6305-3 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 1, 2007, 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/E0455V5-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.

6304-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6170

Status: **Delivered**

Your item was delivered at 9:10 AM on January 27, 2007 in BRADLEY, SD 57217. The item was signed for by B RAYMER.

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U.S. Postal Service [®] Signature Confirmation [®] Receipt	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6170	PC [Signature] [Initials] ... BURTON RAYMER RR 1 BOX 1A BRADLEY SD 57217
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com [®] or call 1-800-222-1811
CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail [™] Service ☐ First-Class Mail [®] parcel ☐ Package Services parcel	
Printed on Recycled Paper, May 2002 (See Reverse)	

6304-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 31, 2007

6304-3
6305-3

Burton Raymer
15851 Springers Rd
Bradley SD 57217-5600

Dear Mr. Raymer:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit Nos. 6304-3 and 6305-3.

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,

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

Permit No. 6304-3 and 6305-3**James River** - Water District**Report of Examination of Works and/or Application of Water to Beneficial Use**

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

I have this day, **May 12, 2008**, made a thorough examination of the water use system constructed by **Burton Raymer** of **129 6th St., Bradley, SD 57217** holder of Permit No. **6304-3 and 6305-3**, both bearing the priority of **February 25, 2002** and both authorizing the diversion of **1.34** cu. ft. per second of water from two **Slough's** for **Irrigation** purposes, in **Clark** County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:**Pump:**

- 1) Make **Conell**
- 2) Model **3HM-F16-122844**
- 3) Serial No **SAJ40S-100**
- 4) Capacity **600** GPM

Motor:

- 1) Make **Cummings**
- 2) Model No. **6T-590**
- 3) Serial No **44490660**

B. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make **TLC**
- 2) Number of towers **5**
- 3) End gun **Y**

Chemigation Equipment:

- 1) Does chemigate **N**

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**

Report of Examination of Works

Permit No. 6304-3

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

No. 6304-3: Approximately 200 feet north and 1785 feet west of the SE corner of Section 25-T119N-R57W (N 45.07988, W -97.62336) (SW ¼ SE ¼)

No. 6305-3: Approximately 2030 feet north and 500 feet east of the SW corner of Section 25-T119N-R57W (N 45.07988, W -97.62336) (NW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water which is to be used for Irrigation and for flushing feedlot ponds. Water has been put to beneficial use to the maximum extent as follows:

Section 25-T119N-R57W

SE ¼ SW ¼ - 33 acres

NE ¼ SW ¼ - 9 acres

NW ¼ SE ¼ - 2 acres

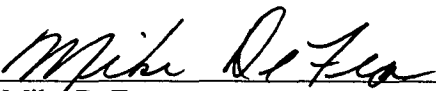
SW ¼ SE ¼ - 8 acres

comprising a total of 52 acres of land and the license should be issued for 1.34 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

At the time of the permit inspection, water was not being pumped from either slough.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: June 9, 2009

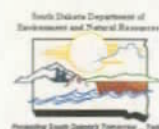
Water Permit Nos. 6304-3 & 6305-3

Burton Raymer



0 0.1 0.2 0.4 0.6 0.8 Miles

Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 9, 2009





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 24 2009

6304-3
6305-3

Burton Raymer
129 6th St
Bradley SD 57217

Dear Mr. Raymer:

Enclosed are your Water License Nos. 6304-3 and 6305-3. Also included is a map prepared by the staff engineer who conducted the field investigation. The water licenses are the final documents which completes the process of obtaining a water right.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6305-3**

(1) Burton Raymer, 129 6th St, Bradley SD 57217 made Application No. 6305-3, February 25, 2002 for a water permit to divert 1.34 cubic feet of water per second from a slough (west slough), Clark County, South Dakota for irrigation purposes. Permit No. 6305-3, with a priority date of February 25, 2002 was approved July 10, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 10, 2007 and for the application to beneficial use of said water on or before July 10, 2011.

(2) It is certified that the permit holder 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 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is 2,030 feet north and 500 feet east of the SW corner of Section 25, T119N, R57W (NW ¼ SW ¼). Water is diverted from the slough to a wastewater lagoon prior to being applied to the irrigated acreage.

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

Section 25, T119N, R57W	
SE ¼ SW ¼	33 acres
NE ¼ SW ¼	9 acres
NW ¼ SE ¼	2 acres
SW ¼ SE ¼	<u>8 acres</u>
	52 acres

The above land is also irrigated from a slough (east slough) authorized under Water Right No. 6304-3. Combinations of diversions can not exceed an annual volume of 2 acre feet per acre per year.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Burton Raymer, 129 6th St, Bradley SD 57217 the holder and/or owner of Water Right No. 6305-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from a slough (west slough) with a priority date of February 25, 2002 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6305-3 and subject to the following qualifications:

- Water Right No. 6305-3 authorizes diversion of water only when the water elevation of the slough (west slough) is above 1761.3 feet mean sea level.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Water Right Nos. 6304-3 and 6305-3, combined, authorize a maximum diversion rate of 1.34 cfs for the irrigation of 52 acres (*acreage developed*) with an annual volume not to exceed 2 acre-feet of water per acre per year.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

AUG 24 2009

date

