

WATER PERMIT NO. 6732-3

Name of Applicant: **Oahe Speedway LLC**

Address: **PO Box 471, Pierre SD 57501**

Phone: **605 223-9885**

Amount of Water Claimed: **0.067 cfs**

Total Acres: **30**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Sully**

Type of Waste Disposal System:

Location: **12 miles northwest of Pierre**

PRIORITY Date Received: **5-23-06**

Application/License Fee: **\$100**

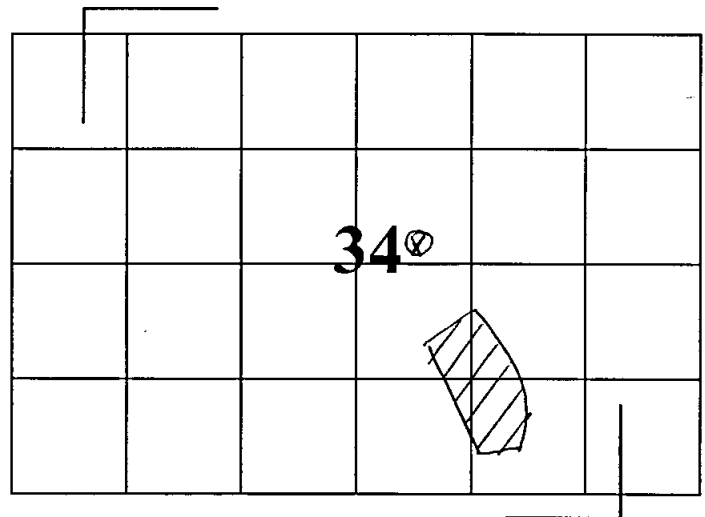
Corrected Application Received: **6-8-06**

Period of Annual Use: **May 1 – October 31**

Remarks:

Diversion Point: **SW ¼ NE ¼ Sec 34-T113N-R80W**

Land to be Irrigated: **SE ¼ Sec 34-T113N-R80W**



Depth of Well: **51 feet deep**

Well Driller: : **Bullis Bros.**

Remarks:

Type of Map: **plat**

Prepared by: **Johnnie R Shafer, PE**

Reviewed and the Number Assigned on: **6-8-06**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6732-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Onida Watchman, Onida</u>

RECEIVED
MAY 23 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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 Milton Morris / Oahe Speedway, LLC Phone 605-223-9885
(check one) X Owner Tenant/lessee
Mailing Address Po Box 471, Pierre State SD 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.067 *CFS or 30 **GPM ***AF Total Acreage 30
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) well located in the SW
corner of the NE 1/4, section 34, township 113 N, R 80 W
County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used May - 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
SE 1/4, Section 34, T113N, R80W	30		

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

Water to be used to water trees and grass if the need to do so arises.
Area to be watered is the parking area for Oahe Speedway (drag strip).
Soil is a silty loam - was irrigated some years ago.

STATE OF SOUTH DAKOTA) SS
County of Stanley

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, Milton Morris, 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 Milton Morris

Subscribed and sworn to before me this 22 day of May 20 06

Sammy Deal
Notary Public signature

My Commission Expires 9.13.08

SOUTH DAKOTA
WATER PERMIT NO. 6732-3

Date of first receipt of application May 23, 2006.

Date of return to applicant for corrections, amendments or changes May 23, 2006.

Date of receipt of corrected application June 8, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6732-3 to Oahe Speedway, LLC, c/o Milton Morris, PO Box 471, 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. 6732-3 appropriates 0.067 cubic feet of water per second from one well completed into the Gray Goose Aquifer (51 feet deep) located in the SW ¼ NE ¼ Section 34 to irrigate 30 acres located in the SE ¼ Section 34; all in T113N-R80W.
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 May 23, 2006.
4. The date of approval of Permit No. 6732-3 is August 14, 2006.
5. One-fifth of the construction is to be completed on or before February 14, 2009.
6. All construction is to be completed on or before August 14, 2011.
7. Water is to be put to beneficial use on or before August 14, 2015.
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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

AUG 17 2006
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Oahe Speedway, LLC PO box 471, Pierre SD 57501 Date June 8, 20 06

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

Fee for Application for Permit No. <u>6732-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>6732-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	150.00

No.

02488

By

Barland Erbele

Chief Engineer

(125)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 23, 20 06

RECEIVED OF Oahe Speedway LLC, PO Box 471, Pierre SD 57501

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

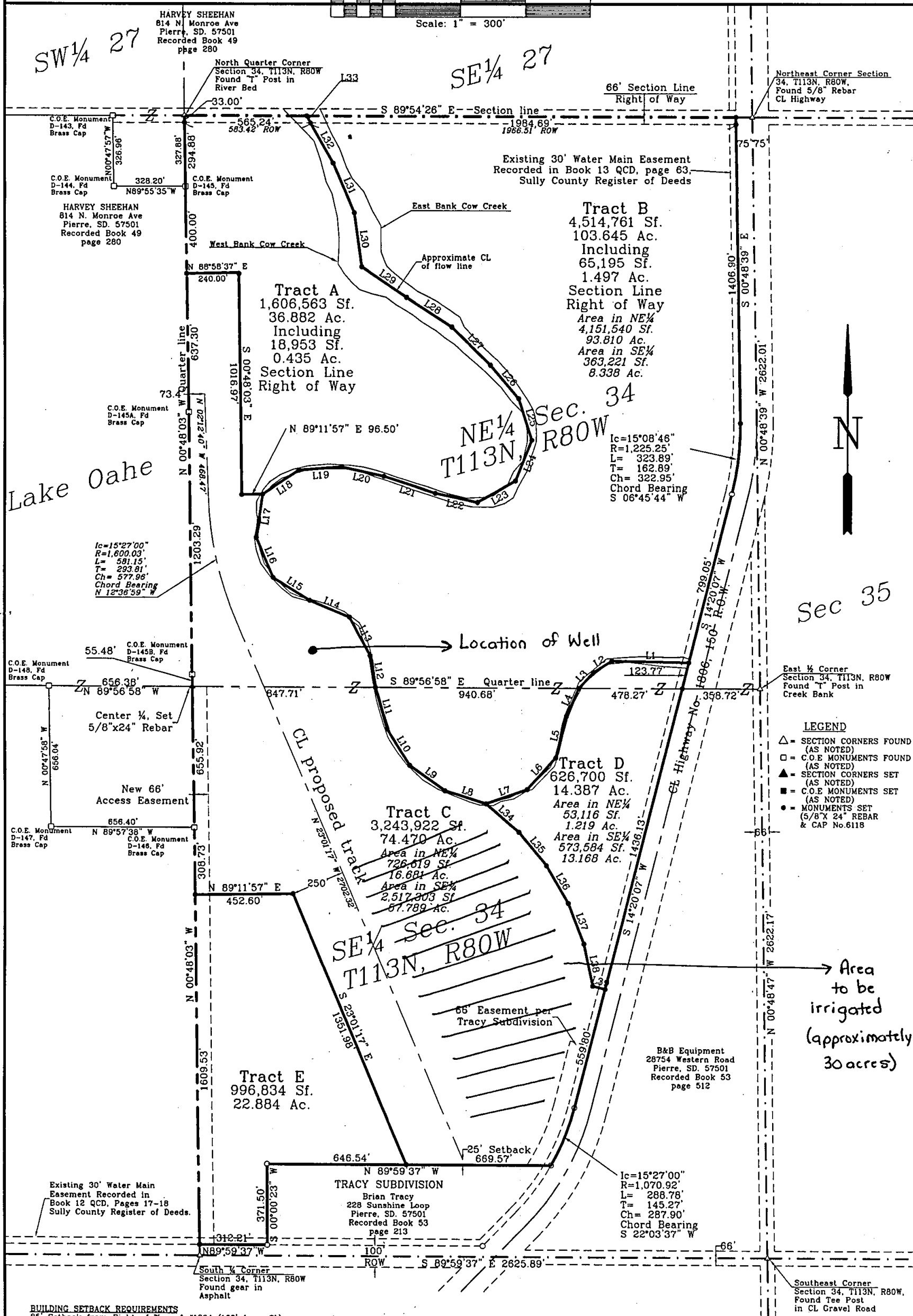
Fee for Application for Permit No. <u>10732-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 2457

By Stanley E. Ehlke

Chief Engineer gme

SULLY COUNTY, SOUTH DAKOTA



BUILDING SETBACK REQUIREMENTS
 65' Setback from Right of Way of #1804 (160' from CL)
 83' Setback from North Section Line (50' from Right of Way)

**BROSZ
ENGINEERING, INC.**

315 S. MAIN, BOX 357, BOWMAN, ND 58823
PHONE: (701) 523-3340 FAX: (701) 523 5243

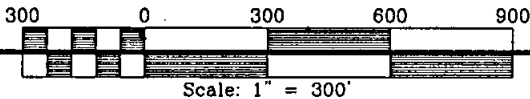
3030 AIRPORT ROAD, BOX 23, PIERRE, SD 57501
PHONE: (605) 224-1123 FAX: (605) 224-0859

Prepared by:
Johnnie R. Shafer
Sheet 1 of 2

PLAT OF OAHE HILLS SUBDIVISION

located in the East Half (E½) of Section 34,
Township 113 North, Range 80 West of the 5th. P.M.,

SULLY COUNTY, SOUTH DAKOTA



CERTIFICATE OF OWNERS
STATE OF SOUTH DAKOTA
COUNTY OF SULLY

I, JOHN NYSTROM, Secretary, on behalf of OAHE TRAIL DEVELOPMENT, INC., a South Dakota Corporation, do hereby certify that OAHE TRAIL DEVELOPMENT, INC. is the owner of record (Book 51 of Deeds, pages 63-64) included in the above plat, and that said plat has been made at OAHE TRAIL DEVELOPMENT, INC. request and under OAHE TRAIL DEVELOPMENT, INC., direction for the purpose indicated. The tract of land as so surveyed and platted shall hereafter be known as OAHE HILLS SUBDIVISION, located in the East Half (E½) of Section 34, Township 113 North, Range 80 West of the 5th. P.M. Sully County, South Dakota as shown on this Plat and that the development of this land shall conform to all existing zoning, subdivision, erosion and sediment control regulations as are applicable to this property. OAHE TRAIL DEVELOPMENT, INC. does hereby dedicate to the public for public use forever, the streets, roads, alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks, and other improvements on or under the streets, alleys, roads, alleys, parks and public grounds, whether such improvements are shown or not. We also hereby grant perpetual easements to run with the land for water, drainage, sewer, gas electric, or telephone or other public utility lines or services under, on, or over those strips of land designated hereon as easements.

John Nystrom, Secretary, Oahe Trail Development, Inc. Date

ACKNOWLEDGMENT OF OWNERS

On this _____ day of _____, 2005, before me, a Notary Public, personally appeared John Nystrom, Secretary, Oahe Trail Development, Inc. known to me to be the person described in the foregoing instrument and acknowledge to me that they signed the same.

IN WITNESS WHEREOF, I hereby set my hand and seal.

Notary Public: _____

My Commission Expires: _____

CERTIFICATE OF COUNTY TREASURER

I, Kathy Braun, Treasurer of Sully County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the record in my office.

Dated this _____ day of _____, 2005.

Kathy Braun, Treasurer of Sully County

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Karen Wilcox, Director of Equalization of Sully County, do hereby certify that I have on record in my office a copy of the foregoing Plat.

Dated this _____ day of _____, 2005.

Karen Wilcox, Director of Equalization of Sully County

CERTIFICATE OF PLANNING COMMISSION

I, _____, do hereby certify that the Planning Commission of Sully County recommends approval of the foregoing Plat.

Dated this _____ day of _____, 2005.

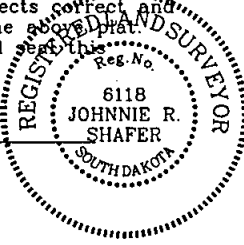
Chairperson

CERTIFICATE OF SURVEYOR
STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I, Johnnie R. Shafer, Registered Land Surveyor No. 6118 in the State of South Dakota, do hereby certify that at the request and under the direction of the owners, I made the survey and above plat. I hereby certify that the above plat is in all respects correct and that the location and dimensions are shown on the above plat.

IN WITNESS WHEREOF, I have set my hand and seal this _____ day of _____, 2005.

Johnnie R. Shafer, R.L.S. No. 6118



CERTIFICATE OF STREET/HIGHWAY AUTHORITY

The location of the proposed property lined abutting County or State Highway, or the City Street as shown hereon, is hereby approved. Any changes in the location of the proposed access shall require additional approval.

Dated this _____ day of _____, 2005.

Curt Olsen, Deputy Sheriff, Sully County

CERTIFICATE OF COUNTY COMMISSION
RESOLUTION NO. _____

A RESOLUTION APPROVING the Plat of Oahe Hills Subdivision located in the East Half (E½) of Section 34, Township 113 North, Range 80 West of the 5th Principal Meridian, Sully County, South Dakota.

WHEREAS, the plat of the above described property has been executed according to statute, now therefore:

BE IT RESOLVED that the County Commission, in and for Sully County, does hereby approve the said Plat of Oahe Hills Subdivision located in the East Half (E½) of Section 34, Township 113 North, Range 80 West of the 5th Principal Meridian, Sully County, South Dakota.

Dated this _____ day of _____, 2005.

Chairperson

ATTEST:
(SEAL)
Auditor: _____

I, Patty McGee, Auditor of Sully County, do hereby certify that at an official meeting on _____, 2005, the County Commissioners did by resolution approve the the Plat of Oahe Hills Subdivision located in the East Half (E½) of Section 34, Township 113 North, Range 80 West of the 5th Principal Meridian, Sully County, South Dakota.

Patty McGee, Auditor of Sully County

ZONING

E½ Section 34 zoned AG-A, T113N, R80W,
Sully County South Dakota.

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____,
2005, in Book/Roll _____, Page/Image _____, at _____ AM/PM

Holly McKnight, Register of Deeds of Sully County

Line Table

Number	Direction	Distance	Number	Direction	Distance
L1	N 88°50'40" W	356.49'	L21	S 72°07'37" E	250.00'
L2	S 57°52'09" W	100.00'	L22	S 78°00'12" E	200.00'
L3	S 42°41'38" W	100.00'	L23	N 60°33'40" E	200.00'
L4	S 23°43'54" W	141.76'	L24	N 22°11'44" E	200.00'
L5	S 14°08'52" W	200.00'	L25	N 17°49'14" W	200.00'
L6	S 41°54'36" W	200.00'	L26	N 40°22'23" W	200.00'
L7	S 70°33'50" W	200.00'	L27	N 45°22'33" W	250.00'
L8	N 72°31'39" W	200.00'	L28	N 57°00'52" W	250.00'
L9	N 54°10'18" W	200.00'	L29	N 56°04'24" W	250.00'
L10	N 31°28'48" W	200.00'	L30	N 07°44'38" W	250.00'
L11	N 16°00'54" W	200.00'	L31	N 23°12'06" W	250.00'
L12	N 09°14'53" W	147.69'	L32	N 29°26'34" W	212.07'
L13	N 28°32'00" W	200.00'	L33	N 29°26'34" W	37.93'
L14	N 67°11'46" W	200.00'	L34	S 49°02'02" E	199.78'
L15	N 58°29'09" W	200.00'	L35	S 39°46'28" E	199.78'
L16	N 23°05'20" W	200.00'	L36	S 30°30'54" E	199.78'
L17	N 08°20'43" E	200.00'	L37	S 21°15'20" E	199.78'
L18	N 56°39'27" E	200.00'	L38	S 11°59'46" E	199.78'
L19	N 85°28'54" E	200.00'	L39	S 75°39'53" E	58.59'

Z:\205PR\S\17058\56\ Plat 20000EHI LFP.DWG, Model, 4/5/2005 8:00:22 AM

BROSZ
ENGINEERING, INC.

315 S. MAIN, BOX 357, BOWMAN, ND 58003
PHONE: (701) 523-3340 FAX: (701) 523-5243
3030 AIRPORT ROAD, BOX 23, PIERRE, SD 57501
PHONE: (605) 224-1123 FAX: (605) 224-0659

Prepared by:
Johnnie R. Shafer
Sheet 2 of 2

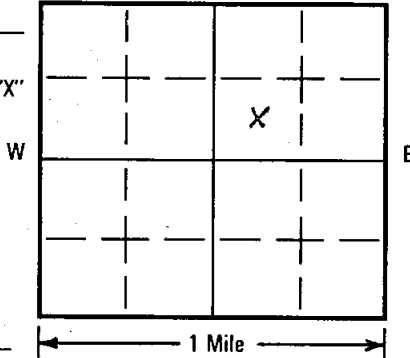
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NE 1/4 Sec 34 Twp 113N Rg 80W
 County Sully

North

Please mark well location with an "X"



Well Completion Date _____

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from None (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation Trees ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Boring Rig

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>500 LB/FT</u>	<u>8" IN</u>	<u>0 FT</u>	<u>27 FT</u>	<u>24" IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Bentonite No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft. To 21 ft.
 _____ lb./gal _____ ft.

Describe grouting procedure Pressure Grouted
Through Tremie Pipe

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 8" IN Length 24 FEET

Material PLASTIC

Slot Size 25 Set From 27 Feet to 51 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorinated
 _____ NO, Why Not? during
Gravel Packing

Laboratory sent to for water quality analysis _____

Well Owner: Morris Inc.
 Business Name: Morris Inc.
 Address: PO Box 1162
Pierre, S.D. 57501

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Brown Clay</u>	<u>1</u>	<u>5</u>
<u>Gravel</u>	<u>5</u>	<u>10</u>
<u>Brown Clay</u>	<u>10</u>	<u>26</u>
<u>Silty Sand, Gravel</u>		
<u>& Clay lenses</u>	<u>26</u>	<u>48</u>
<u>Course + Large</u>		
<u>Gravel</u>	<u>48</u>	<u>51</u>
<u>Hard Shale</u>	<u>51</u>	

STATIC WATER LEVEL

28

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

27 35 ft. After 1 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 4

And this report is true and accurate.

Drilling firm Bullis Bros

Signature of License Representative:

Lo Ann Bullis

Signature of Well Owner or Equitable Property Holder:

Michael Morris

Date: 4-27-06



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 23, 2006

Oahe Speedway, LLC
c/o Milton Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation at the Oahe Speedway. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- We have received a \$50.00 application filing fee. The application filing fee to irrigate 30 acres is \$200.00. Please submit an additional \$150.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Water Rights Program - File Documentation

NAME: Oahe Speedway LLC

ADDRESS: Pierre SD

DATE: 5-25-06 **COUNTY:** SU **TELEPHONE:** 605 223-9885

RE: Pending application

COMMENTS:

Called Oahe Speedway and told Nancy (?) that my letter stated they owned us an additional \$150. I told her that I was mistaken and the additional fee will be \$50. If they submit \$150 we will refund the extra payment after the permit is approved.

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

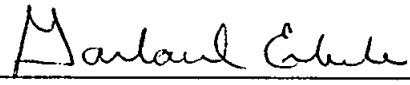
* INVOICE *

Invoice No. 20411-6732-3

Oahe Speedway LLC
% Milton Morris
PO Box 471
Pierre SD 57501

Refund \$100.00 overpayment of application/License fee

PLEASE PAY THIS AMOUNT: \$100.00



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



www.oahespeedway.com
info@oahespeedway.com

RECEIVED

JUN - 8 2006

WATER RIGHTS
PROGRAM

June 7, 2006

Attn: Karen Schlaak
Water Rights Program
South Dakota Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capital
Pierre, SD 57501-3182

Subject: Application for a Permit to Appropriate Water

Dear Ms. Schaak:

In reference to your letter dated May 23, 2006, we are returning to you a map signed by a Registered Land Surveyor and a check in the amount of \$150.00. You will notice that the map consists of two pages. The first page consists of signature boxes, which is where you will find the signature by a Registered Land Surveyor, Johnnie R. Shafer. The second page is the actual map showing the location of the well.

If you have any questions, please don't hesitate to contact me at 605-223-9885.

Sincerely,

Nancy F. Morris
Track Operator

605-223-9885
PO Box 471
Pierre, SD 57501

REPORT ON APPLICATION NO. 6732-3

For Oahe Speedway LLC

July 13, 2006

Application 6732-3 proposes to appropriate 0.067 cubic feet of water per second (cfs) from one well completed into the Gray Goose Aquifer (approximately 51 feet deep) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, to irrigate 30 acres located in the SE $\frac{1}{4}$ Section 34, all in T113N R80W in Hughes County.

AQUIFER – GRAY GOOSE (GG)

The Gray Goose Aquifer is composed of buried alluvium and glacial deposits ranging from medium sand to fine gravel that is very permeable (Hamilton, 1986). The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 33,400 acres and contains an estimated 200,400 acre feet of recoverable water in storage in Hughes County (Hedges, 1982). The aquifer appears to be hydraulically connected to the Lake Oahe, in fact, the aquifer forms the beach sands along Cow and Spring Creeks. The level of the reservoir can be high enough to cause water to flow into the aquifer.

The Water Rights Program monitors an observation well (HU-82B) completed into the Gray Goose aquifer located approximately $\frac{1}{2}$ mile south of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this observation well is included in this report and labeled as Figure 1.

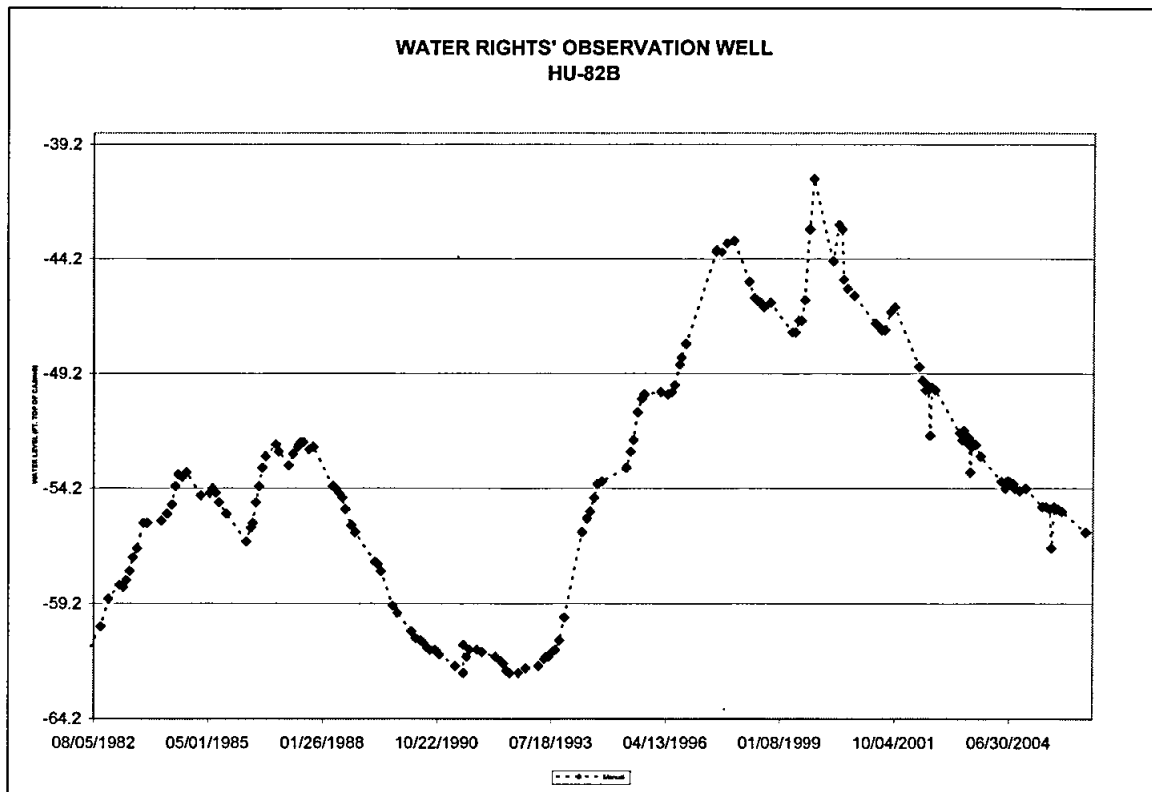


Figure 1. Hydrograph of observation well HU-82B.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Gray Goose Aquifer is approximately $\frac{3}{4}$ mile to the east. This well is for Water Rights No. 6281-3 (2.22 cfs for commercial use). Interference is not expected to be a problem.

Table 1. Table identifying permits within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
1987-3	SCHUMACHER	GG	IRR	3.08
2488-3A	SCHUMACHER	GG	IRR	1.56
4917-3	OLSON	GG	COM	0.11
5943-3	COW CREEK ESTATES	GG	COM	0.055
6281-3	DAKOTA VALUE CAPTURE CO	GG	COM	2.22

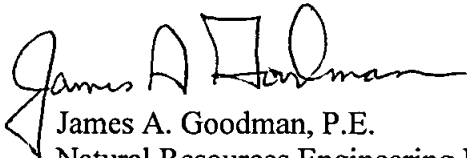
CONCLUSIONS

1. The Gray Goose Aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is under unconfined conditions at this site. Interference should not be a concern.
3. The well authorized for this application is an existing well and appears to be completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

Hamilton, L.J., 1986, Water resources of Hughes County, South Dakota, USGS WRI Report 84-4195, USGS, Huron, SD, 57350.

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Unpublished Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6732-3, Oahe Speedway LLC**

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. 6732-3, Oahe Speedway LLC, c/o Milton Morris, PO Box 471, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6732-3 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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
August 4, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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August 8, 2006

Oahe Speedway LLC
c/o Milton Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Encloses is the report and recommendation for Oahe Speedway's water right permit application to appropriate water from the well. The application has been public noticed and we are waiting until August 14th to see if anyone petitions to intervene.

If you have any questions, give me a call.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that **THE ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

**NOTICE OF APPLICATION NO. 6732-3 TO
APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive issues, the first publication made **2006** the **27th** day of **JULY**, and the last publication on **2006** the **3rd** day of **AUGUST**, and that **\$37.84** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

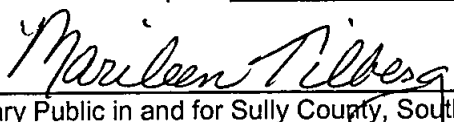

Curtis R. Olson

Subscribed and Sworn to me this

7th Day of August, 2006

(SEAL)

My commission expires April 24, 2010


Notary Public in and for Sully County, South Dakota

**NOTICE OF
APPLICATION
NO. 6732-3 TO
APPROPRIATE
WATER**

Notice is given that Oahe Speedway LLC, c/o Milton Morris, PO Box 471, Pierre SD 57501 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well completed into the Gray Goose Aquifer (51 feed deep) located in the SW ¼ NE ¼ Section 34 to irrigate 30 acres located in the SE ¼ Section 34; all in T113N-R80W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6732-3 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 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 applicants mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 14, 2006.

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.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources. 31-32

RECEIVED
AUG 11 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on July 27, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6732-3 to Appropriate Water

Notice is given that Oahe Speedway LLC, c/o Milton Morris, PO Box 471, Pierre SD 57501 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second from one well completed into the Gray Goose Aquifer (51 feet deep) located in the SW ¼ NE ¼ Section 34 to irrigate 30 acres located in the SE ¼ Section 34; all in T113N-R80W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6732-3 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 August 14, 2006.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 19, 2006

Onida Watchman
PO Box 245
Onida SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6732-3 to Appropriate Water to be published twice. Please publish the first notice on July 27, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Oahe Speedway LLC, % Milton Morris, PO Box 471, Pierre SD (Ph # 605-223-9885).

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-----

No. 6732-3

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

Date _____

We are in receipt of your letter of July 19, 2006 enclosing Notice to Appropriate Water by Application No. 6732-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

July 19, 2006

Oahe SpeedwayLLC
% Milton Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Water Permit Application No. 6732-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Onida Watchman printed at Onida, SD (Ph # 605-258-2604). You will need to contact the newspaper and authorize publication of this notice. 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 in the near future. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Oahe Speedway is responsible 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. 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.



AUG 17 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
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Oahe Speedway LLC
c/o Milton Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Enclosed is Water Permit No. 6732-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

At the time of application, a \$200 application/license filing fee was submitted (receipts enclosed). The correct filing fee for this permit is \$100. Therefore, \$100 will be refunded to you. You should be receiving this refund within the next couple of weeks.

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



6732-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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January 18, 2008

NOTICE

TO: OAHE SPEEDWAY LLC, MILTON MORRIS, PO BOX 471, PIERRE, SD 57501 0471

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 6732-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 6732-3 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 3, 2008**, 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/E0455V6-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.



6732-3

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 3349
Status: **Delivered**

Your item was delivered at 8:17 AM on January 22, 2008 in PIERRE, SD 57501. The item was signed for by B UNDERHILL.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3349	OAH SPEEDWAY LLC MILTON MORRIS PO BOX 471 PIERRE SD 57501 0471	
	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	
☐ Priority Mail™ Service		
☐ First-Class Mail® parcel		
☐ Package Services parcel		



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2008

6732-3

Milton Morris
Oahe Speedway LLC
PO Box 471
Pierre SD 57501-0471

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 6732-3.

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



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: OAHE SPEEDWAY LLC, MILTON MORRIS, PO BOX 471, PIERRE, SD 57501 0471
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6732-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 6732-3 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

6732-3

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- Notice Left, January 22, 2011, 6:36 am, PIERRE, SD 57501
- Arrival at Post Office, January 22, 2011, 4:43 am, PIERRE, SD 57501

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0478	OAHE SPEEDWAY LLC MILTON MORRIS PO BOX 471 PIERRE SD 57501 0471		mailing.
	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		
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2011

6732-3

Milt Morris
Oahe Speedway LLC
PO Box 471
Pierre SD 57501 0471

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 6732-3. 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
email: genny.mcmath@state.sd.us



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: OAHE SPEEDWAY LLC, MILTON MORRIS, PO BOX 471, PIERRE, SD 57501 0471
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 6732-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 6732-3 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

6732-3



FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Genny McMath

Marlin Roseland

COMPANY:

DATE:

South Dakota DENR

February 6, 2012

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

605-773-4068

3

PHONE NUMBER:

605-773-3352

RE:

2011 Irrigation Questionnaire

☒ URGENT☐ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE

NOTES/COMMENTS:

Genny,

Please find attached 2011 Irrigation Questionnaire

Best Regards,

Marlin R Roseland
Director of Operations
Oahe Speedway605-222-1798-C
605-223-9885-O
605-223-2008-F

605-223-9885

PO Box 471, Pierre, SD 57501

www.oahespeedway.com
info@oahespeedway.com



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

6732-3

Marlin Roseland
Oahe Speedway LLC
PO Box 471
Pierre SD 57501 0471

Dear Mr. Roseland:

I am writing to acknowledge receipt of the 2011 irrigation questionnaire for the water permit held by Oahe Speedway LLC.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 6732-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

Thank you for the notation indicating additional acres were added in 2011. The time frame for completion of works as specified in the permit lapsed in August, 2011. Now that the completion date is passed, someone from our office will contact you to schedule an inspection of the system for licensing purposes. A determination will be made after the inspection on whether additional permitting is required or if the existing permit is ready for licensing.

If you have any questions, please contact me.

Sincerely,

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

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



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: OAHE SPEEDWAY LLC, MILTON MORRIS, PO BOX 471, PIERRE, SD 57501 0471

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** 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) 6732-3, 7396-3 & 8008-3 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 14, 2017

6732-3
7396-3
8008-3

Milt Morris
PO Box 1162
Pierre SD 57501-1162

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires for Oahe Speedway LLC and Oahe Trail Development.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, BOX 1162, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** 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) 6732-3, 7396-3 & 8008-3 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 before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

6732-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2019

6732-3
7396-3
8008-3

Milton Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of the 2018 irrigation questionnaires for the following:

- Permit No. 6732-3 – Oahe Speedway LLC
- Permit No. 7396-3 – Oahe Speedway LLC
- Permit No. 8008-3 – Oahe Trail Development Inc

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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



6732-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, PO BOX 1162, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** 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) 6732-3, 7396-3 & 8008-3 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 before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: ILSDST**

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.

6732-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

6732-3
7396-3
8008-3

Milt Morris
Oahe Trail Development Inc
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 6732-3, 7396-3 & 8008-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, PO BOX 1162, PIERRE, SD 57501

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 6732-3, 7396-3 & 8008-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed 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 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HQLHXY**

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.

6792-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 26, 2022

6732-3
7396-3
8008-3

Milt Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

File No. 6732-3
7396-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Milt Morris, PO Box 1162, Pierre SD 57501

DATE: January 10, 2023

TELEPHONE: 605 280-1688

RE: name change and possible cancellation

COMMENTS:

Mr. Morris brought his two irrigation questionnaires into the office for completion.

With respect to Permit No. 6732-3, he indicated it is abandoned and can be cancelled. He owns the land where the well is, but the acreage has been sold to Vic Utech and they do not have a working relationship.

No. 7396-3 is for an additional 6 acres however he is irrigating 14 acres. The well used to irrigate these acres is covered under No. 6732-3.

Prior to doing anything with the water permits, a licensing investigation needs to be done. At that time, any part of No. 6732-3 he is using can be incorporated into 7396-3. This may avoid him having to apply for a new permit for the additional 8 acres he is irrigating. The remaining acreage under No. 6732-3 can be scheduled for cancellation with the new owner also receiving notification.

Mr. Morris indicated the ownership should be listed as Cow Creek Recreation (same address). At this time, I am not sure if one or two transfers will be needed. Hopefully after the licensing investigation, it can be ironed out.



Genny McMath
Water Rights Program