

WATER PERMIT NO. 7146-3

Name of Applicant: **Medicine Creek Farms LLC**

Address: **2011 Vista Loop, Pierre SD** Phone: **605 494-0340**

Amount of Water Claimed: **0.51 cfs** Total Acres: **35.77**

Source of Water Supply: **Missouri River**

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

Type of Waste Disposal System: **NA**

Location: **approximately 15 miles southeast of Pierre**

PRIORITY Date Received: **6-15-09** Application/License Fee: **\$200**

Corrected Application Received: Period of Annual Use: **May 15 – September 15**

Remarks:

Diversion Point: **SW ¼ NE ¼ Sec 31-T110N-R76W**

Land to be Irrigated: **Shields River View Tract I**
(W ½ NE ¼) Sec 31-T110N-R76W

Depth of Well: **NA**

Well Driller:

Remarks:

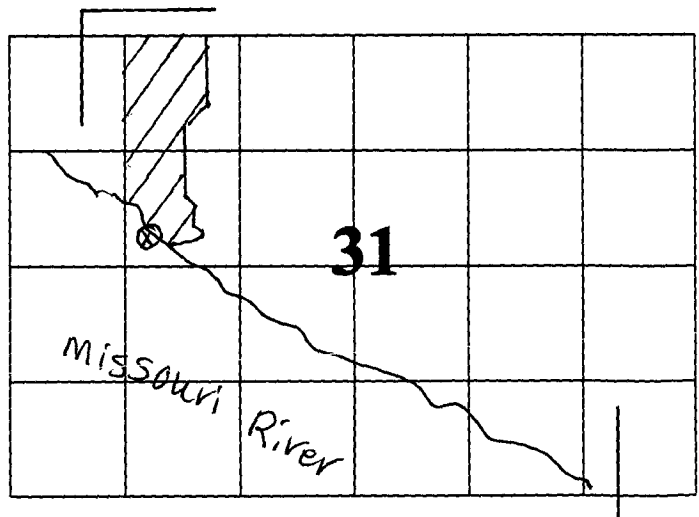
Type of Map: **plat**

Prepared by: **Michael R Ortbahn, RLS**

Reviewed and the Number Assigned on: **6-15-09**

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	(office use only)	
	No. <u>7146-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capitol Journal P.O. Box 878</u>	
	<u>605-224-7309</u>	<u>Pierre 57501</u>

RECEIVED
JUN 15 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 Medicine Creek Farms LLC, Rachel Wyatt Phone 605-494-0340
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 2011 Vista Loop Pierre State SD 57501
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed .51 *CFS or 230 **GPM 0.6 ***AF Total Acreage 35.77
 (*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
SW 1/4 NE 1/4 Sec 31 T 110N R 76W
- County or counties where water will be used Hughes County
- Annual period during which water is to be used May 15 - Sept 15
- 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
Shields River View Tract 1, W 1/2 NE 1/4 of Sec 31	35.77		

8. Give a description of the project. (Attach sheet if more space is needed) Water is to be pumped from Lake Sharp at marked diversion points into storage pond. Property north of AP 585 to be irrigated by lateral motion pivot. Property south of AP 585 to be irrigated by underground sprinklers and drip irrigation system.

STATE OF SOUTH DAKOTA

County of Hughes

SS

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, Rachel Wyatt, 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

Rachel Wyatt

Subscribed and sworn to before me this

12

day of

June

2009

[Signature]

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7146-3**

Date of first receipt of application June 15, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7146-3 to Medicine Creek Farms LLC, c/o Rachel Wyatt, 2011 Vista Loop, Pierre SD 575701 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. 7146-3 appropriates 0.51 cubic feet of water per second from the Missouri River located in SW 1/4 NE 1/4 Section 31 to irrigate portions of 35.77 acres located in the W 1/2 NE 1/4 (Shields River View Tract 1) Section 31; all in T110N-R76W. The permit holder proposes to pump water from the river to an approximate 2 acre-feet storage pond located in the SW 1/4 NE 1/4 Section 31-T110N-R76W. Water will then be diverted from the storage pond to irrigate the above described land.
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 – September 15.
3. The date from which applicant may claim right is June 15, 2009.
4. The date of approval of Permit No. 7146-3 is August 24, 2009.
5. One-fifth of the construction is to be completed on or before February 24, 2012.
6. All construction is to be completed on or before August 24, 2014.
7. Water is to be put to beneficial use on or before August 24, 2018.
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

SEP 24 2009

date



(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 _____

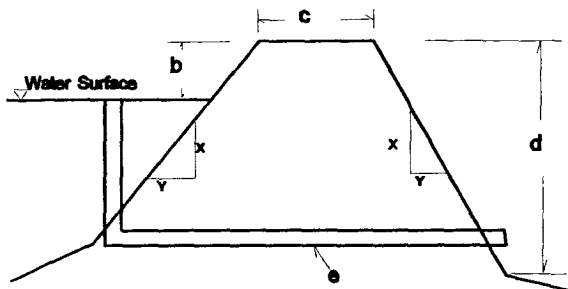
3. Dugout Information

- a) Surface Dimensions 0.6 acre Depth 6 feet
- b) Depth to water (ground surface to water level) _____

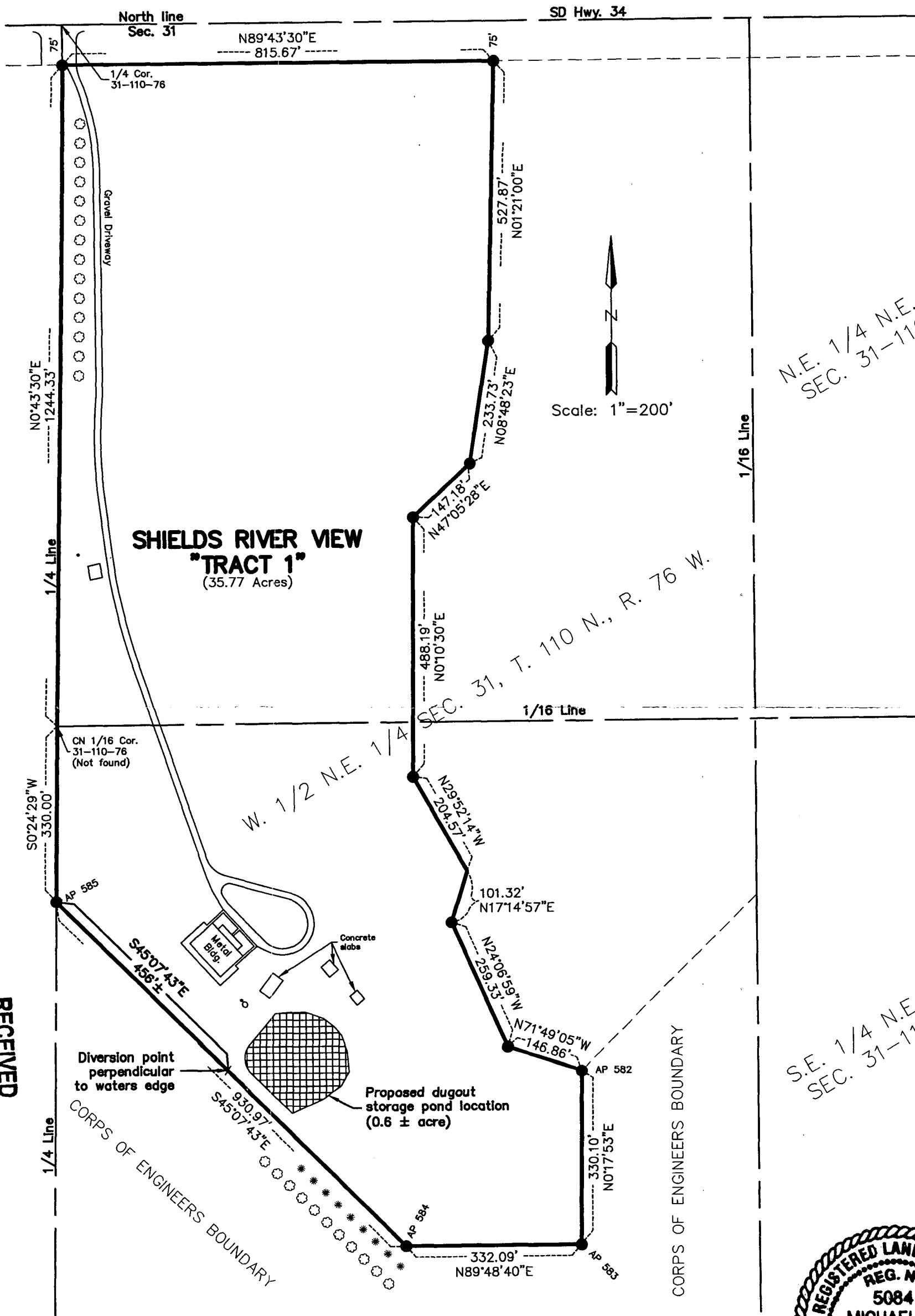
4. Water Storage Dams

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



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PRC

I, Michael R. Ortbahn, a Registered Land Surveyor in the State of South Dakota, do hereby certify that I did relocate the property pins as shown hereon for the property described as SHIELDS RIVER VIEW "TRACT 1" IN THE W. 1/2 OF THE N.E. 1/4 OF SECTION 31, TOWNSHIP 110 NORTH, RANGE 76 WEST, HUGHES COUNTY, SOUTH DAKOTA for the purpose of showing the proposed site for a dugout storage pond.

Dated this 8th day of June, 2009.

Michael R. Ortbahn

Michael R. Ortbahn
Reg. Land Surveyor No. 5084



- Denotes Iron Monument Recovered From The Survey of Shields River View "Tract 1"
- Denotes Bureau of Land Management Monument Recovered

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

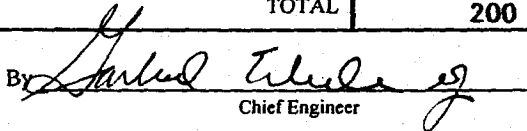
Date 6/15, 20 09

RECEIVED OF Medicine Creek Farms LLC 2011 Vista Loop Pierre SD 57501

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

Fee for Application for Permit No. <u>7146-3</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>7146-3</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. **04158**

By 
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7146-3, Medicine Creek Farms, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7146-3, Medicine Creek Farms, LLC, c/o Rachel Wyatt, 2011 Vista Loop, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 7146-3 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. 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
July 28, 2009

NOTE: The approval of a water right permit does not grant access to the diversion point location. The permit holder will need to obtain any necessary easements from SD Department of Game, Fish and Parks (GF&P) prior to construction of the diversion works. I encourage you to contact Dan McCormick with GF&P at 773-5804 if you have not already made contact regarding this easement.

REPORT ON WATER PERMIT APPLICATION NO. 7146-3
Medicine Creek Farms LLC
July 14, 2009

Application No.7146-3, Medicine Creek Farms, LLC; has filed an application for a water permit to appropriate 0.51 cubic feet of water per second from the Missouri River located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 to irrigate portions of 35.77 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ (Shields River View Tract 1) Section 31; all in T110N-R76W. The applicant is proposing to pump water from the river to a 0.6 acre-feet storage pond located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T110N-R76W. Water will then be diverted from the storage pond to irrigate the above described land. The project is located approximately 17 miles SE of Pierre SD in Hughes County.

Review of the Water Source

The water source for this application is the Missouri River impounded on Lake Sharpe behind Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the 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. Specifically Lake Sharpe Reservoir impounds approximately 1.7 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the Missouri River as a source.

Review of the Proposed Project and 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.

Conclusions

1. This application proposes to appropriate 0.51 cubic feet of water per second from the Missouri River to irrigate 35.77 acres.
2. The applicant proposes to pump from the river to a storage pond, then pump from the pond to the irrigated acres.
3. Approval of this permit would not adversely affect existing water rights.



Mark D. Rath
Natural Resources Engineering Specialist



RECEIVED

AUG 25 2009

WATER RIGHTS
PROGRAM

Capital Journal

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Marilynn Baker of said county, being, first duly sworn, on oath, says: That ~~he~~she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that ~~he~~she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that ~~the legal~~ display advertisement headed Notice of Application No. 7146-3 to
Appropriate Water - Medicine Creek
a printed copy of which, taken from the paper in which the same was published, and which is here to attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

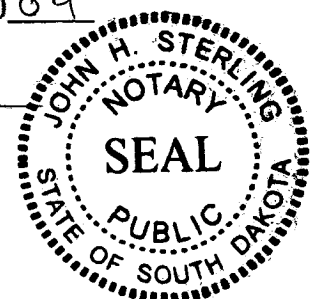
<u>August 7</u>	<u>2009</u>	<u>20</u>
<u>August 14</u>	<u>2009</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 57.56.

Signed: Marilynn Baker

subscribed and sworn to before me this 24 day of August 2009

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2/20, 2015.



800 Public Notice	800 Public Notice	800 Public Notice	800 Public Notice	800 Public Notice
SNAXLP 10091 2tdly 8/9, 8/14 NOTICE OF AP- PLICATION NO. 7110N-876W Appropriate Water Notice is given that Medicine Creek Farms LLC, c/o Rachel Wyatt, 2015 1st St. S., Pierre SD 57501 has filed an application for a water permit to appropriate 0.51 cubic feet of water per second from the Missouri River located in SW 1/4 NE 1/4 Section 31 to irrigate portions of 35.77 acres of land in SW 1/2 Section 14 (Shields) east of River View Tract with SDCL 48-2A-23, the Chief Engineer will act on the application, as recommended, as follows: 1) unappropriated water is available; 2) existing rights will not be unlawfully inter-fered with; 3) it is in the public interest to issue the application or recommendation; and 4) it is in the public interest to issue the application or recommendation. The applicant must file a petition if the Chief Engineer's recommendation is "Water the above Water Right Program, Rights Program, Building, 523 address to request SD 57501 (605) tion pertaining to 773-3352" and this application. The applicant's Steven M. Pirner, is the mailing address is Secretary, Department of Natural Resources, Published twice at the total approximate cost of \$57.50.	acre-foot storage pond in the SW 1/4 NE 1/4 Section 31-T110N-876W. Water will then be diverted from the storage pond to irrigate the above described land pursuant to SDCL 46-2A-2, the Chief Engineer recommends A-ment Board will file a petition, Notice of the hearing will be given to the applicant and any person filing a petition is not	neer's recommendation. The Chief wanted. Contact the Engineer's ad- Eric Gronlund at the above Water Right Program, Rights Program, Building, 523 address to request SD 57501 (605) tion pertaining to 773-3352" and this application. The applicant's Steven M. Pirner, is the mailing address is Secretary, Department of Natural Resources, Published twice at the total approximate cost of \$57.50.	g counsel is ob- tained. Contact the Engineer's ad- Eric Gronlund at the above Water Right Program, Rights Program, Building, 523 address to request SD 57501 (605) tion pertaining to 773-3352" and this application. The applicant's Steven M. Pirner, is the mailing address is Secretary, Department of Natural Resources, Published twice at the total approximate cost of \$57.50.	MONEY MAGAZINE Get Fast Cash! Advance your Award Winning Classifieds for Only 15¢ per line! Call Capital Journal www.cajournal.com 224-73101



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

July 31, 2009

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7146-3 to Appropriate Water to be published twice. Please publish the first notice on August 7, 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 Medicine Creek Farms LLC, c/o Rachel Wyatt, 2011 Vista Loop, Pierre SD 57501 (Ph # 605 494-0340).

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. 7146-3

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

Date _____

We are in receipt of your letter of July 31, 2009 enclosing Notice to Appropriate Water by Application No. 7146-3 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
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www.state.sd.us/denr

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

August 1, 2009

Medicine Creek Farms LLC
c/o Rachel Wyatt
2011 Vista Loop
Pierre SD 57501

Dear Ms. Wyatt:

Water Permit Application No. 7146-3 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 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 applications.

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 August 7, 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 NO. 7146-3 to Appropriate Water

Notice is given that Medicine Creek Farms LLC, c/o Rachel Wyatt, 2011 Vista Loop, Pierre SD 57501 has filed an application for a water permit to appropriate 0.51 cubic feet of water per second from the Missouri River located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 to irrigate portions of 35.77 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ (Shields River View Tract 1) Section 31; all in T110N-R76W. The applicant is proposing to pump water from the river to an approximate 2 acre-feet storage pond located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T110N-R76W. Water will then be diverted from the storage pond to irrigate the above described land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7146-3 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 24, 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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.



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

SEP 24 2009

Medicine Creek Farms LLC
c/o Rachel Wyatt
2011 Vista Loop
Pierre SD 57501

Dear Ms. Wyatt:

Enclosed is Water Permit No. 7146-3 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2013

7146-3

Rachel Wyatt
Medicine Creek Farms LLC
30755 SD Hwy 34
Pierre SD 57501 5909

Dear Ms. Wyatt:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 2011 Vista Loop, Pierre SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

7146-3
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JUN - 5 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5/30/14TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Medicine Creek Farms LLC; Rachel Wyatt
(name)
30755 SD Hwy 34
(address)
Pierre SD 57501 605 222 6754
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7146-3 states that the water use system is to be constructed by 08/24/14, and water is to be put to beneficial use by 08/24/18.
(date) (date)

The water use system was completed on 09/27/2010.
(date)

Applying the water to beneficial use was completed on 06/3/2011.
(date)

You may schedule an investigation so that the water license may be issued.

R Wyatt
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



June 6, 2014

7146-3

Rachel Wyatt
Medicine Creek Farms LLC
30755 SD Hwy 34
Pierre SD 57501

Dear Ms. Wyatt:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Water Permit No. 7146-3
Missouri River - Water District

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

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

I have this day, May 4, 2016, made a thorough examination of the water use system constructed by Medicine Creek Farms, LLC of 30755 SD Hwy 34, pierre, SD 57501 holder of Permit No. 7146-3, bearing the priority of June 15, 2009 authorizing the diversion of 0.51 cu. ft. per second of water from the Missouri River for Irrigation purposes, in Hughes County.

Inspection contact & relationship **Rachel Wyatt**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 1.5 YH-CC
- 3) Capacity 200 GPM

Motor:

- 1) Make Baldor
- 2) Model No. JPM2534T
- 3) Horsepower rating 30 hp

B. Works used to apply water to beneficial use:

- 1) Make Ag-Rain Water Reel
- 2) Model ST-5
- 3) Capacity 200 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2,230 feet south and 2,600 feet west of the NE corner of Section 31-T110N-R76W

(N 44.28882, W -100.01710) (SW ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.45 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 31-T110N-R76W

NW ¼ NE ¼ - 21 acres

SW ¼ NE ¼ - 12

comprising a total of 33 acres of land and the license should be issued for 0.45 cfs.

All structures, wells and lands on map Y

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

This permit proposed the diversion of water from the Missouri River into a storage pond, then diverted from the pond to irrigate the authorized acres. The storage pond was not constructed. Water from the river is pumped directly to the irrigation system.



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: May 11, 2016

Medicine Creek Farms, LLC

Water Permit No. 7146-3



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 11, 2016

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7146-3

(1) Medicine Creek Farms LLC, 30755 SD Hwy 34, Pierre SD 57501 made Application No. 7146-3, June 15, 2009 for a water permit to divert 0.51 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 7146-3, with a priority date of June 15, 2009 was approved August 24, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 24, 2014 and for the application to beneficial use of said water on or before August 24, 2018.

Water Permit No. 7146-3 also authorized a 2 acre-feet storage pond allowing diversion of water from the river to the pond and from the pond to the acreage irrigated. The pond was not constructed.

(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 0.45 cubic feet of water per second for beneficial use. The location of the diversion point is:

- approximately 2,230 feet S and 2,600 feet W of the NE corner of Section 31, T110N, R76W (SW $\frac{1}{4}$ NE $\frac{1}{4}$).

(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:

T110N, R76W Section 31	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres
	Total	33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Medicine Creek Farms LLC, 30755 SD Hwy 34, Pierre SD 57501 the holder and/or owner of Water Right No. 7146-3 is issued a license to appropriate water, the right to use 0.45 cubic feet of water per second from the Missouri River with a priority date of June 15, 2009 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. 7146-3 and subject to the following qualification:

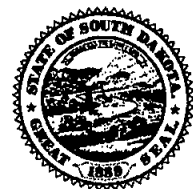
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 29 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 29 2016

7146-3

Rachel Wyatt
Medicine Creek Farms LLC
30755 SD Hwy 34
Pierre SD 57501

Dear Ms. Wyatt:

Enclosed is Water License No. 7146-3. 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