

WATER PERMIT NO. 6977-3

Name of Applicant: Jim Allen Lake

Address: 30010 Hurley Place, Gettysburg SD 57442 Phone: 605 765-2299

Amount of Water Claimed: 1.33 cfs Total Acres: 30 acres

Source of Water Supply: Little Cheyenne Creek

Water to be used for: irrigation County: Potter

Type of Waste Disposal System:

Location: 12 miles northwest of Gettysburg

PRIORITY Date Received: 2-19-08 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: April 1 – August 31

Remarks:

Diversion Point: SE ¼ SW ¼ Sec 29-T119N-R77N

Land to be Irrigated: S ½ SW ¼ Sec 29 and N ½
NW ¼ Sec 32; all in T119N-R77W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Tami, Potter Co NRCS

Reviewed and the Number Assigned on: 2-20-08

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6977-3</u> (office use only) Hydrologic Unit <u>10/30/05</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Potter Co. News 1/0</u>

RECEIVED
FEB 19 2008
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 Jim Allen Lake Phone 605-765-2299
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 30010 Hunley Place Gettysburg State SD 57442
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.33*CFS or 500 600 GPM ***AF Total Acreage 30 Acres (APP)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Little Cheyenne Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Potter
Creek location → SW 1/4 Sec. 29 119-77
(SE 1/4 SW 1/4)
- County or counties where water will be used Potter
- Annual period during which water is to be used Apr. 11 thru Aug. 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
<u>S 1/2 - S 1/2 - SW 1/4 - 29 - 119 - 77</u>	<u>18 (APP)</u>		
<u>N 1/2 - NW 1/4 - 32 - 119 - 77</u>	<u>12 (APP)</u>		
<u>NE 1/4</u>			

8. Give a description of the project. (Attach sheet if more space is needed) WE PLAN ON PLANTING ALFALFA and watering ALFALFA with a diesel pump + wheel-hill system. we would SOAK up soil in spring AS this is the time creek runs deep. Only OCCASIONALLY does creek have deep water in summer. (Big run-off into - LAND owned by Boyd + Lillian LAKE LAKE HUNLEY)

STATE OF SOUTH DAKOTA) SS
County of Potter

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, Jim Allen Lake, 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 Jim Allen Lake

Subscribed and sworn to before me this 15th day of February 20 08

Leland K. Hericks

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6977-3**

Date of first receipt of application February 19, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6977-3 to Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6977-3 appropriates 1.33 cubic feet of water per second (cfs) from the Little Cheyenne Creek located in SE ¼ SW ¼ Section 29 to irrigate 30 acres located in the S ½ SW ¼ Section 29 and NE ¼ NW ¼ Section 32; all in T119N-R77W.
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 – August 31.
3. The date from which applicant may claim right is February 19, 2008.
4. The date of approval of Permit No. 6977-3 is April 21, 2008.
5. One-fifth of the construction is to be completed on or before October 21, 2010.
6. All construction is to be completed on or before April 21, 2013.
7. Water is to be put to beneficial use on or before April 21, 2017.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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

MAY 16 2008

date



(type or print in ink)

1. Well Information - Proposed Construction *N/A*

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

2. Wastewater Disposal System Information *N/A*

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

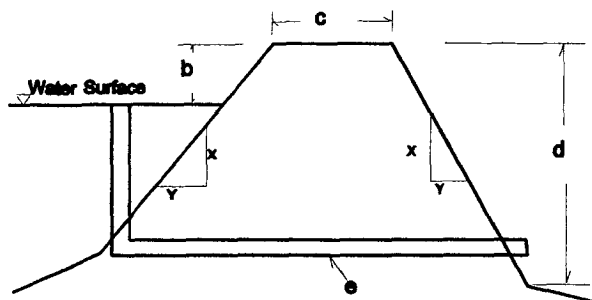
3. Dugout Information *N/A*

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

4. Water Storage Dams *N/A*

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

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



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

PESTICIDE SCREENING SPREADSHEET

Gettysburg FO - Potter Co.

PREPARED FOR: Lake and Lake Ranch Ptn.

Date: Feb-08

Address: 30050 Hurly Place

Assisted By: David Nusz

City, State Zip: Gettysburg SD 57442

Farm Number: 0

Legal description 29, 32 - 119N - 77W

Tract & Field No.: 63334

Preemergence Management:

Predominant Soil: AgB Agar SIL 90%

Low Application Rate

Soil leach index: 2

Crop: Grass/Alfalfa To be used in conjunction with Extension Service Bulletin FS 525CRP or FS 525

Selected	Herbicide	Appl. Method	PESTICIDE LOSS POTENTIAL and HAZARD RATINGS:			Grass Control	Broadleaf Control
			Leaching	Surface Runoff	Sediment Transport		
☐	2,4-D Amine	post	Low	Very Low	Very Low		X
☐	2,4-D Ester	post	Low	Very Low	Very Low		X
☐	Ally/Cimarron/Escort	post	Very Low	Very Low	Very Low		X
☐	Amber	post	Low	Very Low	Very Low		X
☐	Banvel/Clarity	post	Very Low	Very Low	Very Low		X
☐	Bronate	post	Very Low	Intermediate	Very Low		X
☐	Buctril	post	Very Low	Intermediate	Very Low		X
☐	Butyrac 200	post	Low	Very Low	Low		X
☐	Curtail	post	Very Low	Very Low	Very Low		X
☒	Glyphosate	post	Very Low	Low	Very Low	X	X
☐	Gramoxone Extra	post	Low	Very Low	Very Low	X	X
☐	Grazon P + D	post	Low	Very Low	Very Low		X
☐	Journey	post	Very Low	Very Low	Very Low	X	X
☐	Kerb	pre	Intermediate	Very Low	Very Low	X	
☐	Kerb	post	Intermediate	Very Low	Very Low	X	
☐	MCPA Amine	post	Intermediate	Very Low	Very Low		X
☐	MCPA Ester	post	Low	Low	Very Low		X
☐	Plateau	pre	Very Low	Very Low	Very Low	X	X
☐	Plateau	post	Very Low	Very Low	Very Low	X	X
☐	Poast	post	Very Low	Low	Low	X	
☐	Pursuit	pre	Very Low	Very Low	Very Low	X	X
☐	Pursuit	post	Very Low	Very Low	Very Low	X	X
☐	Redeem R&P	post	Very Low	Very Low	Very Low		X
☐	Remedy/Garlon 3A	post	Very Low	Intermediate	Very Low		X
☐	Stinger	post	Very Low	Very Low	Very Low		X
☐	Tordon	post	Very Low	Very Low	Very Low		X
☐	Eptam	ppi	Very Low	Very Low	Very Low	X	X
☐	Prowl	ppi	Low	Intermediate	Very Low	X	
☐	Prowl	pre	Very Low	Intermediate	Very Low	X	
☐	Raptor	pre	Very Low	Very Low	Very Low	X	X
☐	Raptor	post	Very Low	Very Low	Very Low	X	X
☐	Select/Prism	post	Very Low	Very Low	Very Low	X	
☐	Sencor	pre	Very Low	Very Low	Very Low		X
☐	Treflan	pre	Low	Intermediate	Low	X	
☐	Velpar	pre	Very Low	Very Low	Very Low	X	X

Producer _____
 Lake and Lake Ranch Ptn. _____
 Date 2/13/2008
 Assisted by David Nusz

[illegible]

Operation and Maintenance:

- *Review and update the plan periodically to incorporate new IPM technology, respond to cropping system and pest changes, and to avoid the development of pest resistance.
- *Develop a safety plan for individuals exposed to chemicals. For emergency information, call 911 or visit your doctor or call the Poison Control Center for South Dakota at 1-800-POISON1 or (612) 347-3141. The national poison control phone number is (800) 222-1222. For non-emergency information contact the National Pesticide Information Center (NPIC) at 1-800-858-7384, Monday- Friday, 6:30 a.m. to 4:30 p.m. Pacific Time.
- *For assistance with agrochemical spills, call the South Dakota Department of Agriculture at (605) 773-4432. The national 24-hour CHEMTREC telephone number is 1-800-424-9300. For a list of currently licensed pesticides, call 1-800-432-5310.
- *Follow label requirements for mixing/loading, and for setbacks from wells, intermittent streams and rivers, natural or impounded ponds and lakes, or reservoirs. Load and mix pesticides at least 100 feet away from wells, high runoff areas, ponds, lakes, streams, and other water bodies or other environmentally sensitive areas. Handle all pesticides with caution, and wear appropriate protective clothing prescribed on the label. Labels available at: <http://www.greenbook.net/>.
- *Post signs according to label directions and/or federal, state, and local laws around treated sites. Follow re-entry interval restrictions.
- *Dispose of pesticides and containers according to label directions and federal, state, and local regulations.
- *Maintain appropriate Material Safety Data Sheets (MSDS) available at: <http://msds.pdc.cornell.edu/msdssect.asp>.
- *Calibrate application equipment according to Extension and/or manufacturer recommendations before each seasonal use and with each major chemical change.
- *Replace worn nozzle tips, cracked hoses, and faulty gauges.
- *Obtain additional pesticide information from Extension, consultants, or chemical dealers. NRCS can provide photocopies of SDSU Ext. Fact sheets however, NRCS **does not** make specific pesticide recommendations.
- *Maintain records of pesticide application for restricted use materials for at least two years. Pesticide application records shall be in kept accordance with USDA Agricultural Marketing Service's Pesticide Record Keeping Program which is found at <http://www.ams.usda.gov/science/sdpr.htm> A list of restricted use pesticides is available at <http://entweb.clemson.edu/pesticid/document/fedrup.htm>.

Planning Certification

DC or TSP Signature

Date

Job Approval

CONSERVATION PLAN

Customer(s): LAKE & LAKE RANCH PTN

Legal Description: SW29, NW32 - 119N - 77W
1:6,000 1" = 500ft

County: SD, POTTER



Legend

Practice name

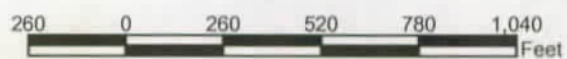
Pasture and Hay Planting

cta_2009_irrigation

Diversion

Cheyenne Creek

Sections



Tami Doral District Conservationist NRCS 2/13/2008

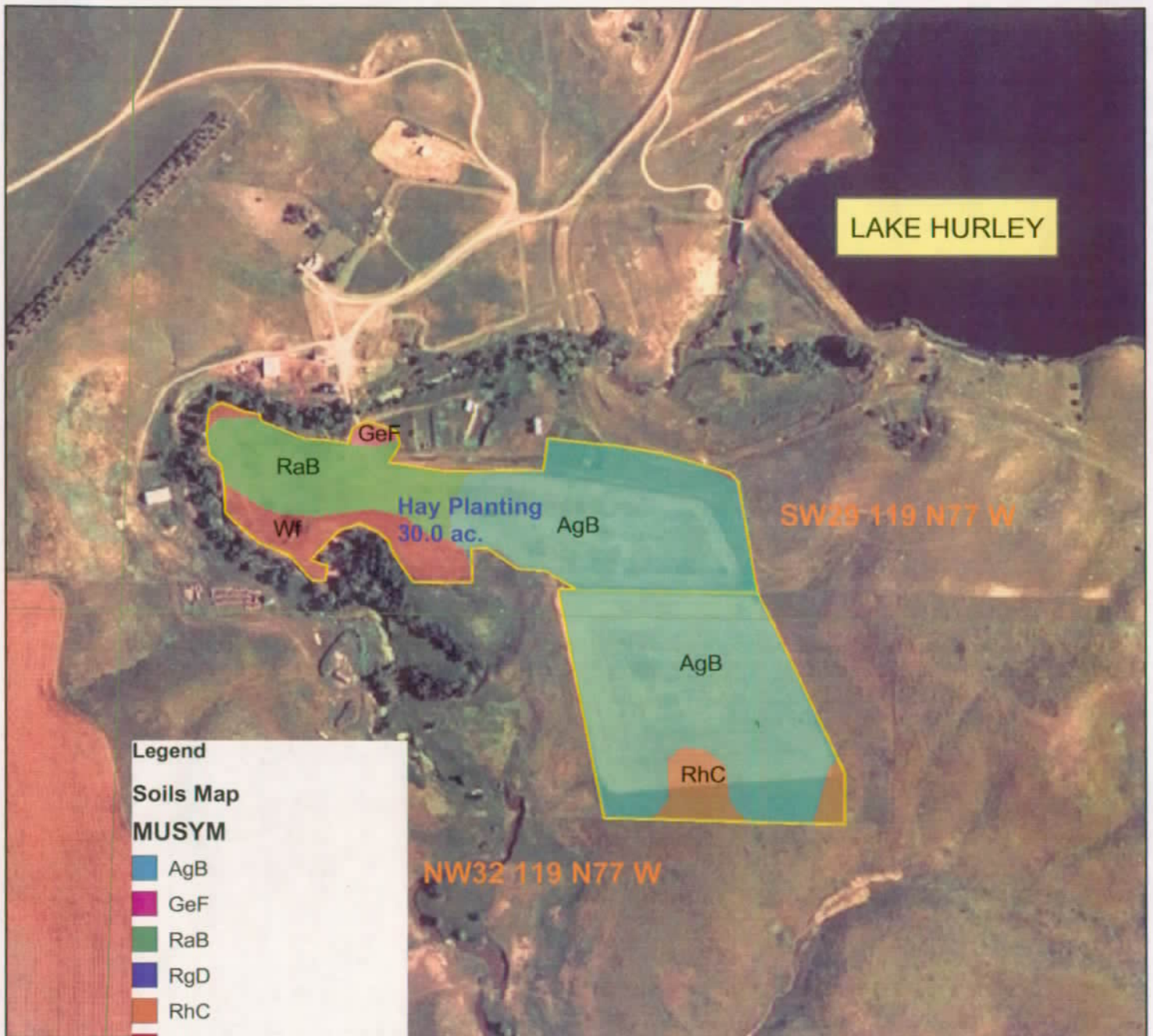
SOILS MAP

Date: 2/12/2008

Customer(s): LAKE & LAKE RANCH PTN

State and County: SD, POTTER

Legal Description: SW29, NW32 - 119N - 77W
1:6,000 1" = 500ft



Legend

Soils Map

MUSYM

- AgB
- GeF
- RaB
- RgD
- RhC
- Wf

★ Diversion

— Cheyenne Creek

Practice name

- Pasture and Hay Planting
- cta_2009_irrigation
- Sections

200 0 200 400 600 800 1,000 1,200 Feet

N

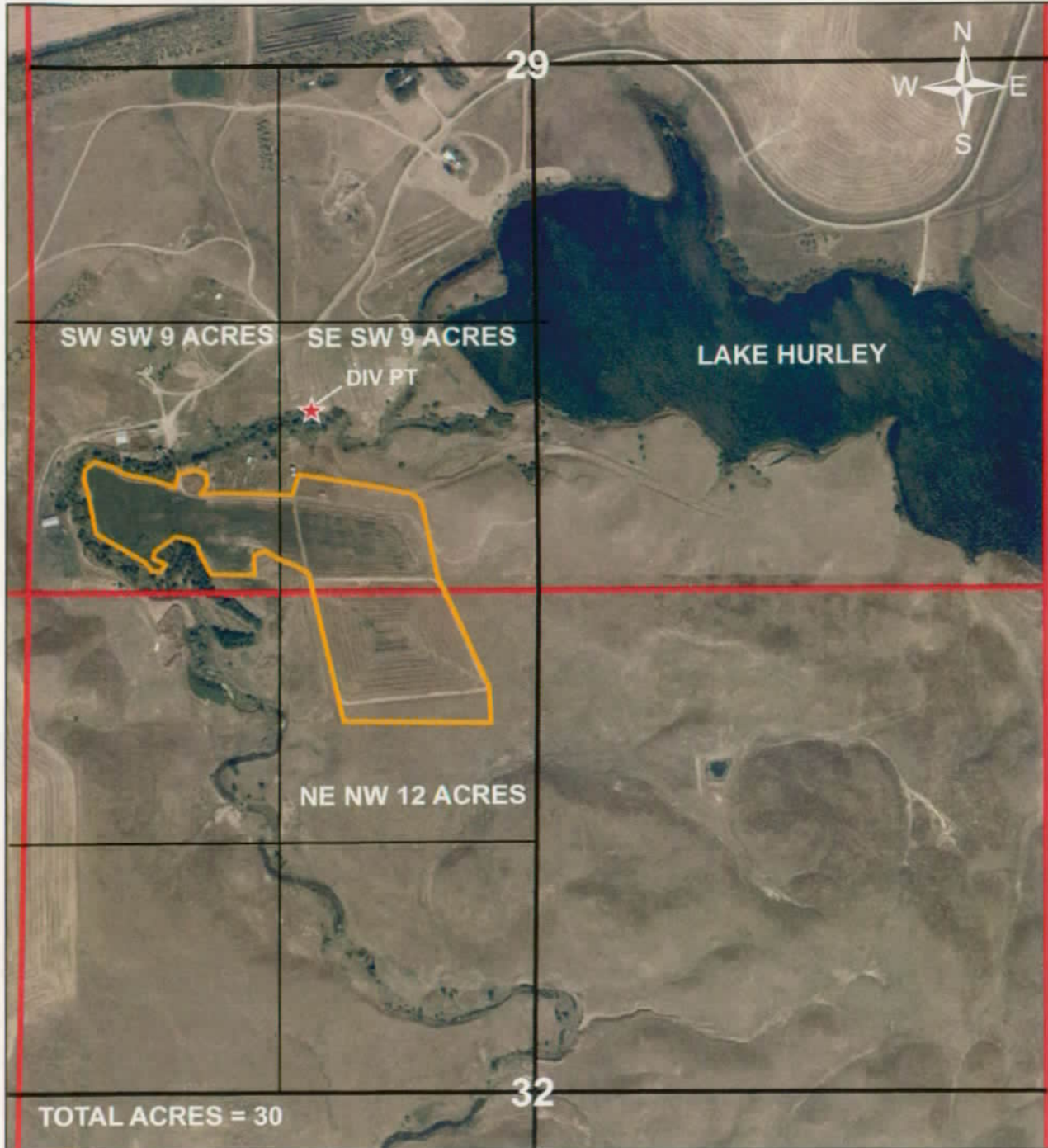
PERMIT APPLICATION NO. 6977-3

Jim Allen Lake

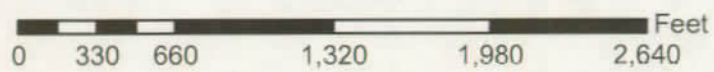
March 4, 2008

R77W

T119N

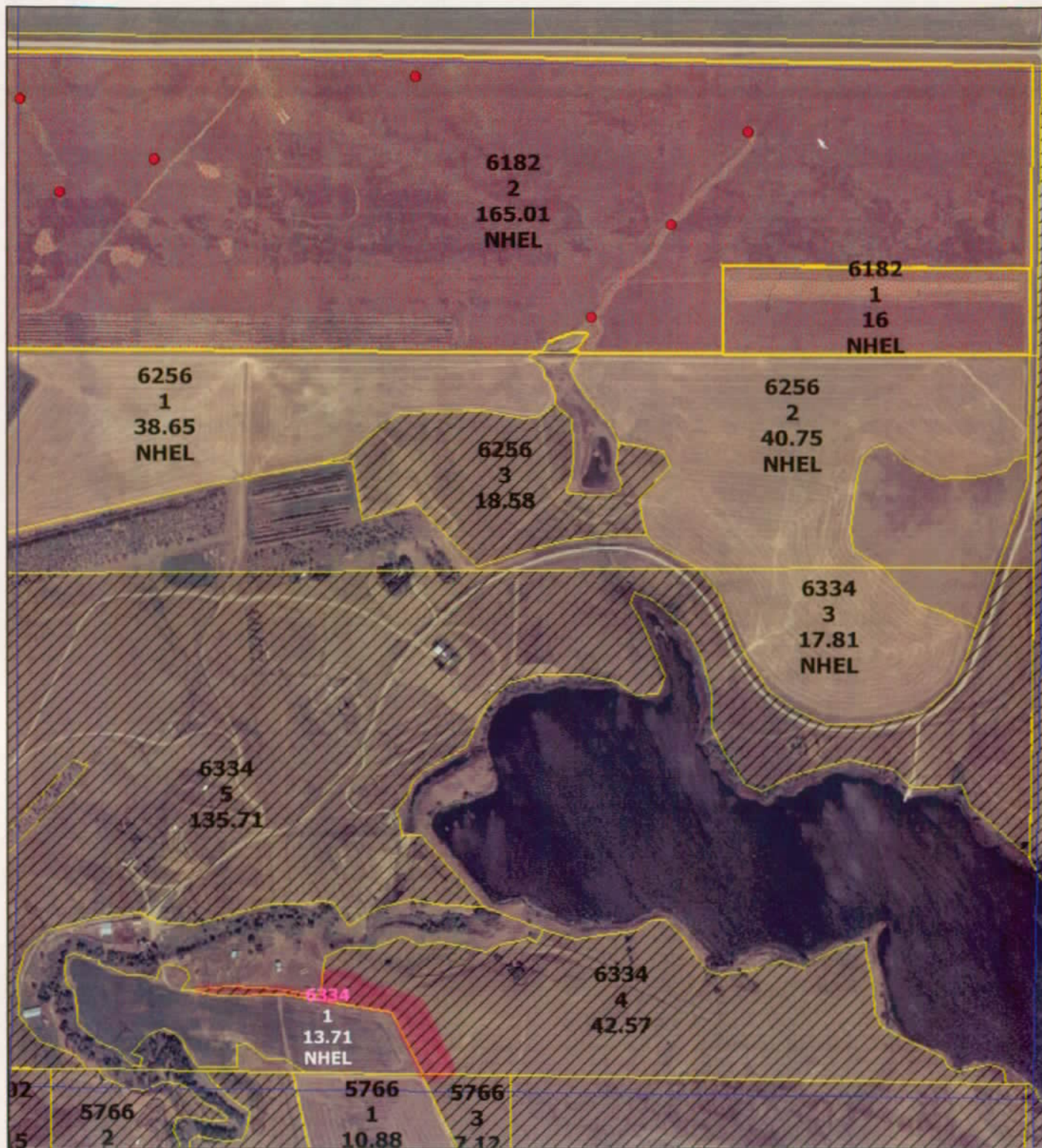


SCALE



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program





USDA - Farm Service Agency

POTTER COUNTY, SD

29-119N-77W

1:8,472

January 30, 2008



Legend

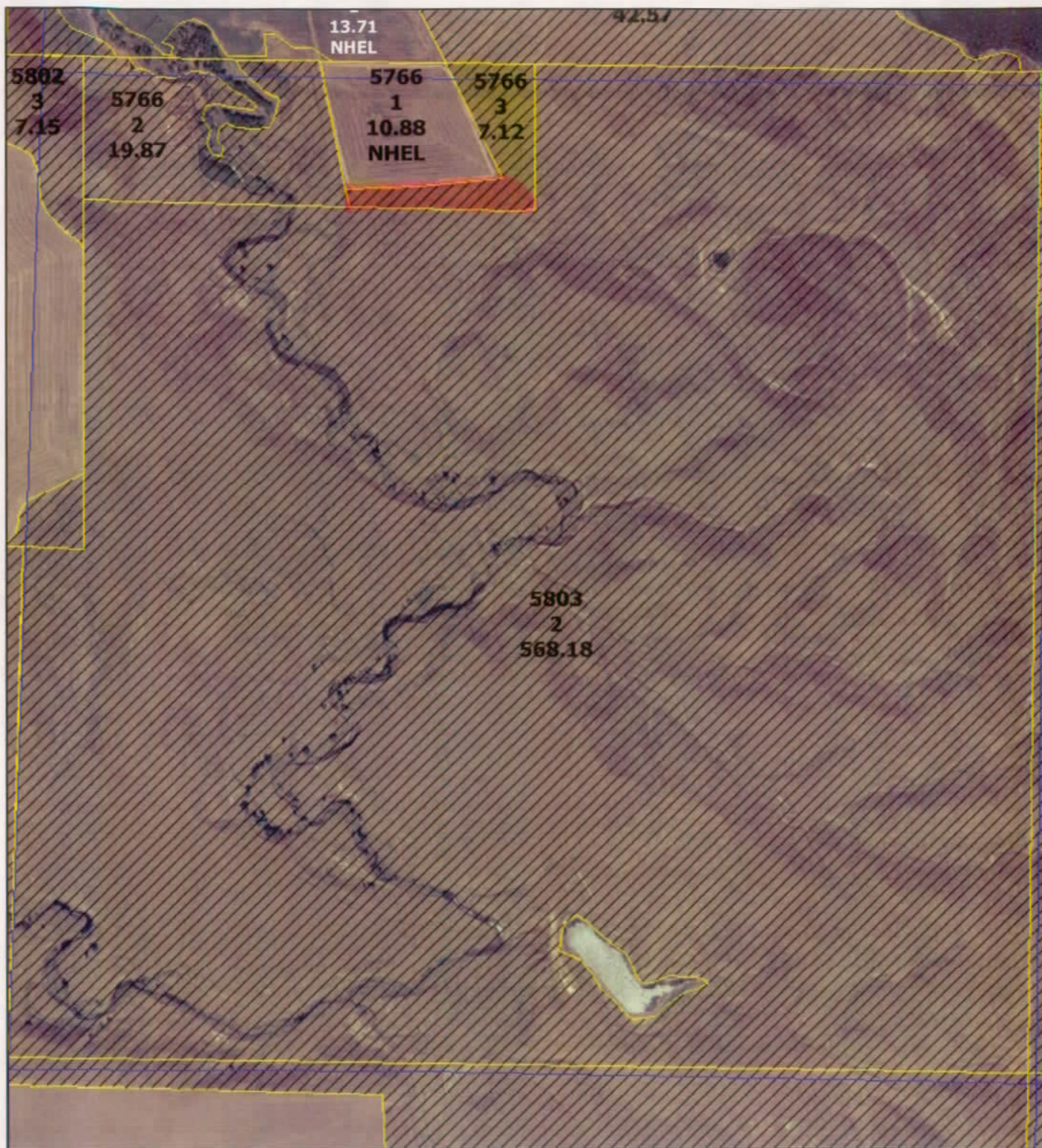
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



USDA - Farm Service Agency

POTTER COUNTY, SD

32-119N-77W

1:8,617

January 30, 2008



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damages incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 19, 20 08

RECEIVED OF Lake & Lake Ranch, 30010 Hurley Blace, Gettysburg SD 57442

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

Fee for Application for Permit No. <u>6977-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6977-3</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	200	00

No.

03534

By

Gorland Erbele

Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6977-3, Jim Allen Lake**

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. 6977-3, Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442.

The Chief Engineer is recommending APPROVAL of Application No. 6977-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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
March 24, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6977-3

Jim Allen Lake

March 4, 2008

Jim Allen Lake has filed Water Permit Application No. 6977-3 to appropriate 1.33 cubic feet of water per second (cfs) from Cheyenne Creek to irrigate 30 acres of land. The diversion point is to be located in the SE¼ SW¼ Section 29 and the land to be irrigated is located in the S½ SW¼ Section 29 and the NE¼ NW¼ Section 32; all in T119N-R77W. The requested diversion rate is greater than the statutory limit of 1 cfs per 70 acres.

Review of Proposed Project

The project proposes to irrigate 30 acres with a wheel-roll system at a rate of 1.33 cfs or 600 gallons per minute (gpm). This is more than the statutory limit of 1 cfs per 70 acres. SDCL 46-5-6 allows for a greater diversion rate than the statutory limit due to time constraints, method of irrigation or soil type. The proposed system type and irrigation method to be used for this project requires the greater diversion rate. Pumping to saturate the soil will occur in the spring with overflow from Hurley Dam. Summer pumping will occur when water is needed and available.

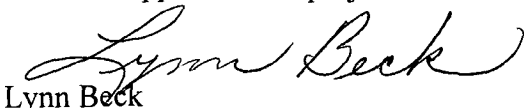
Review of Water Source and Existing Water Rights

The water source for the project is Cheyenne Creek in Potter County 5 miles north and 10 miles west of the town of Gettysburg. The diversion point is located approximately ¼ mile downstream of Lake Hurley Dam. The only water right on Cheyenne Creek is 573-3 held by the SD Department of Game, Fish, and Parks for 675 acre-feet of storage in Lake Hurley. There are no location notices on file below the diversion point for this project. Cheyenne Creek joins the Missouri River (Lake Oahe) approximately 7 river miles downstream of this project.

Potter County experiences extended periods of low precipitation resulting in low or no flow in drainages. Though there are no water rights downstream of this project, there may be domestic uses such as watering livestock. Domestic use has priority over irrigation which may result in limited pumping for this project during low flows. Cheyenne Creek cannot be considered a reliable source of water. There are no USGS river gaging stations on Cheyenne Creek.

Conclusions

1. Water Right Application No. 6977-3 proposes to divert 1.33 cubic feet of water per second (cfs) from Cheyenne Creek to irrigate 30 acres of land.
2. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, which allows a greater diversion rate than the statutory limit of 1 cfs per 70 acres if the method of irrigation, time constraints, or the type of soils so requires. The annual volume may not exceed 2 acre-feet per acre.
3. Cheyenne Creek is not a reliable source of water though water may be available during spring runoff and storm events.
4. Downstream domestic uses have priority.
5. If approved this project should not impair existing water rights.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

RECEIVED

APR 16 2008

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER, ss.

Elizabeth Rische being first duly sworn, on oath says, that she is the bookkeeper of the POTTER COUNTY NEWS, a weekly newspaper published in Gettysburg, County of Potter, and has full and personal knowledge of all the facts herein 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 the notice herein mentioned; that the

Notice of Application No. 6977-3

NOTICE OF APPLICATION NO. 6977-3
to Appropriate Water

Notice is given that Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from the Little Cheyenne Creek located in SE1/4SW1/4 Section 29 to irrigate 30 acres located in the S1/2SW1/4 Section 29 and NE1/4NW1/4 Section 32; all in T119N-R77W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6977-3 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 this 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 this 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 recommendations 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 April 21, 2008.

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.

-040308-041008

Notice of Application, No. 6977-3

Jim Allen Lake

a printed copy of which, taken from the paper in 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 each week for two successive weeks, on the day of each week on which said newspaper was regularly published to-wit:

April 3rd and 10th, 2008

That the full amount of the fees for
the publication of the annexed notice is \$31.50

Elizabeth Rische

Subscribed and sworn to before me this 11th

day of April, 2008

Roberta R. Atkinson

Roberta R. Atkinson, Notary Public

State of South Dakota

My commission expires May 19, 2012



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2008

Potter County News
110 Exene St
Gettysburg SD 57442

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6977-3 to Appropriate Water to be published twice. Please publish the first notice on April 3, 2008 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.

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 Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 (Ph # 605-765-2299).

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. 6977-3

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

Date _____

We are in receipt of your letter of March 25, 2008 enclosing Notice to Appropriate Water by Application No. 6977-3 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
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 25, 2008

Jim Allen Lake
30010 Hurley Place
Gettysburg SD 57442

Dear Mr. Lake:

Water Permit Application No. 6977-3 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 Potter County News printed at Gettysburg SD (Ph # 605-765-2464). 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 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 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. 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.

Instruction to Newspaper - Publish first Notice on April 3, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6977-3 to Appropriate Water

Notice is given that Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from the Little Cheyenne Creek located in SE ¼ SW ¼ Section 29 to irrigate 30 acres located in the S ½ SW ¼ Section 29 and NE ¼ NW ¼ Section 32; all in T119N-R77W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6977-3 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 this 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 this 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 recommendations 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 April 21, 2008.

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**

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

MAY 16 2007

Jim Allen Lake
30010 Hurley Place
Gettysburg SD 57442

Dear Mr. Lake:

Enclosed is Water Permit No. 6977-3 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



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January 22, 2010

NOTICE

TO: JIM ALLEN LAKE, 30010 HURLEY PLACE, GETTYSBURG, SD 57442

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6977-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 6977-3 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 10, 2010** 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) 6977-3 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 5, 2010**, 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 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.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.



6977-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9167

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:37 AM on January 23, 2010 in GETTYSBURG, SD 57442. The item was signed for by R WORTH.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 23, 2010, 10:37 am, GETTYSBURG, SD 57442
- Out for Delivery or Available at PO Box, January 23, 2010, 10:09 am, GETTYSBURG, SD 57442
- Sorting Complete, January 23, 2010, 9:39 am, GETTYSBURG, SD 57442
- Arrival at Post Office, January 23, 2010, 9:21 am, GETTYSBURG, SD 57442

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9167

JIM ALLEN LAKE
30010 HURLEY PLACE
GETTYSBURG SD 57442

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
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www.state.sd.us/denr

January 29, 2010

6977-3

Jim Allen Lake
30010 Hurley Pl
Gettysburg SD 57442

Dear Mr. Lake:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 6977-3.

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



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January 21, 2011

NOTICE

TO: JIM ALLEN LAKE, 30010 HURLEY PLACE, GETTYSBURG, SD 57442

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) 6977-3. 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) 6977-3 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) 6977-3 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.

6977-3

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 0300

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:18 am on January 24, 2011 in
GETTYSBURG, SD 57442. The item was signed for by M LAKE.

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Detailed Results:

- Delivered, January 24, 2011, 9:18 am, GETTYSBURG, SD 57442
- Notice Left, January 22, 2011, 9:49 am, GETTYSBURG, SD 57442
- Sorting Complete, January 22, 2011, 8:19 am, GETTYSBURG, SD 57442
- Arrival at Post Office, January 22, 2011, 7:40 am, GETTYSBURG, SD 57442

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FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0300	JIM ALLEN LAKE 30010 HURLEY PLACE GETTYSBURG SD 57442		ling.
	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	



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February 15, 2011

6977-3

Jim Allen Lake
30010 Hurley Pl
Gettysburg SD 57442

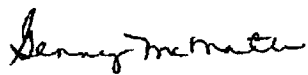
Dear Mr. Lake:

I am writing to acknowledge receipt of the information for your 2010 irrigation questionnaire. I completed a form for you that shows you did not irrigate in 2010 due to excess moisture in the area.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 6977-3. 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



6977-3
DEPARTMENT of ENVIRONMENT
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January 24, 2012

NOTICE

TO: JIM ALLEN LAKE, 30010 HURLEY PLACE, GETTYSBURG, SD 57442
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) 6977-3. 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) 6977-3 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) 6977-3 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.



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February 8, 2012

6977-3

Jim Allen Lake
30010 Hurley Pl
Gettysburg SD 57442

Dear Mr. Lake:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 6977-3. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Water Permit No. 6977-3
Missouri 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, November 23, 2015, made a thorough examination of the water use system constructed by Jim Allen Lake of 30010 Hurley Place, Gettsburg, SD 57442 holder of Permit No. 6977-3, bearing the priority of February 19, 2008 authorizing the diversion of 1.33 cu. ft. per second of water from Little Cheyenne Creek for Irrigation purposes, in Potter County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Berkley
- 2) Model B4R12CW
- 3) Capacity 600 GPM

Pump Motor:

- 1) Make Tractor-Powered PTO (variable speed)

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

- 1) Type Aluminum pipe
- 2) Size 8 inches

C. Works used to apply water to beneficial use:

Sideroll:

- 1) Length 30 feet sections
- 2) Diameter of pipe 4 inches
- 3) Sprinkler spacing 7 feet

Sideroll Motor:

- 1) Make Kolar
- 2) Size 8 hp

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 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:

Approximately 740 feet north and 1,675 feet east of the SW corner of Section 29-T119N-R77W

(N 45.08859, W -100.15780) (SE ¼ SW ¼). The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 29-T119N-R77W

SW ¼ SW ¼ - 9 acres

SE ¼ SW ¼ - 7 acres

Section 32-T119N-R77W

NE ¼ NW ¼ - 14 acres

comprising a total of 30 acres of land and the license should be issued for 1.33 cfs.

All structures, wells and lands on map Y

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

At the time of this licensing inspection, the irrigation system is on-site; however, the system has not been used due to the lack of water in Little Cheyenne Creek.



Mike DeFea

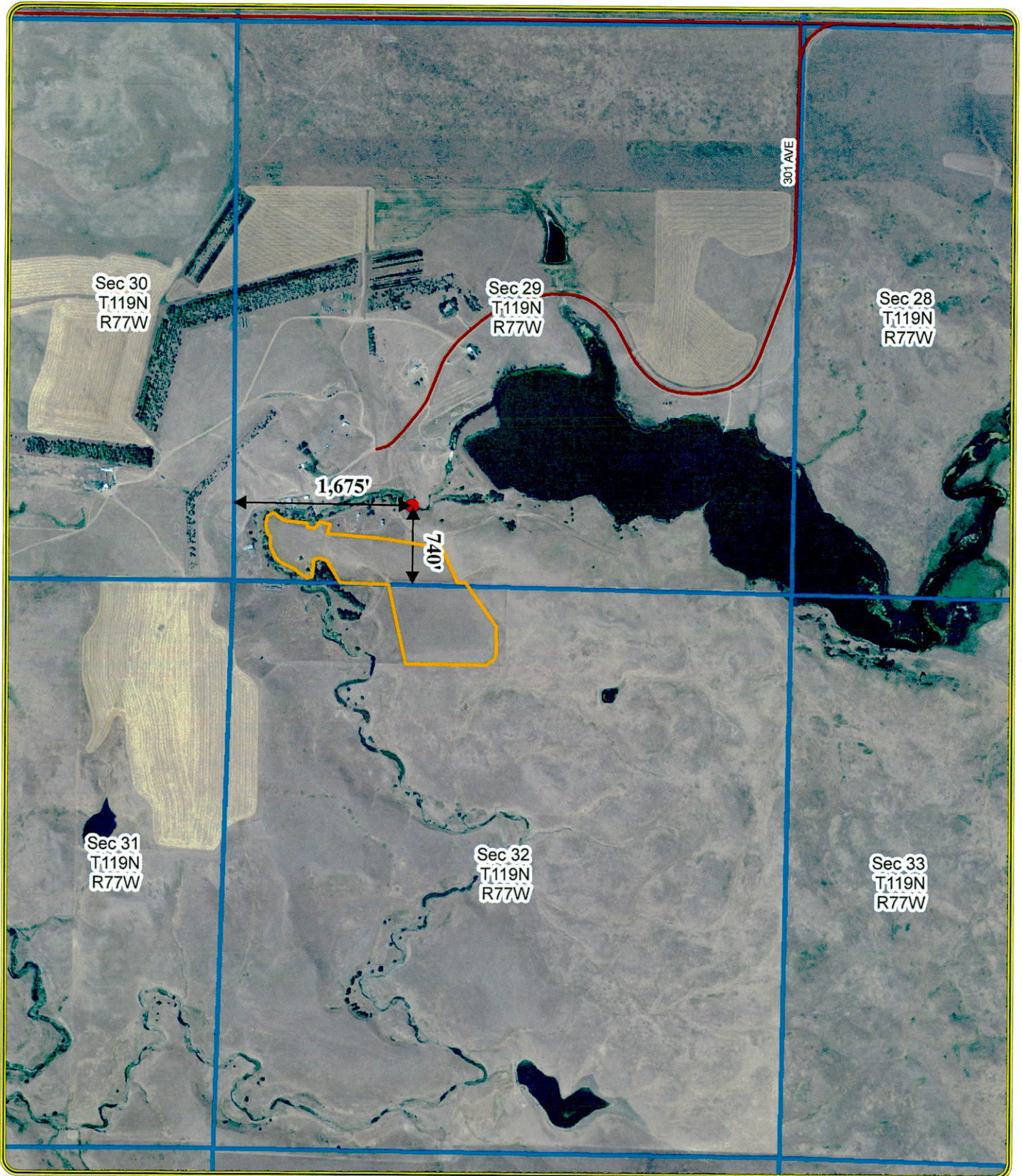
Natural Resources Engineer II

DENR, Water Rights Program

Date report completed: January 26, 2016

Jim Allen Lake

Water Permit No. 6977-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 26, 2016



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

FEB 01 2016

6977-3

Jim Allen Lake
30010 Hurley Place
Gettysburg SD 57442

Dear Mr. Lake:

Enclosed is Water License No. 6977-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6977-3

(1) Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 made Application No. 6977-3, February 19, 2008 for a water permit to divert 1.33 cubic feet of water per second from the Little Cheyenne Creek, Potter County, South Dakota for irrigation purposes. Permit No. 6977-3, with a priority date of February 19, 2008 was approved April 21, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 21, 2013 and for the application to beneficial use of said water on or before April 21, 2017.

(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 1.33 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 740 feet north and 1,675 feet east of the SW corner of Section 29, T119N, R77W (SE ¼ SW ¼).

(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 29, T119N, R77W	Section 32, T119N, R77W
SW ¼ SW ¼ 9 acres	NE ¼ NW ¼ 14 acres
SE ¼ SW ¼ 7 acres	
Total 30 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim Allen Lake, 30010 Hurley Place, Gettysburg SD 57442 the holder and/or owner of Water Right No. 6977-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from the Little Cheyenne Creek with a priority date of February 19, 2008 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6977-3 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 01 2016
date

