

WATER PERMIT NO. 7107-3

Name of Applicant: **Robert & Shirley Horton**

Address: **45922 126th St, Sisseton SD 57262**

Phone: **695 698-7792**

Amount of Water Claimed: **1.33 (80 AF storage dam)**

Total Acres: **60**

Source of Water Supply: **runoff and springs into existing dams**

Water to be used for: **irrigation**

County: **Roberts**

Type of Waste Disposal System: **NA**

Location: **7 miles south of Sisseton**

PRIORITY

Date Received: **3-6-09**

Application/License Fee: **\$200**

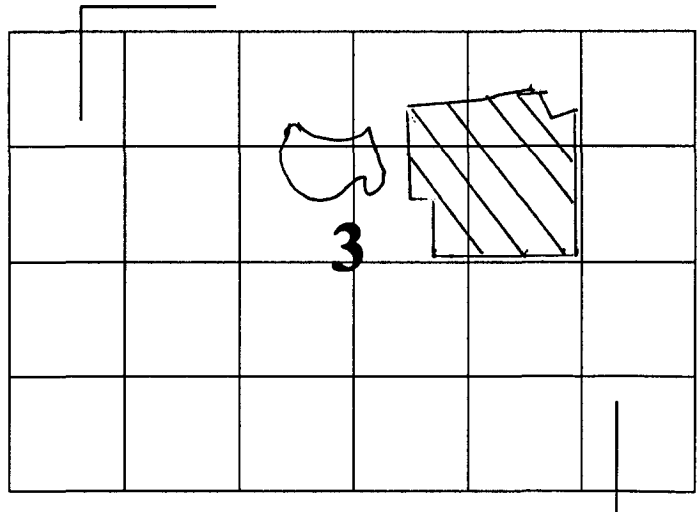
Corrected Application Received: **3-16-09**

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

Remarks: **Acreage also covered by No. 4318-3 which may have been forfeited due to nonuse.**

Diversion Point: **NE ¼ Sec 3-T124N-R51W**

Land to be Irrigated: **NE ¼ Sec 3-T124N-R51W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **3-16-09**

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>7107-3</u> (office use only) Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota Whitestone</u>
	Newspaper <u>Sisseton Courier</u>

RECEIVED
MAR - 6 2009
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 Robert and Shirley Horton Phone (605) 698-7792
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 45922 126th Street Sisseton State SD 57262
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.33 *CFS or **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff/springs into an existing dam
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Roberts
RES
W 1/2 NE1/4 sec 3-T124N-R51W
- County or counties where water will be used Roberts
- Annual period during which water is to be used Apr 1 - Oct 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
NE1/4 sec 3-T124N-R51W	60		
RES			

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

Acreage also covered by No. 4318-3 which may have been forfeited due to nonuse. Adiversiion rate greater than 1cfs/70 acres is requested based on the rate needed to operate the irrigation equipment.

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, Shirley Horton, 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 Shirley Horton

Subscribed and sworn to before me this 6th day of March 2009

Patty R. Bruckner

Notary Public signature

My Commission Expires 09/06/2010

SOUTH DAKOTA
WATER PERMIT NO. 7107-3

Date of first receipt of application March 6, 2009.

Date of return to applicant for corrections, amendments or changes March 13, 2009.

Date of receipt of corrected application March 16, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7107-3 to Robert & Shirley Horton, 45922 126th St, Sisseton SD 57262 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. 7106-3 appropriates 1.33 cubic feet of water per second (cfs) from runoff and springs into an existing 80 acre-feet storage dam located in the W ½ NE ¼ and E ½ NW ¼ Section 3 to irrigate 60 acres located in the NE ¼ Section 3; all in T124N-R51W within the former boundary of the Sisseton Wahpeton Reservation. The storage dam is authorized by Water Right No. 4318-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 6, 2009.
4. The date of approval of Permit No. 7107-3 is June 15, 2009.
5. One-fifth of the construction is to be completed on or before December 15, 2011.
6. All construction is to be completed on or before June 15, 2014.
7. Water is to be put to beneficial use on or before June 15, 2018.
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 need for downstream domestic use, including livestock watering, must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7107-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resource

APR 09 2010
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- 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

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

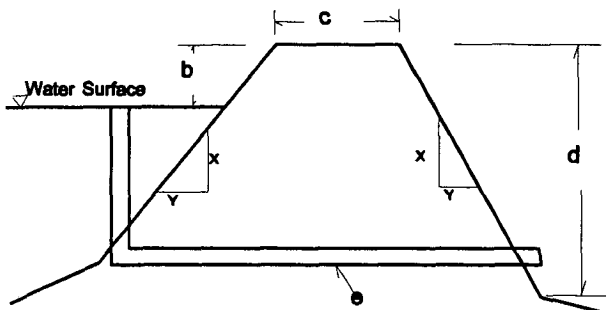
3. Dugout Information

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

4. Water Storage Dams

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:



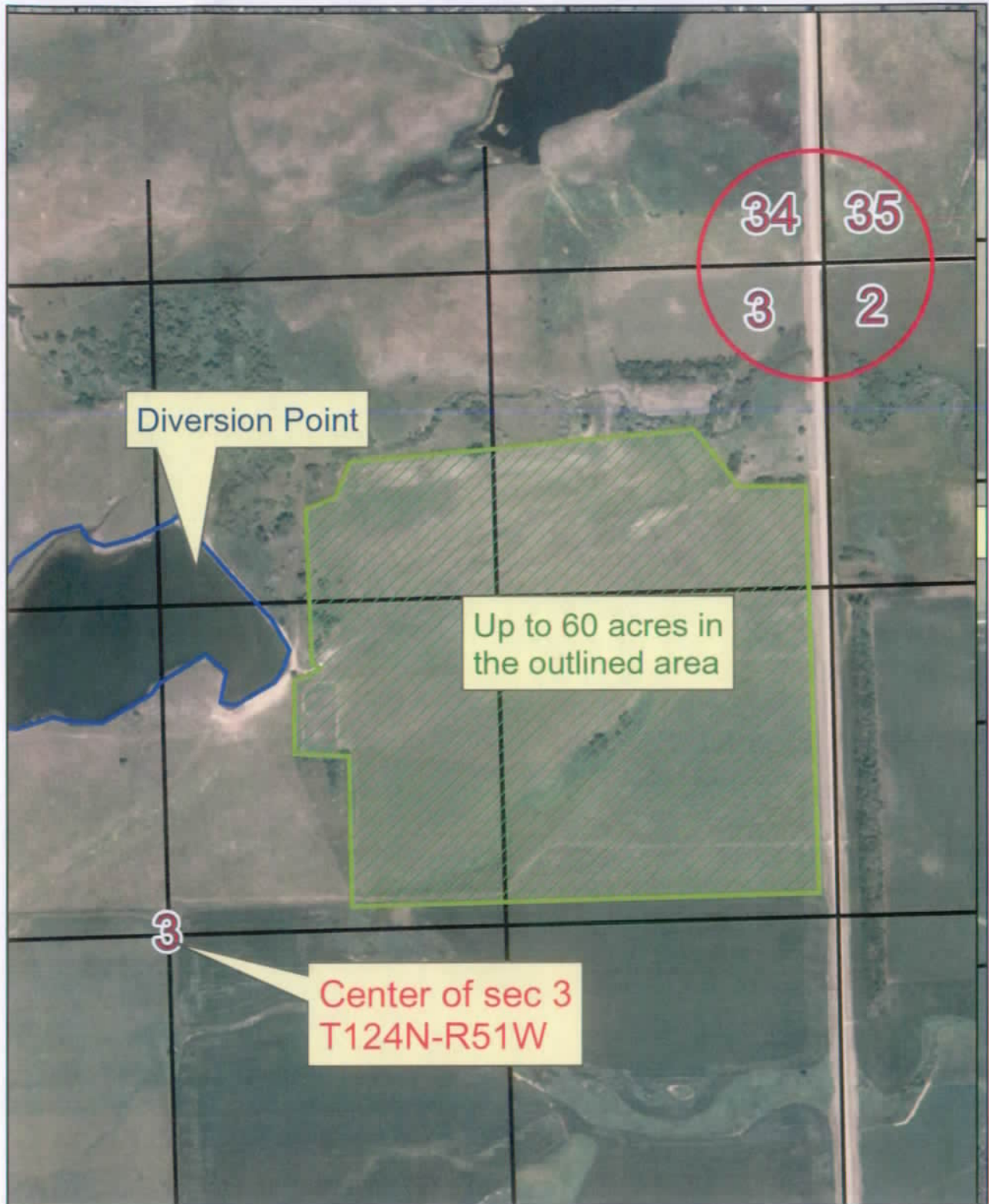
- b) Freeboard _____ 4
- c) Crest Width _____ 15
- Crest Length _____ 900
- d) Height _____ 20
- e) Primary Outlet Capacity _____
- If pipe, diameter _____
- f) Secondary Spillway Capacity _____
- Spillway Width _____
- g) X & Y Slope _____
- Upstream _____
- Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ 80.0 _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Scale: 1 inch equals 801 feet

1,100

Feet

N



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Mar 6, 2009

Application No.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 3/16, 20 09

RECEIVED OF Robert Horton 45922 126th St Sisseton SD 57262

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

Fee for Application for Permit No. <u>7107-3</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>7107-3</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.

04077

By

[Signature]
Chief Engineer



**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 13, 2009

Robert and Shirley Horton
45922 126th St
Sisseton SD 57262

Dear Mr. & Mrs. Horton:

This is a reminder concerning the two *Applications for a Permit to Appropriate Water* for irrigation which you completed in our office last Friday.

- The application/license fee for each application will be \$200 for a total of \$400.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7107-3, Robert and Shirley Horton**

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. 7107-3, Robert and Shirley Horton, 45922 126th Street, Sisseton SD 57262.

The Chief Engineer is recommending APPROVAL of Application No. 7107-3 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 need for downstream domestic use, including livestock watering, must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7107-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 13, 2009

NOTE: If this application is approved, the irrigation portion of Water Permit No. 4318-3 will be cancelled for forfeiture and the water license for No. 4318-3 will be issued for the storage of water in the existing dam. Notice will be provided to Farmers Home Administration and you when this cancellation is scheduled before the Water Management Board.

REPORT ON WATER PERMIT APPLICATION NO. 7107-3

Robert and Shirley Horton.

April 27, 2009

Application No. 7107-3 proposes to appropriate 1.33 cfs from runoff and springs into an existing 80 acre-foot storage dam located in the N ½ Section 3 to irrigate 60 acres located in the NE ¼ Section 3; all in T124N-R51W. The proposed diversion rate is greater than the statutory limit of 1 cfs per 70 acres. The water will be used for irrigation purposes. The proposed project is located approximately 4 miles northwest of the town of Peever in central Roberts County.

Review of the Proposed Project and Existing Water Rights

The applicant proposes to irrigate 60 acres of land with a diversion rate of 1.33 cfs. The water for this project will be pumped from an existing 80.0 acre-foot dam with a surface area of 18 acres. This proposed diversion rate is in excess of one cfs for each 70 acres. SDCL 46-5-6 states the Water Management Board may allow for an increase in diversion rate if the method of irrigation, time constraints on diversion of water, or type of soil so requires. The applicant indicates this request is being made because the type irrigation equipment to be used requires this greater rate. The creek, the dam is constructed on, is a tributary to a wetland area known as Peaver slough. There are no other existing water rights/permits appropriating surface water downstream from this proposed project. If approved, there would be no expected adverse impacts to existing water rights.

Water Permit No. 4318-3, Farmers Home Administration (FMHA), authorizes the irrigation of the same 60 acres in the NE ¼ Section 3 T124N(Res)-R51W. The source of water for this permit was listed from a well and two dams, with one of the dams being the same dam listed in this application. A 1991 water permit inspection found that no irrigation was being performed but the two dams were still in existence. Correspondence with FMHA in 1993 indicated the irrigation systems had been removed from the property in 1992. At that time, Water Rights staff attempted to license the water permit for domestic storage in the dams and dropping irrigation as an authorized use. The licensing fee was requested from FMHA but none was ever submitted. FMHA did correspond with the Water Rights Program in 1994 indicating irrigation had not been performed for at least 4 years. They were in the process of selling this property and the permits would be transferred upon completion of the sale. No transfer request was ever submitted. There are no other existing water rights/permits appropriating surface water downstream from this proposed project. If approved, there would be no expected adverse impacts to existing water rights.

If this application is approved, Water Permit No. 4318-3 should be cancelled for abandonment or forfeiture. If the permit is not approved, Water Permit No. 4318-3 should be licensed for domestic use from the dam.

Conclusions

1. This application proposes to appropriate 1.33 cubic feet of water per second (cfs) from an 80 acre-foot dam for irrigation purposes.
2. This proposed diversion rate is in excess of one cfs for each 70 acres. SDCL 46-5-6 states the Water Management Board may allow for an increase in diversion rate if the method of irrigation, time constraints on diversion of water, or type of soil so requires.
3. The applicant indicates this request is being made because the type irrigation equipment to be used requires this greater rate.
4. If approved, there would be no expected adverse impacts to existing water rights.
5. A 1991 water permit inspection found that no irrigation was being performed and correspondence with the permit holder in 1993 indicated the irrigation systems had been removed from the property in 1992.
6. If this application is approved, Water Permit No. 4318-3 should be cancelled for abandonment or forfeiture. If the permit is not approved, Water Permit No. 4318-3 should be licensed for domestic use from the dam



Mark D. Rath
Natural Resources Engineering Specialist

Form 8

RECEIVED

JUN - 4 2009

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Roberts) SS

I, Harley E. Deutsch

certify that the attached printed Notice was
taken

from the Sisseton Courier

printed and published in Sisseton

County of Roberts and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

May 26, 2009

June 2, 2009

Cost of Printing \$46.26

Harley E. Deutsch
(Signature)

President

(Title)

June 2, 2009

(Date Signed)

NOTICE OF APPLICATION
NOS. 7106-3 AND 7107-3 TO
APPROPRIATE WATER

Notice is given that Robert and Shirley Horton, 45922 126th St., Sisseton, SD 57262 have filed the following applications to appropriate water.

Application No. 7106-3 proposes to appropriate 1.33 cubic feet of water per second (cfs) from runoff and springs into an existing 57 acre-foot storage dam located in the NE 1/4 SW 1/4 Section 35 to irrigate 60 acres located in the N 1/2 SW 1/4 Section 35; all in T125N-R51W within the former boundary of the Sisseton Wahpeton Reservation.

Application No. 7107-3 proposes to appropriate 1.33 cfs from runoff and springs into an existing 80 acre-foot storage dam located in the W 1/2 NE 1/4 and E 1/2 NW 1/4 Section 3 to irrigate 60 acres located in the NE 1/4 Section 3; all in T124N-R51W within the former boundary of the Sisseton Wahpeton Reservation. On both applications, 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 Nos. 7106-3 & 7107-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the appli-

cations or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 15, 2009.

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 these applications.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources
(May 26 - June 2 -- 2 wks.)



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 18, 2009

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7106-3 and 7107-3 to Appropriate Water to be published twice. Please publish the first notice on May 26, 2009 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 Robert and Shirley Horton, 45922 126th St., Sisseton SD 57262 (Ph # 605-698-7792).

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-----

Nos. 7106-3 & 7107-3

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

Date _____

We are in receipt of your letter of May 18, 2009 enclosing Notice to Appropriate Water by Application Nos. 7106-3 & 7107-3 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.

May 18, 2009

Robert & Shirley Horton
45922 126th St
Sisseton SD 57262

Dear Mr. & Mrs. Horton:

Water Permit Application Nos. 7106-3 & 7107-3 for irrigation use have 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 Sisseton Courier printed at Sisseton SD (Ph #605-698-7642). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 recommendations, 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 May 26, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7106-3 and 7107-3 to Appropriate Water

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Application No. 7107-3 proposes to appropriate 1.33 cfs from runoff and springs into an existing 80 acre-feet storage dam located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3 to irrigate 60 acres located in the NE $\frac{1}{4}$ Section 3; all in T124N-R51W within the former boundary of the Sisseton Wahpeton Reservation. On both applications, 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 Nos. 7106-3 & 7107-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 15, 2009.

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 these applications. 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
denr.sd.gov

APR 09 2010

Robert & Shirley Horton
45922 126th St
Sisseton SD 57262

Dear Mr. & Mrs. Horton:

Enclosed are Water Permit Nos. 7106-3 & 7107-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

Form 12

Permit No. 4318-3
Whetstone River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by FmHA of Sisseton SD holder of Permit No. 4318-3, bearing the priority of August 29, 1978 authorizing the diversion of 1.18 cu. ft. per second and/or the storage of 80 acre-feet of the waters of ground and surface water for irrigation and domestic use purposes, in Roberts County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One 20 foot high dam

The system is in the following condition poor. The point of diversion is located W1/2 of NE1/4 of Section 3 T124N-R51W. The works are capable of storing 80 acre-feet of water which is to be used for domestic use. The license should be issued for 80 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 7/15/1993

The irrigation system has been removed from the land and irrigation is no longer performed. There is one storage dam remaining, used for livestock watering.



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Division

Permit No. 7107-3 & 4318-3

Whetstone River – Water District

Contact Person & Address: **Robert & Shirley Horton, 45922 126th St, Sisseton SD 57262**

Report of Examination of Works:

On **August 26, 2016**, I made a thorough examination of the water use system constructed by **Robert & Shirley Horton**, holders of Permit Nos. **4318-3**, bearing a **priority date of August 29, 1978**, authorizing diversion of **1.18 cfs** & the **storage of 80 ac-ft (from runoff and springs)** and **7107-3**, bearing a **priority date of March 6, 2009**, authorizing the diversion of **1.33 cfs** from the existing 80 ac-ft storage dam for **irrigation** purposes in **Roberts** County.

The irrigation portions were never developed but the storage dam is in place. The dam is in **good** condition. The spillway is located **from the NE corner of Sec 3 T124N-R51W (res): 1210 feet S & 2330 feet W (Lat 45.55489/Long -97.02958)** as determined using **GPS**. The works are capable of storing **80 ac-ft** of water which is used for **domestic use (livestock watering)**. Water has been put to beneficial use to the maximum extent and the license should be issued for **80 ac-ft storage**.

Review of Permit Qualification and Regulations:

- 1) Special qualification to permit are being abided by: **Yes**
- 2) All constructed wells and lands are on map: **Yes**
- 3) Exceptions to compliance: **None**

Report on the Specifics of the System:

Dam Formation

- 1) Height to Crest: **20 ft**
- 2) Height to primary spillway: **16 ft**
- 3) Height to secondary spillway: **N/A**
- 4) Crest width: **15 ft**
- 5) Crest length: **900 ft**
- 6) Spillway length: **100 ft**
- 7) Spillway width: **50 ft**
- 8) Approx. storage: **80 ac-ft**
- 9) Outlet tubes: diameter **5 inches**, type **steel**, valved **no**, location on structure **center**
- 10) Category of dam: **3**
- 11) Inspection sheet completed: **no**

Comments: **None**



December 13, 2016

File No. 4318-3
7107-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Robert & Shirley Horton; 45922 126TH ST, SISSETON SD 57262

TELEPHONE: 605 698-7792

RE: IRRIGATION/STOCK WATERING

COMMENTS:

Inspection report for 4318-3 (dated 7/15/1993) says "The irrigation system has been removed from the land and irrigation is no longer performed. There is one storage dam remaining, used for livestock watering."

Permit No. 7107-3 was obtained for irrigation from dam (auth under 4318-3) and 1 new irrigation well. The applicant was told that the well would not be allowed to supplement water levels in the dam and could only be applied directly to the irrigated lands. Irrigation and irrigation well were never developed.

The licensing fee was never paid for WP 4318-3 but was paid for WP 7107-3.

Pursuant to SDCL 46-5-31.1, WP 4318-3 will be incorporated into WR 7107-3 and issued to the applicant for livestock watering from the 80 ac-ft storage dam.



Amanda Dewell
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7107-3**

(1) Robert & Shirley Horton, 45922 126th St, Sisseton SD 57262, made Application No. 7107-3, March 6, 2009, for a water permit to divert 1.33 cubic feet of water per second from runoff and springs into an existing 80 ac-ft storage dam, Roberts County, South Dakota for irrigation purposes. Permit No. 7107-3, with a priority date of March 6, 2009, was approved June 15, 2009, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 15, 2014, and for the application to beneficial use of water on or before June 15, 2018.

Water Permit No. 4318-3 authorized irrigation of 83 acres from an 80 ac-ft storage dam, located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3 & one irrigation well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3; all in T124N-R51W (*within the former boundaries of the Sisseton-Wahpeton Indian Reservation*). The applicable portions of Permit No. 4318-3 have been incorporating into this license.

The irrigation systems authorized under Permit Nos. 4318-3 & 7107-3 were never developed. Pursuant to SDCL 46-5-31.1, this license is issued for domestic use/livestock watering from the 80 ac-ft storage dam.

(2) The water supply system has been completed and water put to beneficial use in accordance with South Dakota State Law. The location of the storage dam & spillway is: (*within the former boundaries of the Sisseton-Wahpeton Indian Reservation*)

- 1,200 ft S & 2,330 ft W of the NE corner Section 3 (Latitude 45.55489 & Longitude -97.02958) with water impounded in the W $\frac{1}{2}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3; all in T124N-R51W

3) Pursuant to South Dakota Water Law 46-5-30.1 Robert & Shirley Horton, the holders and/or owners of Water Right No. 7107-3 are issued a license bearing a priority date of August 29, 1978, to impound 80 ac-ft of water from runoff & springs, at the location specified in (2) of this license for domestic/livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7107-3 and subject to the following qualifications:

1. Low Flows as needed for downstream domestic use, including livestock watering, must be bypassed.
2. This Permit is approved subject to the irrigation was use questionnaire being submitted each year. (*The irrigation component is not included in this license. Irrigation Questionnaires will no longer be required.*)
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the methos of irrigation, time constraints, or type of soils so requires, Permit No. 7107-3 authorizes a maximum diversion rate of 1.33 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre-feet of water per acre per year. (*The irrigation component is not included in this license. Diversion from the storage dam for irrigation is not authorized.*)



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

APR 02 2024

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

APR 02 2024

4318-3
7107-3

Robert & Shirley Horton
45922 126th St
Sisseton SD 57262

Dear Mr. & Ms. Horton:

Enclosed is Water License No. 7107-3. 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.

So 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTES: The irrigation systems authorized under Water Permit Nos. 4318-3 & 7107-3 were never developed. Per SDCL 46-5-31.1, Water Right No. 7107-3 is issued to you for domestic/livestock watering purposes.

The applicable portions of Permit No. 4318-3 have been incorporated into Water Right No. 7107-3.

enclosures