

WATER PERMIT NO. 6997-3

Name of Applicant: **Gray Goose Irrigation District**

Address: **c/o Thomas Tveit, PO Box 1002, Pierre SD 57501**

Phone: **605 224-7408**

Amount of Water Claimed: **8.34 cfs**

Total Acres: **680**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Hughes**

Type of Waste Disposal System:

Location: **4 miles northeast of the Oahe Dam**

PRIORITY

Date Received: **3-11-08**

Application/License Fee: **\$525**

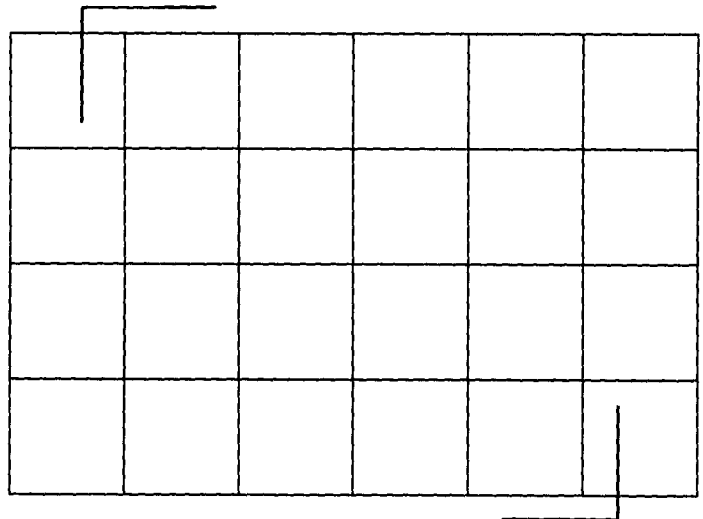
Corrected Application Received:

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

Remarks: **Utilizing existing Missouri River diversion point authorized by Water Right No. 4116-3**

Diversion Point: **NW ¼ NE ¼ Sec 26-T112N-R80W**

Land to be Irrigated: **S ½, NW ¼ Sec 22; SW ¼ Sec 27 and NE ¼ Sec 28; all in T112N-R79W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Lynn Beck**

Reviewed and the Number Assigned on: **3-11-08**

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	(office use only)	
	No. <u>6997-3</u>	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal P.O. Box 878</u> <u>605-224-7301</u> <u>Pierre 57501</u>	

RECEIVED

MAR 11 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 Gray Goose Irrigation District Phone (605) 224-7408
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address PO Box 1002 Pierre State SD 57501
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 8.34*CFS or 3750 **GPM ***AF Total Acreage 680
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River, Lake Oahe
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes
 See Water License No. 4116-3. This permit will use the same diversion location and pumping facilities.
NW 1/4 NE 1/4 Sec 26 T 112N R 80 W
- County or counties where water will be used Hughes
- Annual period during which water is to be used April to October
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
See attached sheet			

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

See Water License No. 4116-3. This permit will use the same pipeline and lateral delivery system that is in use now.

STATE OF SOUTH DAKOTA) SS

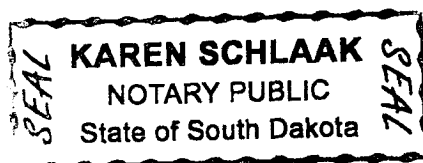
County of Hughes)

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

I, Thomas Tveit, 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

Subscribed and sworn to before me this 11th day of March 20 08



Karen Schlaak
 Notary Public signature

My Commission Expires
4/1/13

**SOUTH DAKOTA
WATER PERMIT NO. 6997-3**

Date of first receipt of application March 11, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6997-3 to Gray Goose Irrigation District, PO Box 1002, 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. 6997-3 appropriates 8.34 cubic feet of water per second from the Missouri River utilizing an existing diversion point authorized by Water Right No. 4116-3 located in the NW 1/4 NE 1/4 Section 26-T112N-R80W. The permit authorizes irrigation of 680 acres located in the S 1/2, NW 1/4 Section 22, SW 1/4 Section 27 and NE 1/4 Section 28; all in T112N-R79W.
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 – October 31.
3. The date from which applicant may claim right is March 11, 2008.
4. The date of approval of Permit No. 6997-3 is May 2, 2008.
5. One-fifth of the construction is to be completed on or before November 2, 2010.
6. All construction is to be completed on or before May 2, 2013.
7. Water is to be put to beneficial use on or before May 2, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

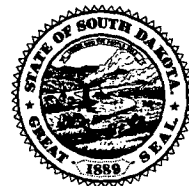
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 16 2008

date



Gray Goose Irrigation District

Land Descriptions for new permit application

Section Twenty-two (22), Township One Hundred Twelve (112), Range
Seventy-nine (79), Hughes County, South Dakota

SW $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac.	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac.	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac
NW $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac
SE $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.

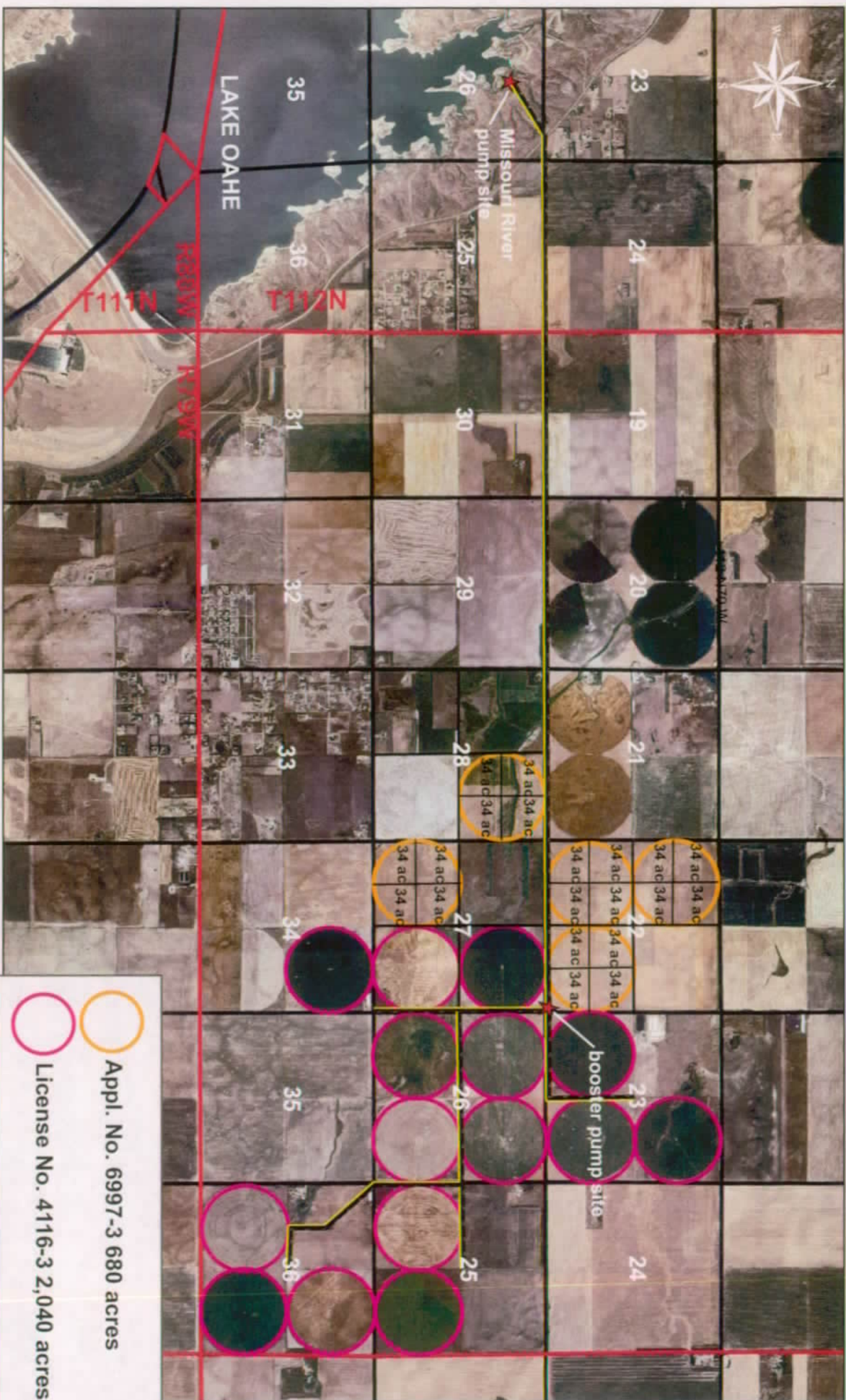
Section Twenty-seven (27), Township One Hundred Twelve (112), Range
Seventy-nine (79), Hughes County, South Dakota

~~SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.~~
~~NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.~~
~~NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.~~
~~SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 ac.~~

Section Twenty-eight (28), Township One Hundred Twelve (112), Range
Seventy-nine (79), Hughes County, South Dakota.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 ac.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 ac.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 ac.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 ac.

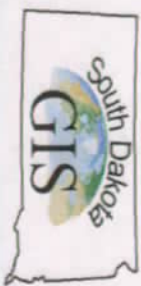
WATER PERMIT APPLICATION NO. 6997-3
 Gray Goose Irrigation District
 March 17, 2008



SCALE
 0 1,320,640 5,280 7,920 10,560 Feet

- Appl. No. 6997-3 680 acres
- License No. 4116-3 2,040 acres

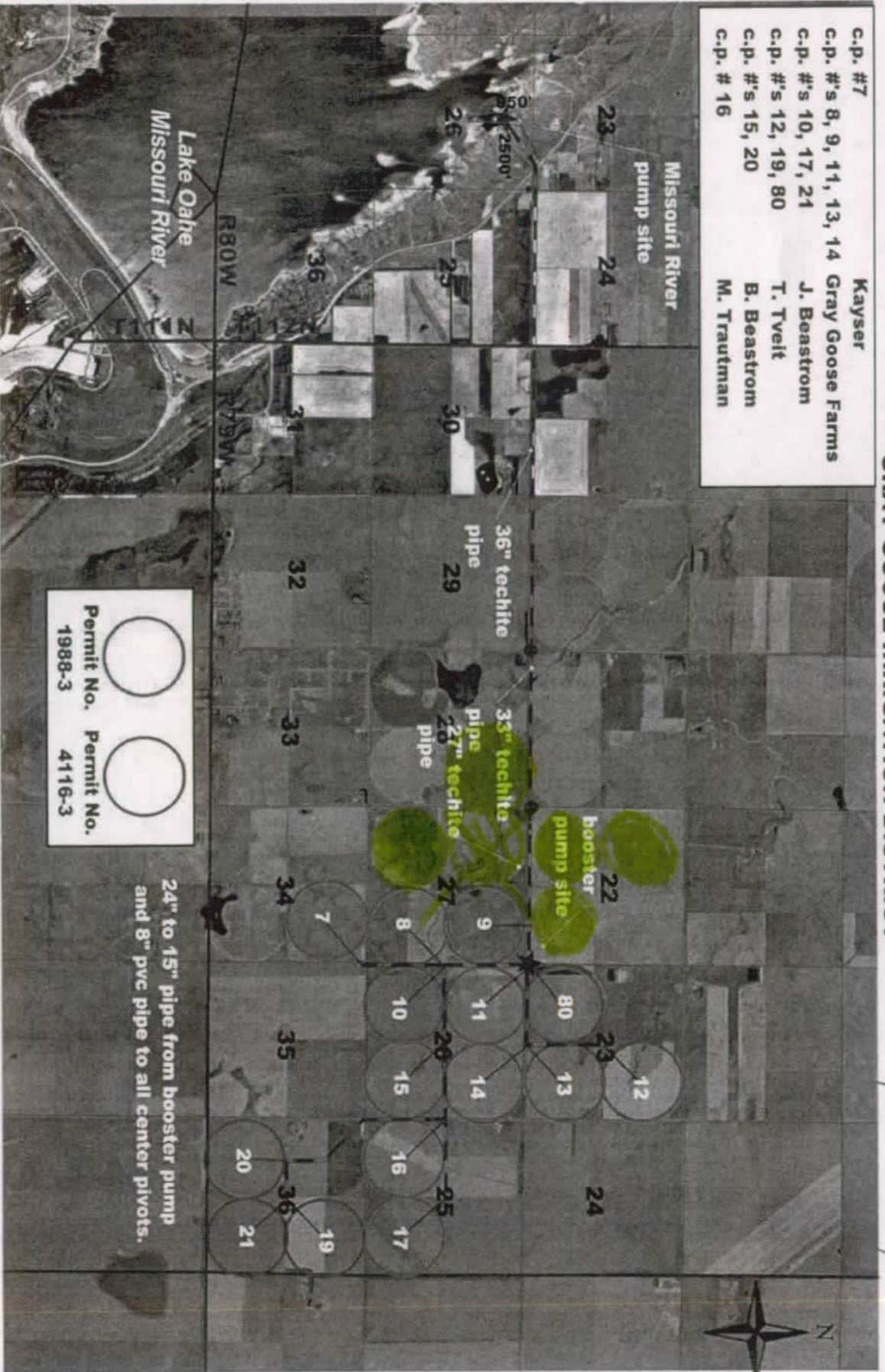
Lynn Beck
 Lynn Beck
 Natural Resources Engineer Specialist
 DENR - Water Rights Program



WATER RIGHT NOS. 1988-3 and 4116-3 GRAY GOOSE IRRIGATION DISTRICT

Lynn can work up a map for this.

c.p. #7	Kayser
c.p. #'s 8, 9, 11, 13, 14	Gray Goose Farms
c.p. #'s 10, 17, 21	J. Beastron
c.p. #'s 12, 19, 80	T. Tveit
c.p. #'s 15, 20	B. Beastron
c.p. # 16	M. Trautman

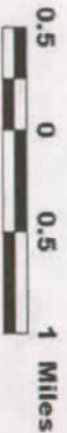


Permit No. 1988-3

 Permit No. 4116-3

24" to 15" pipe from booster pump
and 8" pvc pipe to all center pivots.

SCALE



Lynn Beck
Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
June 20, 2002

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 08

RECEIVED OF Gray Goose Irrigation PO Box 1002 Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	475	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. _____	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	525 00

No.

By

Paul M. Truitt
Chief Engineer

MINUTES OF SPECIAL MEETING
OF BOARD OF DIRECTORS OF
GRAY GOOSE IRRIGATION DISTRICT

A special meeting of the Board of Directors of the Gray Goose Irrigation District was held on February 6, 2008, commencing at 5:00 p.m., at the law offices of Maher Law Office, LLP, 201 North Euclid, Suite 1, Pierre, South Dakota.

Present were Directors James Beastrom, Larry Braun and Gregory Rahm, and Thomas Tveit, Treasurer, Jon Beastrom, Secretary, and attorney Thomas M. Maher.

**RESOLUTION, FINDINGS AND DECLARATION
PURSUANT TO SDCL 15-18-3.1**

Upon motion by James Beastrom, seconded by Gregory Rahm, pursuant to SDCL 5-18-3.1 the Board of Directors of the Gray Goose Irrigation District determines that an emergency exists involving the welfare of the District, and finds as follows:

- 1. The District's existing techite pipeline is in danger of failure.**
- 2. The members of the District have to make their planting decisions immediately, and irrigated crops are and will be planted for irrigated crops for 2008, and will need water by April 1, 2008.**
- 3. The failure of the pipeline to deliver water, and especially at the peak critical need for water for irrigated crops, would be devastating to the economic welfare of all the irrigators in the District, and potentially subject the District to liability for negligent failure to provide water if the District does not take steps to prevent this loss.**
- 4. The magnitude of such loss based upon crops planted and commodity prices would be devastating to the people in the District.**
- 5. Further, awaiting regular advertising for bids would seriously impair public services required to be provided, and rentals are not a possibility. As far as practicable, the Board shall secure at least two (2) competitive quotations and retain the same in its files. At the next meeting of the Board, there shall be spread upon the minutes a statement of the quotations received, identifying the bidder and the amount of the bid.**

The District will immediately contract for the pipe, engineering, insulation, and all other services necessary to avoid the above-described emergency. James Beastrom, Gregory Rahm and Thomas Tveit are authorized to act for the District, and, with the assistance of any other director or member of the District they select, are authorized to proceed with the response to this emergency as above described. The above Resolution passed unanimously.

Discussion was had regarding the costs involved: approximately \$1.2 Million for pipe; approximately \$75,000 to \$100,000 for other materials; Jennings would be approximately \$50,000 to \$75,000. Should order frost free pressure relief valves.

The Board authorized Thomas Tveit to complete and sign an Application For Permit To Appropriate Water For Irrigation, a copy of which is attached.

Motion as duly made and seconded to adjourn meeting. Motion carried.

GRAY GOOSE IRRIGATION DISTRICT

By: _____
James Beastrom
Its: President and Director

By: _____
Jon Beastrom
Its: Secretary

By: _____
Larry Braun
Its: Director

By: _____
Gregory Rahm
Its: Vice-President and Director

By: _____
Thomas Tveit
Its: Treasurer



**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. 6997-3, Gray Goose Irrigation District**

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. 6997-3, Gray Goose Irrigation District, c/o Thomas Tveit, PO Box 1002, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6997-3 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 qualification:

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
April 8, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6997-3

Gray Goose Irrigation District

March 31, 2008

Gray Goose Irrigation District has filed Water Permit Application No. 6997-3 to appropriate 8.34 cubic feet of water per second (cfs) from the Missouri River to irrigate 680 acres of land. The diversion point is an existing site authorized by Water Right No. 4116-3 located in the NW¼ NE¼ Section 26-T112N-R80W and the land to be irrigated is located in the S½ and NW¼ Section 22, SW¼ Section 27, and NE¼ Section 28; all in T112N-R79W.

Review of Proposed Project

Gray Goose Irrigation District is presently diverting 25.00 cfs from the Missouri River to irrigate 2,040 acres of land under Water Right 4116-3. Application 6997-3 proposes to irrigate an additional 680 acres of land through 5 center pivots proximate to existing center pivots. The application also proposes to withdraw an additional 8.34 cfs or 3,753 gallons of water per minute (gpm) using existing pumps and diversion site authorized by Water Right No. 4116-3.

Review of Water Source and Existing Water Rights

The water source for this application is the Missouri River impounded behind Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Due to an ongoing 8 year region wide drought, Oahe reservoir is currently 11.0 (MAF) below full and down 36.9 feet from full and down 24.4 feet below the top of the multiple use storage zone. Water availability is not a concern when using the Missouri River as a source, but accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue.

Because there is non-appropriated water in the Missouri River, this diversion should not cause adverse effects to downstream senior water rights/permits.

Conclusions

1. Water Permit Application No. 6997-3, Gray Goose Irrigation District, proposes to appropriate 8.34 cubic feet of water per second (3,753 gpm) from the Missouri River to irrigate 680 acres of land.
2. There is non-appropriated water in the Missouri River for Water Permit Application No 6997-3. Diversion should not cause adverse effects to senior water rights downstream of the project.
3. Access to water during times of declining water levels and receding shoreline when reservoir levels drop can become an issue.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

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APR 28 2008

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SSI, Marylinn Bakercertify that the attached printed Notice was
takenfrom the Capital Journalprinted and published in PierreCounty of Hughes andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

4/154/22Cost of Printing \$ 32.47Marylinn Baker
(Signature)Bookkeeper - HR/Legals
(Title)4-25-08

(Date Signed)

Public Notices

SNAXLP 9098
2tdly 4/15, 4/22NOTICE OF
APPLICATION NO.
6997-3 to Appropriate
Water

Notice is given that Gray Goose Irrigation District, c/o Thomas Tveit, PO Box 1002, Pierre SD 57501 has filed an application for a water permit to appropriate 8.34 cubic feet of water per second from the Missouri River utilizing an existing diversion point authorized by Water Right No. 4116-3 located in the NW 1/4 NE 1/4 Section 26-T112N-R80W. The application proposes to irrigate 680 acres located in the S 1/2, NW 1/4 Section 22, SW 1/4 Section 27 and NE 1/4 Section 28; all in T112N-R79W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6997-3 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 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 May 2, 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

April 8, 2008

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6997-3 to Appropriate Water to be published twice. Please publish the first notice on April 15, 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 Gray Goose Irrigation District, Tom Tveit, PO Box 1002, Pierre SD 57501 (Ph # 605-224-7408).

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. 6997-3

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

Date _____

We are in receipt of your letter of April 8, 2008 enclosing Notice to Appropriate Water by Application No. 6997-3 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.

April 8, 2008

Gray Goose Irrigation District
Tom Tveit
PO Box 1002
Pierre SD 57501

Dear Mr. Tveit:

Water Permit Application No. 6997-3 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 Capital Journal printed at Pierre SD (Ph # 605-224-7301). 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 15, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6997-3 to Appropriate Water

Notice is given that Gray Goose Irrigation District, c/o Thomas Tveit, PO Box 1002, Pierre SD 57501 has filed an application for a water permit to appropriate 8.34 cubic feet of water per second from the Missouri River utilizing an existing diversion point authorized by Water Right No. 4116-3 located in the NW ¼ NE ¼ Section 26-T112N-R80W. The application proposes to irrigate 680 acres located in the S ½, NW ¼ Section 22, SW ¼ Section 27 and NE ¼ Section 28; all in T112N-R79W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6997-3 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 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 May 2, 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
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 1 6 1993

Grey Goose Irrigation District
PO Box 1002
Pierre SD 57501

Dear Mr. Tveit:

Enclosed is Water Permit No. 6997-3 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

6997-3
June 26-27, 2008
Item 10

Garland -
J.T.

TITLE: Gray Goose Irrigation District Boundaries Change

EXPLANATION: Pursuant to SDCL 46A-4-62, the Gray Goose Irrigation District (Hughes County) has forwarded a copy of the Minutes of Meeting of the Board of Directors of the Gray Goose Irrigation District ordering the change in boundaries of the District. The minutes have been certified by the President and Secretary of the District Board for filing with the Board of Water and Natural Resources.

RECOMMENDED ACTION: Information only -- No Board action required.

CONTACT: David Ryan, 773-4216

RECEIVED

MAY 22 2008

Division of Financial
& Technical Assistance

MAHER LAW OFFICE, LLP
201 NORTH EUCLID, SUITE 1
PIERRE, SOUTH DAKOTA 57501-2571

THOMAS M. MAHER
THOMAS P. MAHER

(605) 224-0491
FAX: (605) 224-0493

May 21, 2008

Department of Environment &
Natural Resources
ATTN: David Ryan
523 East Capitol
Pierre, South Dakota 57501

Re: Inclusion of Tracts of Land Within the Boundaries of the Gray Goose Irrigation
District

Dear Mr. Ryan:

Pursuant to SDCL 46A-4-62, I am enclosing herewith copy of Minutes of the Meeting of the Board of Directors of the Gray Goose Irrigation District ordering the change in boundaries of the District, certified by the President and Secretary of the Board, for filing for record in the office of the Board of Water and Natural Resources.

Thank you.

Very truly yours,

MAHER LAW OFFICE, LLP



Thomas M. Maher

TMM:plm
Enclosure
cc: District Members

DOCUMENT PREPARED BY:

Thomas M. Maher
MAHER LAW OFFICE, LLP
201 North Euclid, Ste. 1
Pierre, South Dakota 57501
Telephone: 605-224-0491
Fax: 605-224-0493

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
OF GRAY GOOSE IRRIGATION DISTRICT

Pursuant to publication and notice given, the Board of Directors of the Gray Goose Irrigation District held a hearing on Tuesday, April 8, 2008, at 1:00 p.m., at the Maher Law Office, LLP, located at 201 North Euclid, Suite 1, Pierre, South Dakota, for the purpose of hearing the Petitions and all objections thereto, presented in writing by any person, to the Petitions filed with the Board for inclusion of certain lands within the boundaries of the Gray Goose Irrigation District (hereinafter District). The filing of such Petitions with the Board shall be deemed and taken as an assent on the part of each and all of such petitioners to such change of the boundaries as may include the whole or any portion of the lands described in the Petitions.

No objections were filed and no appearances were made objecting to the inclusion of the lands described in such Petitions within the boundaries of the District. The failure of any person interested in the District or in the matter of the proposed change of its boundaries to so show cause in writing shall be deemed and taken as an assent on his part to the change of the boundaries of the District as prayed for in the Petitions.

The Assent of the Regional Director, Great Plains Region, Bureau of Reclamation, United States Department of Interior, to the inclusion of the lands described in such Petitions within the boundaries of the District was filed with the Board, the original of which is attached hereto as Exhibit A.

**RESOLUTION FOR INCLUSION OF LANDS
WITHIN THE BOUNDARIES OF THE
GRAY GOOSE IRRIGATION DISTRICT**

Pursuant to SDCL 46A-4-57, upon motion by James Beastrom, seconded by Larry Braun, the Board of Directors of the Gray Goose Irrigation District **RESOLVED** that it deems it to be for the best interest of the District that the boundaries of the District be changed to include the lands mentioned in the Petitions. The lands mentioned in such Petitions are more fully described as follows:

Southwest Quarter (SW1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Southeast Quarter (SE1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Northwest Quarter (NW1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Southwest Quarter (SW1/4) of Section Twenty-seven (27), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Said motion and RESOLUTION passed unanimously.

**ORDER OF BOARD OF DIRECTORS
CHANGING BOUNDARIES OF THE
GRAY GOOSE IRRIGATION DISTRICT**

Therefore, the Board of Directors of the Gray Goose Irrigation District hereby **ORDERS** that the boundaries of the District be changed to include the following described lands or some defined portion thereof, mentioned in the Petitions, within the boundaries of the District:

Southwest Quarter (SW1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Southeast Quarter (SE1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Northwest Quarter (NW1/4) of Section Twenty-two (22), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Southwest Quarter (SW1/4) of Section Twenty-seven (27), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township One Hundred Twelve (112), Range Seventy-nine (79), Hughes County, South Dakota.

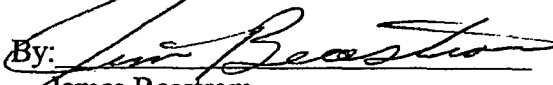
Pursuant to SDCL 46A-4-57, the entire boundaries of the District are described as follows:

Township 112, Range 79, Hughes County, South Dakota

Section 22: SW $\frac{1}{4}$; SE $\frac{1}{4}$; and NW $\frac{1}{4}$
Section 23: SE $\frac{1}{4}$; NE $\frac{1}{4}$; and SW $\frac{1}{4}$
Section 25: SE $\frac{1}{4}$; and SW $\frac{1}{4}$
Section 26: SW $\frac{1}{4}$; SE $\frac{1}{4}$; NE $\frac{1}{4}$; NW $\frac{1}{4}$
Section 27: SW $\frac{1}{4}$; NE $\frac{1}{4}$; and SE $\frac{1}{4}$
Section 28: NE $\frac{1}{4}$
Section 34: NE $\frac{1}{4}$
Section 36: SE $\frac{1}{4}$; SW $\frac{1}{4}$; and NE $\frac{1}{4}$

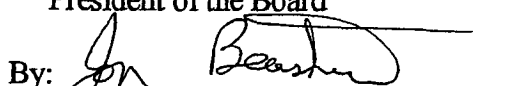
Pursuant to SDCL 46A-4-62, a copy of the Order of the Board of Directors ordering the change in boundaries of the District, certified by the President and Secretary of the Board, shall be filed for record in the office of the Board of Water and Natural Resources, and also in the office of the Hughes County Register of Deeds.

GRAY GOOSE IRRIGATION DISTRICT
BOARD OF DIRECTORS

By: 

James Beastron

President of the Board

By: 

Jon Beastron

Secretary of the Board

State of South Dakota)

SS.

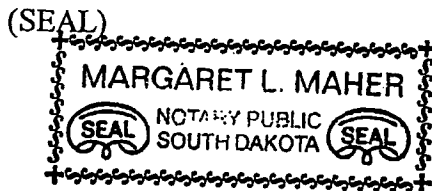
County of Hughes)

On this the 5th day of April, 2008, before me the undersigned Notary Public within and for said County and State, personally appeared James Beaström, who acknowledged himself to be President of the Board of Directors of the Gray Goose Irrigation District, and that as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the District by himself as such officer.

Margaret L. Maher
Notary Public/State of South Dakota

MARGARET A. MAHEK
Printed Name of Notary

My Commission Expires: 11-30-2008



State of South Dakota)

SS.

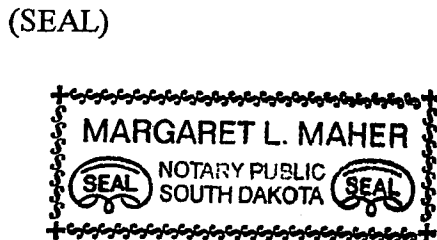
County of Hughes)

On this the 26th day of April, 2008, before me the undersigned Notary Public within and for said County and State, personally appeared Jon Beaström, who acknowledged himself to be Secretary of the Board of Directors of the Gray Goose Irrigation District, and that as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the District by himself as such officer.

Margaret L. Mahu
Notary Public/State of South Dakota

MARGARET L. MAHER
Printed Name of Notary

My Commission Expires: 11-30-2008





IN REPLY REFER TO: GP-3100

United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

P.O. Box 36900

Billings, Montana 59107-6900

TAKE PRIDE
IN AMERICA

GRAY GOOSE IRRIGATION DISTRICT

WHEREAS, the Gray Goose Irrigation District (District), organized and existing pursuant to the laws of the State of South Dakota, has advised the Bureau of Reclamation that owners of certain lands have requested, by signed petitions, that the boundaries of the District be changed to admit said certain lands, in total approximately 800 acres, into the District; and

WHEREAS, pursuant to the provisions of its Contract No. 0-07-60-W0563 dated February 21, 1990, with the United States, the District, by action and approval dated March 5, 2008, by the District Board, and pursuant to South Dakota Codified Law 46A-4-52, and by the signed petitions for the change of boundaries dated February 4, 5, 7, 11, and March 5, 2008, has requested the Secretary of the Interior to assent to the changes in the boundaries of the said District as proposed in the petitions aforementioned.

NOW, THEREFORE, having been fully advised in the premises and pursuant to the authority vested in me by the Secretary of the Interior and the Commissioner of the Bureau of Reclamation, I do hereby assent to the changes in the boundaries of the District to include the lands described in the enclosed petitions. This assent is made with the understanding that such assent is subject to those determinations and limitations set forth in Contract No. 0-07-60-W0563 between the District and the United States.

Dated at Billings, Montana, this 1st day of April, 2008.

Acting For

N. S. Mooman
Regional Director
Great Plains Region
Bureau of Reclamation



6997-3
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, 2009

NOTICE

TO: GRAY GOOSE IRRIGATION DISTRICT, TOM TVEIT, BOX 1002, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4116-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6997-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6997-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4116-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2009

Tom Tveit
19930 Grey Goose Rd
Pierre SD 57501

RE: Water Right No. 4521-3 (Tom Tveit) and
Water Right No. 4116-3 & Water Permit No. 6997-3 (Gray Goose Irrigation District)

Dear Mr. Tveit:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for the water right held in your name and those held by Gray Goose Irrigation District.

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



6997-3
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 24, 2012

NOTICE

TO: GRAY GOOSE IRRIGATION DISTRICT, TOM TVEIT, PO BOX 1002, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4116-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6997-3 & 7229-3 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) 6997-3 & 7229-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4116-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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.

6997-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2012

Tom Tveit
19930 Grey Goose Rd
Pierre SD 57501

RE: Water Permit or Right Nos. 4116-3, 6997-3 & 7229-3, Gray Goose Irrigation District
Water Right No. 4521-3, Thomas & Mary Tveit

Dear Mr. Tveit:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

6997-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 29 2015

4116-3
6997-3
7229-3

Tom Tveit
Gray Goose Irrigation District
PO Box 1002
Pierre SD 57501

Dear Mr. Tveit:

Enclosed is Water License No. 7229-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 4116-3 and Water Permit No. 6997-3 were incorporated into Water License No. 7229-3. 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