

WATER PERMIT NO. 7044-3

Name of Applicant: **SD Dept of Game, Fish and Parks**

Address: **523 E Capitol, Pierre SD 57501** Phone: **605 773-5804**

Amount of Water Claimed: **1.0 cfs** Total Acres: **8.5**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation** County: **Hughes**

Type of Waste Disposal System:

Location: **LaFramboise Island**

PRIORITY Date Received: **5-30-08**

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

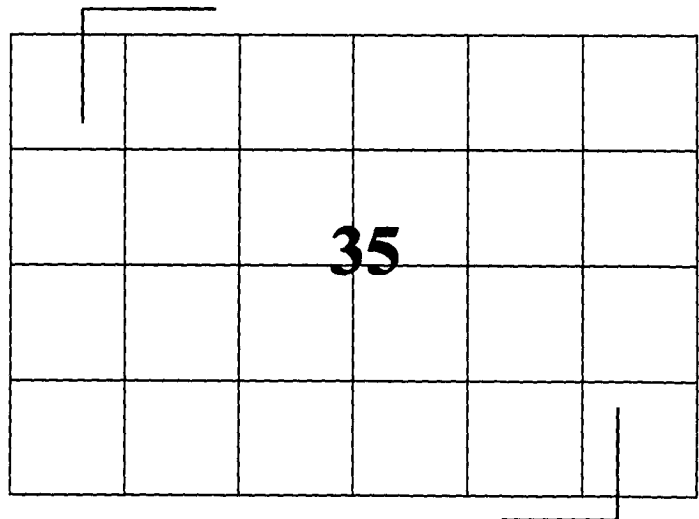
Corrected Application Received: **6-26-08**

Period of Annual Use: **May 15 – October 1**

Remarks: **for use in the LaFramboise Island Cottonwood Reforestation Project**

Diversion Point: ^{9 110N 79W}
NW ¼ Sec 35-T5N-R31E

Land to be Irrigated: **NW ¼ Sec 35-T5N-R51W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Chris Marsh, GF&P**

Reviewed and the Number Assigned on: **6-26-08**

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>7044-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal</u>	<u>PO Box 878</u>
	<u>605-224-7301</u>	<u>Pierre 57501</u>

RECEIVED
MAY 30 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.)

SD Game, Fish & Parks

- Name of Applicant Don McGinnick Phone (605) 773-5804
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 523 East Capitol Avenue, Pierre State SD 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 450 **GPM ***AF Total Acreage 8.5
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Lake Sharpe
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes
NW 1/4 Section 35, Township 9 North, Range 110 East
9 110 79 West
- County or counties where water will be used Hughes
- Annual period during which water is to be used May 15 - October 1
- 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
NW 1/4 Section 35, T9N, R110E	8.5		
9 110N 79W			

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

The "LaFramboise Island Cottonwood Reforestation Project" is an experimental project and involves application of water to cottonwood seeds that are naturally dispersed by existing trees. Once the seedlings are established, water use will be minimal to encourage downward growth of roots to the water table.

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, Don McGinnick, 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 Don McGinnick

Subscribed and sworn to before me this 30 day of May 20 08

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7044-3**

Date of first receipt of application May 30, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7044-3 to South Dakota Department of Game, Fish and Parks, c/o Dan McCormick, 523 E Capitol, 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. 7044-3 appropriates 1.0 cubic feet of water per second from the Missouri River located in NW ¼ Section 9 to irrigate 8.5 acres located in the NW ¼ Section 9; all in T110N-R79W. This experimental project is known as the LaFramboise Island Cottonwood Reforestation Project.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 15 – October 1.
3. The date from which applicant may claim right is May 30, 2007.
4. The date of approval of Permit No. 7044-3 is August 10, 2008.
5. One-fifth of the construction is to be completed on or before February 10, 2011.
6. All construction is to be completed on or before August 10, 2013.
7. Water is to be put to beneficial use on or before August 10, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

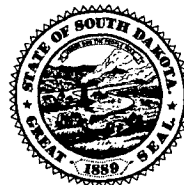
WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 17 2008

date



CHNL
GIS Specialist

LaFramboise Cottonwood Regeneration Project
Section 9, T110N, R79W



Longest span on Southeast end is approximately 780 feet.
Mid span parallel to that is 570 feet.
Longest distance through the center northwest to southeast is 690 feet.

LaFramboise Cottonwood Regeneration Project
Section 9, T110N, R79W

Intake Line

Pump

Supply Line

4.0 Acres in Grass Area

8.5 Total Acres

Longest span on Southeast end is approximately 780 feet.
Mid span parallel to that is 570 feet.
Longest distance through the center northwest to southeast is 690 feet.

CLM
GIS Specialist



**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. 7044-3, SD Department of Game, Fish and Parks**

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. 7044-3, South Dakota Department of Game, Fish and Parks, c/o Dan McCormick, 523 E. Capitol Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 7044-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 15, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7044-3

South Dakota Department of Game, Fish and Parks

July 1, 2008

Application No. 7044-3, South Dakota Department of Game, Fish and Parks has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Missouri River located in NW ¼ Section 9 to irrigate 8.5 acres located in the NW ¼ Section 9; all in T110N-R79W. This experimental project is known as the LaFramboise Island Cottonwood Reforestation Project. This applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The proposed project is located on the southwest edge of Pierre in Hughes County.

Review of the Proposed Project

The applicant proposes to irrigate an experimental plot for the reforestation of cottonwood trees. The site of the project is LaFramboise Island, a 580 acre forested island with an attached former sandbar of about 65 acres lying in the Missouri River between the towns of Pierre and Fort Pierre (Ode, 2004).

The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the late 1950's and early 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. The Missouri Mainstem System controls flooding on what once was free flowing river. Periodically, high spring and summer flows overtopped and inundated low level islands like LaFramboise Island allowing cottonwood seeds to germinate. With the closure of the reservoirs the periodic flooding ceased and the cottonwood forests failed to regenerate.

The majority of the cottonwood trees on the island are more than 65 years old. The trees are dying at an average rate of about 2 per acre per year, and in about 30 years most of them will be gone (Ode, 2004). This project intends to utilize irrigation to stimulate cottonwood forest regeneration.

Review of Existing Water Rights

There are 263 existing water rights/permits appropriating water from the Missouri River in South Dakota. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

The applicant is requesting a diversion rate greater than the allowed 1 cfs per 70 irrigated acres for this permit. South Dakota Codified Laws (SDCL) 46-5-6 allows the Water Management Board to issue water permits with a greater diversion rate if the method of irrigation so requires. In this case the applicant intends to attempt to artificially regenerate a cottonwood forest by the use of irrigation. Using irrigation to stimulate cottonwood regeneration has been accomplished elsewhere, but the methodology needs to be worked out locally before it can be reliably used with predictable success (Ode, 2004).

Conclusions

1. This application proposes to appropriate 1.0 cubic feet of water per second (cfs) from the Missouri River to irrigate 8.5 acres.
2. The applicant proposes to irrigate an experimental plot for the reforestation of cottonwood trees.
3. South Dakota Codified Laws (SDCL) 46-5-6 allows the Water Management Board to issue water permits with a greater diversion rate than the allowed 1 cfs per 70 irrigated acres if the method of irrigation so requires.
4. Using irrigation to stimulate cottonwood regeneration has been accomplished elsewhere, but the methodology needs to be worked out locally before it can be reliably used successfully.



Mark D. Rath

Natural Resources Engineering Specialist

References

1. Ode, David J. 2004. Wildlife Habitats of LaFramboise Island: Vegetational change and management of a Missouri River Island. South Dakota Game Fish and Parks, Pierre South Dakota.

RECEIVED

Form 8

AUG - 1 2008

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 24, 2008

July 31, 2008

Cost of Printing \$32.47

Marylin Baker
(Signature)

Bookkeeper
(Title)

7-31-08
(Date Signed)

Notice is given that the South Dakota Department of Game, Fish and Parks, c/o Dan McCormick, 523 E Capitol, Pierre SD 57501 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Missouri River located in NW1/4 Section 9 to irrigate 8.5 acres located in the NW1/4 Section 9; all in T110N-R79W. This experimental project is known as the LaFramboise Island Cottonwood Reforestation Project. This 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. 7044-3 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 August 10, 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. Pinner, 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

July 16, 2008

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 704403 to Appropriate Water to be published twice. Please publish the first notice on July 24, 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 SD Dept. of Game, Fish & Parks, c/o Dan McCormick, 523 E Capitol Ave., Pierre SD 57501 (Ph # 605-773-5804).

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. 7044-3

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

Date _____

We are in receipt of your letter of July 16, 2008 enclosing Notice to Appropriate Water by Application No. 7044-3 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.**

July 16, 2008

SD Dept. of Game Fish & Parks
Dan McCormick
523 E Capitol Ave
Pierre SD 57501

Dear Mr. McCormick:

Water Permit Application No. 7044-3 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 July 24, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7044-3 to Appropriate Water

Notice is given that the South Dakota Department of Game, Fish and Parks, c/o Dan McCormick, 523 E Capitol, Pierre SD 57501 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (cfs) from the Missouri River located in NW ¼ Section 9 to irrigate 8.5 acres located in the NW ¼ Section 9; all in T110N-R79W. This experimental project is known as the LaFramboise Island Cottonwood Reforestation Project. This 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. 7044-3 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 August 10, 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

SEP 17 2008

SD Dept of Game, Fish and Parks
c/o Dan McCormick
523 E Capitol Ave
Pierre SD 57501

Dear Mr. McCormick:

Enclosed is Water Permit No. 7044-3 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

Permit No. 7044-3
Missouri River Basin

Report of Examination of Works and/or Application to Beneficial Use

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

I have on this day, **September 11, 2013**, made a thorough examination of the water use system constructed by **SD Dept. of Game, Fish, and Parks, 523 E Capitol Ave, Pierre, SD 57501** holder of Water Permit No. **7044-3**, bearing the priority date of **May 30, 2008** and authorizing the diversion of **1.0 cubic feet per second (cfs)** from the **Missouri River** for **irrigation and habitat restoration** purposes in **Hughes County**.

I have the following to report on the conditions of the aforementioned system:

- 1) Works to divert water:
One pump with intake placed directly into the Missouri River.
- 2) Works used to transport water to place of use:
Overland piping system.
- 3) Works used to apply water to beneficial use:
Stationary irrigation guns placed at regular intervals along overland piping system.

The system is in the following condition: **well maintained**. The location of the pump can be described as follows:

- **The pump is located in the NE ¼ NW ¼ Sec 9, T110N-R79W. 1,460 feet south and 2,320 feet east of the northwest corner of Sec 9, T110N-R79W. Lat 45.35314N Lon 100.34130W.**

The areas irrigated by the water from the dugout are broken down as follows:

- **8.5 acres in the SE ¼ NW ¼ of Sec 9, T110N-R79W.**

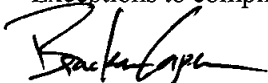
8.5 acres total in the SE ¼ NW ¼ of Sec 9, T110N-R79W.

The breakdown of acres is a best estimate based on the information provided and by viewing the 2012 FSA aerial using ArcMap.

The total area being irrigated under Water Permit No. 7044-3 in Section 9 is **8.5 acres** with a total diversion rate of **1.0 cfs**. The license should reflect these conditions.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None** Date Report Completed: **September 13, 2013**



Bracken Capen
Natural Resources Engineer

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7044-3

DATE OF INVESTIGATION:	September 11, 2013
NAME & ADDRESS OF PERMIT HOLDER	SD Dept. of Game, Fish, and Parks, 523 E Capitol Ave, Pierre, SD 57501
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Dan McCormick
DIVERSION POINT LEGAL LOCATIONS	The pump is located 1,460 feet south and 2,320 feet east of the northwest corner of Sec 9, T110N-R79W. Lat 45.35314N Lon 100.34130W.

WELL INFORMATION:

- 1) Well Drilling Firm:
- 2) Number of Wells:
- 3) Depths:
- 4) Well Logs Available:
- 5) Comment: **System does not include wells**

SYSTEM TYPE:

- 1) Make: **Travelling Gun**
- 2) Overall length: **780 feet at longest**
- 3) Number of Towers:
- 4) Distance Between Towers:
- 5) End Gun: **13 stationary guns pipe**
- 6) Pressure: **40-110 PSI**
- 7) Capacity: **450 GPM**

Pumps

- 1) Make: **Berkley Centrifugal**
- 2) Model:
- 3) Size: **8 inch diameter intake**
- 4) Capacity: **450 GPM**

CHEMIGATION EQUIPMENT: No

Casing

- 1) Diameter:
- 2) Length:
- 3) Type:

Screen

- 1) Type:
- 2) Length:
- 3) Static Water Level:

Motor

- 1) Make: **John Deer**
- 2) Model No: **4219DF01**
- 3) Power: **70 HP**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **No**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigation has taken place**

COMMENTS:

- 1) The irrigation system consists of a pump drawing water through an 8 inch diameter intake directly from the Missouri River. The water is then pumped through a 6 inch diameter pipe running to the southwest from the pump. From this main pipe, four 4 inch diameter pipes branch out at regular intervals to the northwest. Stationary guns are placed at regular intervals along the 4 inch diameter pipes that ultimately distribute the water over the 8.5 acres.
- 2) According to Dan McCormick, no irrigation occurred during 2011 and 2012 due to the access road to la Framboise Island being destroyed in the 2011 flood. In addition, the pump required repair after access was reestablished in 2013. Currently, the system is fully functional again.
- 3) The irrigation system was changed several times before the Dept. of Game, Fish, and Parks finally decided on the current system. In part, this project was enacted as a pilot for similar projects along the Missouri River.

Sec 5
T110N
R79W

Sec 4
T110N
R79W

Sec 8
T110N
R79W

Sec 9
T110N
R79W

Sec 35
T005N
R31E

NW 1/4 NW 1/4 Sec 9

NE 1/4 NW 1/4 Sec 9

SW 1/4 NW 1/4 Sec 9

SE 1/4 NW 1/4 Sec 9

2,320 Feet

1,460 Feet

Legend



Pump



Stationary Gun

Branching 4" Diameter Pipe

Main 6" Diameter Pipe

Irrigated Area (8.5 acres)

Section Boundaries - PLSS

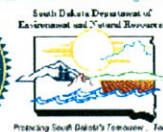


0 0.05 0.1 0.2 Miles



Bracken Capen

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

7044-3

SEP 27 2013

Dan McCormick
SD Game, Fish & Parks
523 E Capitol
Pierre SD 57501

Dear Mr. McCormick:

Enclosed is Water License No. 7044-3. 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. 7044-3

(1) The South Dakota Department of Game, Fish & Parks, 523 E Capitol, Pierre SD 57501 made Application No. 7044-3, May 30, 2008 for a water permit to divert 1.00 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 7044-3, with a priority date of May 30, 2008 was approved August 10, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 10, 2013 and for the application to beneficial use of said water on or before August 10, 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 1.00 cubic feet of water per second for beneficial use.

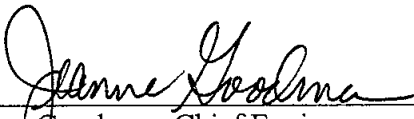
The location of the diversion point is 1,460 feet south and 2,320 feet east of the NW corner of Section 9, T110N, R79W (NW ¼ Section 9).

(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:

- 8.5 acres in the SE ¼ NW ¼ Section 9, T110N, R79W

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish & Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Water Right No. 7044-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from the Missouri River with a priority date of May 30, 2008 from the location specified in (2) of this license for irrigation purposes.

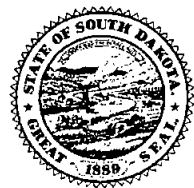
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7044-3.



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

SEP 27 2013

date



7044-3

McMath, Genny

From: Hoffmann, Kevin
Sent: Wednesday, August 22, 2018 10:28 AM
To: McMath, Genny
Cc: Baker, Nathan (GFP)
Subject: Irrigation contact update

Genny,

I took over Dan McCormick's Game, Fish and Parks position as he has consequently retired. Could you update the irrigation permit(s) that were under Dan McCormick's name to my name so I can get the appropriate paperwork and questionnaire(s)? I am aware of at least one in Hughes County for La Fromboise Island.

Thank you ,
Kevin

Kevin Hoffmann | *Habitat Program Manager*
South Dakota Game, Fish and Parks
909 Lake Front Ave. | Mobridge, SD 57601
605.280.6892 | Kevin.Hoffmann@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
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May 14, 2024

7044-3

SD Dept Game, Fish, and Parks
c/o Kevin Hoffman
909 Lakefront Dr
Mobridge SD 57601

Dear Mr. Hoffman:

I am writing in regard to Water Right No. 7044-3. The water right authorizes diversion 1.0 cfs (approx. 450 gpm) of water from the Missouri River for the irrigation of 8.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T110N, R79W, Hughes County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 7044-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 3 acres irrigated
- Reported water use – 56.71 ac-ft of water (approximately 267 inches)
- Authorized water use – 6 acre-feet (3 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Right No. 7044-3 authorizes a diversion rate of 1.0 cubic feet or water per second (approx. 450 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 2000 gpm. A new permit would be required to increase the rate of diversion from 1.0 cfs to 4.45 cfs.

enclosure