

**WATER PERMIT NO. 7326-3**

Name of Applicant: **Burton Raymer**

Address: **129 6<sup>th</sup> St, Bradley SD 57271**

Phone: **605 784-3639**

Amount of Water Claimed: **2.85 cfs**

Total Acres: **200**

Source of Water Supply: **slough**

Water to be used for: **irrigation**

County: **Clark**

Type of Waste Disposal System:

Location: **½ mile south of Bradley**

**PRIORITY**

Date Received: **3-6-12**

Application/License Fee: **\$ 1,150**

Corrected Application Received:

Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **S ½ NE ¼ Sec 35-T119N-R57W**

Land to be Irrigated: **SW ¼, W ½ SE ¼ Sec 26-T119N-R57W**

Depth of Well: **NA**

Well Driller:

Remarks:

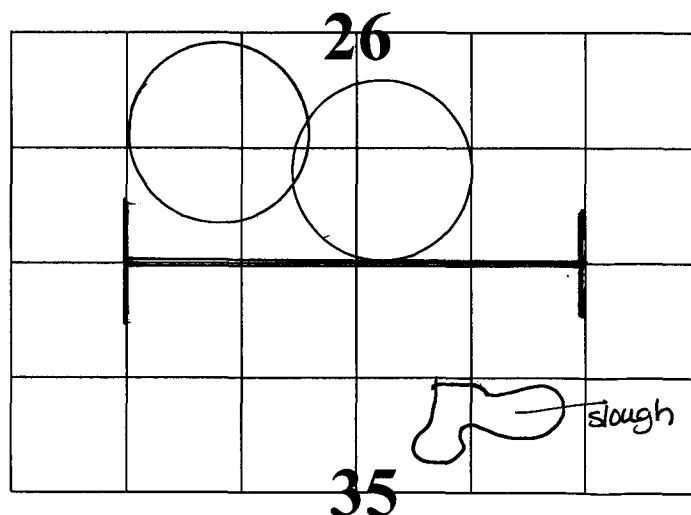
Type of Map: **aerial**

Prepared by: **Jim ?, Clark Co NRCS**

Reviewed and the Number Assigned on: **3-6-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



|                                                                                                                    |                                    |                                                                           |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | (office use only)                  |                                                                           |
|                                                                                                                    | No. <u>7326-3</u>                  | Hydrologic Unit <u>10160010</u>                                           |
|                                                                                                                    | Basin <u>James River</u>           |                                                                           |
|                                                                                                                    | Newspaper <u>Clark Co. Courier</u> | <u>1191<sup>st</sup> Ave E.</u><br><u>605-532-3654</u> <u>Clark 57225</u> |

RECEIVED  
MAR - 6 2012  
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 BURTON RAYMER Phone 1-605-784-3639  
(check one) Owner ☒ Tenant/lessee ☐ Mailing Address 129 6<sup>th</sup> ST. BRADLEY State SD 57217  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.85\*CFS or     \*\*GPM     \*\*\*AF Total Acreage 200  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply FLOOD WATERS
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
NE 1/4 SEC 35-119-57 60 ACRE POND  
ELECTRIC PUMP County CLARK
- County or counties where water will be used CLARK
- Annual period during which water is to be used APRIL 1 TO SEPT 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description                | Acres      | Land Description | Acres |
|---------------------------------|------------|------------------|-------|
| <u>Sec 26-119-57</u>            | <u>200</u> |                  |       |
| <u>↑ (SW 1/4, W 1/2 SE 1/4)</u> |            |                  |       |
|                                 |            |                  |       |
|                                 |            |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed) Pump FLOOD WATERS  
from ADJACENT LAND TO TWO PLOTS THAT WOULD EACH COVER  
APPROX. 100 ACRES EACH. THE PLOTS WOULD OPERATE ONLY ONE  
AT A TIME.

STATE OF SOUTH DAKOTA) SS  
County of CLARK

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, BURTON RAYMER, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Subscribed and sworn to before me this 2 day of MARCH 20 12

Notary Public signature

**SOUTH DAKOTA  
WATER PERMIT NO. 7326-3**

---

Date of first receipt of application March 6, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7326-3 to Burton Raymer, 129 6<sup>th</sup> St., Bradley SD 57217 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. 7326-3 appropriates 2.85 cubic feet of water per second from a slough located in NE ¼ Section 35 for irrigation of 200 acres located in the SW ¼, W ½ SE ¼ Section 26; all in T119N-R57W.
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 – September 30.
3. The date from which applicant may claim right is March 6, 2012.
4. The date of approval of Permit No. 7326-3 is June 4, 2012.
5. One-fifth of the construction is to be completed on or before December 4, 2014.
6. All construction is to be completed on or before June 4, 2017.
7. Water is to be put to beneficial use on or before June 4, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATION**

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

**WATER MANAGEMENT BOARD**

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

JUN 18 2012  
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 \_\_\_\_\_

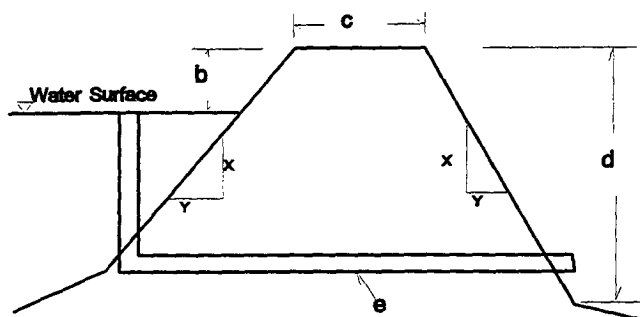
**3. Dugout Information**

- a) Surface Dimensions 60 ACRES Depth 25'
- b) Depth to water (ground surface to water level) \_\_\_\_\_

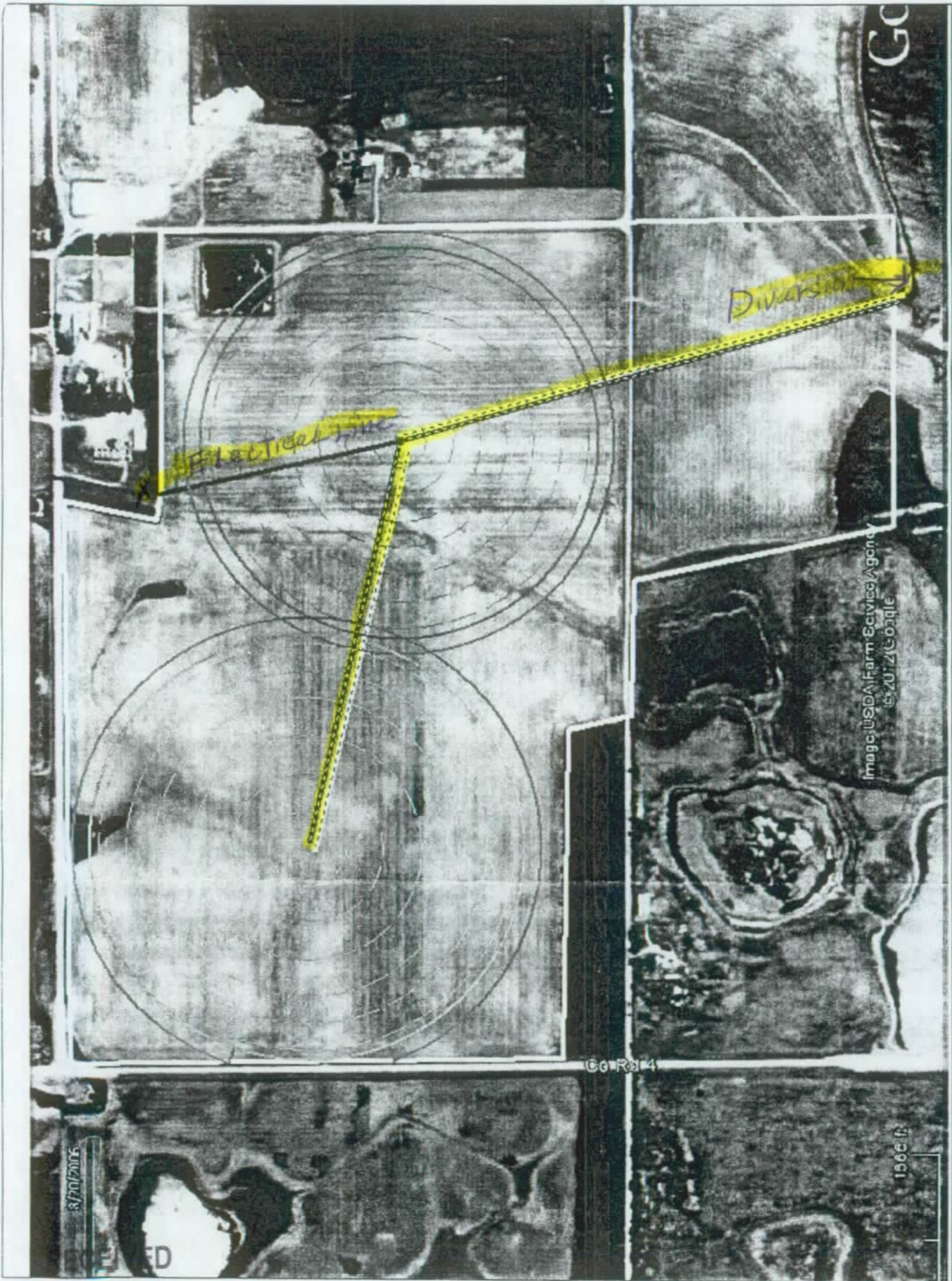
**4. Water Storage Dams**

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.

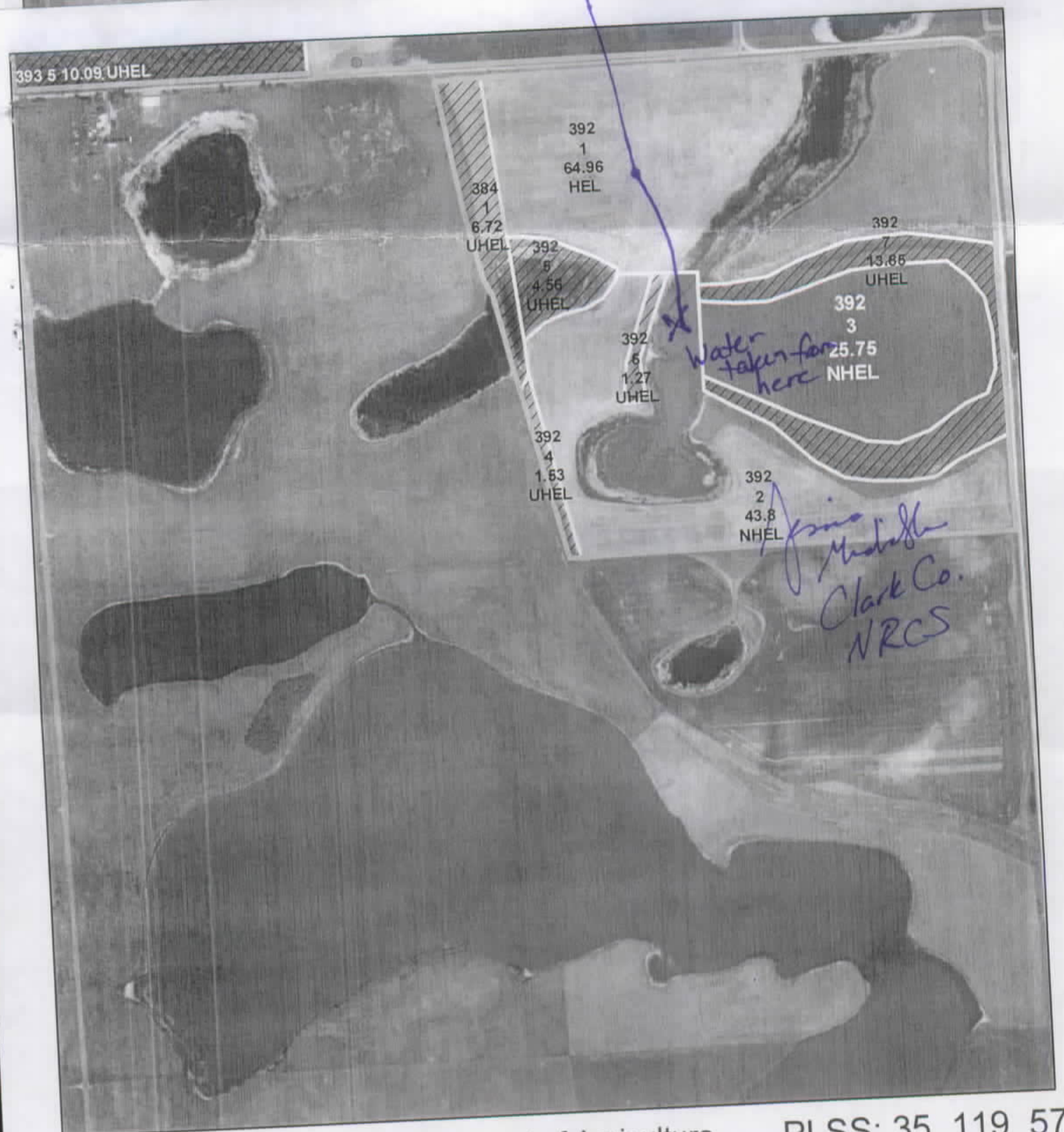
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:
- \_\_\_\_\_
- \_\_\_\_\_



- 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



MAR - 6 2012  
WATER RIGHTS  
PROGRAM



United States Department of Agriculture  
Farm Service Agency

**Clark County, SD**

1:8,288

**RECEIVED**

**MAR - 6 2012**

**WATER RIGHTS PROGRAM**

**PLSS: 35\_119\_57**  
**Farm: 4852**



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

2010 Ortho-Photography - Not to Scale

**Wetland Determination Identifiers**

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

**Common Land Units**

//// Non Cropland

March 03, 2011

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/6 b, 20 12

RECEIVED OF Raymer Farm Inc 129 6th St Bradley SD 57217

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>7326-3</u> to Appropriate Water, to construct and to put water to beneficial use | 950   | 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>7326-3</u>            | 200   | 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 | 1150 00 |

No. 05369

By

Charles Erbe  
Chief Engineer

DOCUMENTATION OF SURFACE DRAINAGE IN WETLANDS

| Owner/Operator:<br><b>BURTON RAYMER</b>                            |                   |                        | Legal Description:<br><b>NE 1/4 35-119-59</b>                                                                 |                 |              | County:<br><b>CLARK</b>                                                                                                                                                                                                                                                                                                            |  |
|--------------------------------------------------------------------|-------------------|------------------------|---------------------------------------------------------------------------------------------------------------|-----------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Tract No., Farm No.:<br><b>T392</b>                                |                   |                        | Field Investigator/Title:<br><b>K. CAMERON-HOWELL, RC</b>                                                     |                 |              | Date:<br><b>3/11/08</b>                                                                                                                                                                                                                                                                                                            |  |
| <u>"AS BUILT" DIMENSIONS OR PHYSICAL CONDITION AS OF 12-23-85.</u> |                   |                        |                                                                                                               |                 |              |                                                                                                                                                                                                                                                                                                                                    |  |
| WETLAND<br>SITE<br>NUMBER                                          | YEAR<br>INSTALLED | EQUIPMENT<br>USED      | BOTTOM OF DITCH IS<br>_____(+) ABOVE OR<br>____(-) BELOW BOTTOM OF<br>WETLAND (in tenths of a<br>foot + or -) | BOTTOM<br>WIDTH | TOP<br>WIDTH | OBSERVATIONS / NOTES                                                                                                                                                                                                                                                                                                               |  |
| 1a                                                                 | early 1980        | 12" pvc<br>600gpm pump |                                                                                                               |                 |              | *Wetland is pumped using a 600 gallon pump. It is pumped daily during April so that production is possible. This action pumps the wetland dry, removes all surface water; the remaining water (if any) is ditched to the dugout. 12" pvc pipe. The water can be removed to the dugout or road ditch OR can be used for irrigation. |  |
| 1b                                                                 | Early 1980's      | Scraper                | -1.0' below Wetland<br>Basin                                                                                  | 12'             | 12'          | Ditch                                                                                                                                                                                                                                                                                                                              |  |
| 2                                                                  |                   |                        | -2.6' below wetland<br>basin                                                                                  | 30'             | 45'          | Ditch *Sites 2 & 3 added to LTP-14                                                                                                                                                                                                                                                                                                 |  |
| 3                                                                  |                   | Scraper                | -0.2' below wetland<br>basin                                                                                  | 12'             | 12'          | Ditch on Nov. 12, 2008 after certified<br>wetland determination was<br>completed                                                                                                                                                                                                                                                   |  |

\* BW & CP samples documented  
on map (locations)I certify the information under the "as built" dimensions or physical condition as of December 23, 1985, is complete, true, and correct to the best of my knowledge. Burton Raymer (Owner) Date: 3-19-08I have verified the above information and agree that if maintenance is performed not to exceed the extent above it will be considered in compliance with the Wetland Provisions of the Food Security Act. Jim Dylla (District Conservationist) Date: 3/14/08

## Water Rights Program - DENR

### Conversation or File Documentation

**Name of Person:** Burton Raymer    **File No** 7326-3

**Address:** 129 6<sup>th</sup> Street, Bradley, SD 57217

**County:** Clark

**Date:** April 25, 2012

**Telephone:**

**RE:** Permit No. 7326-3

#### **Comments:**

On April 19, 2012, I met with Jessica Michalski with the NRCS in Clark, SD regarding Mr. Raymer's permit. My question was about a form which was signed and dated authorizing pumping water from the slough. They authorized pumping from the slough at a rate of 600 gpm and the applicant applied for a permit to pump 1279 gpm from the slough. Jessica said it would be fine to pump at that rate since they also had authorized him to pump the slough dry at 600 gpm and pumping it at the 1279 gpm would not affect their authorization.



Mike DeFea

Natural Resources Engineer II

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 7326-3, Burton Raymer**

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. 7326-3, Burton Raymer, 129 6<sup>th</sup> St, Bradley SD 57217.

The Chief Engineer is recommending APPROVAL of Application No. 7326-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer  
April 25, 2012

## REPORT ON WATER PERMIT APPLICATION NO. 7326-3

Burton Raymer  
129 6<sup>th</sup> Street  
Bradley, SD 57217  
April 25, 2012

Water Permit Application No. 7326-3, proposes to appropriate 2.85 cubic feet per second (cfs) of water from a slough located in the NE  $\frac{1}{4}$  Section 35 for irrigation of 200 acres located in the SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 26; all in T119N-R57W. The project is located in Clark County, approximately one-half-mile south of Bradley, SD.

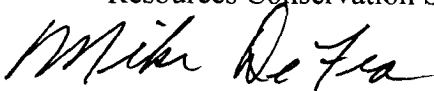
### Review of the Water Source and Existing Water Rights

The source of water for this application is from a slough. The slough will be allowed to fill with incidental surface water run-off from some surface water source such as melting snow or rainfall when it occurs. Water will then be pumped from the slough to irrigate the 200 acres located in the SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 26-T119N-R57W. The slough appears to be approximately 60 acres in size. During dry periods, the slough cannot be considered a reliable source of water. There are three existing water rights, two for fish and wildlife production and one for irrigation utilizing surface water from sloughs in the immediate vicinity. There is also one existing flood control permit to divert water around a feedlot. If this project is approved, it would not be expected to adversely impact these existing rights.

The applicant also provided a signed and dated document which states that he did contact the Natural Resources Conservation Service and has approval to pump the wetland for irrigation purposes.

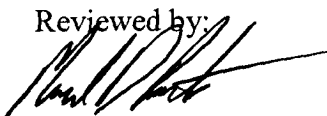
### Conclusions

1. Application No. 7326-3 proposes to appropriate 2.85 cfs of water from run-off collected into a slough located in the NE  $\frac{1}{4}$  Section 35 for irrigation of 200 acres located in the SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 26; all in T119N-R57W.
2. During dry periods, this slough cannot be considered a reliable source of water.
3. There are three existing water rights for surface water and a flood control permit in the immediate vicinity. This project would not be expected to adversely impact these existing rights.
4. The applicant has provided a signed and dated document which states that he contacted the Natural Resources Conservation Service and has approval to pump the wetland for irrigation purposes.



Mike DeFea  
Natural Resources Engineer II  
DENR, Water Rights Program

Reviewed by:



Mark D. Rath  
Natural Resources Engineer III  
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

April 25, 2012

Clark County Courier  
119 1<sup>st</sup> Ave E  
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7326-3 to Appropriate Water to be published twice. Please publish the first notice on May 2, 2012 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 Burton Raymer, 129 6<sup>th</sup> St., Bradley SD 57217 (Ph # 605-784-3639).

**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/KS*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

No. 7326-3

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

Date \_\_\_\_\_

We are in receipt of your letter of April 25, 2012 enclosing Notice to Appropriate Water by Application No. 7326-3 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  
[denr.sd.gov](http://denr.sd.gov)

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

April 25, 2012

Burton Raymer  
129 6<sup>th</sup> St  
Bradley SD 57212

Dear Mr. Raymer:

Water Permit Application No. 7326-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654). 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* /KS

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 May 2, 2012 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. 7326-3 to Appropriate Water

Notice is given that Burton Raymer, 129 6<sup>th</sup> St, Bradley SD 57217 has filed an application for a water permit to appropriate 2.85 cubic feet of water per second from a slough located in NE ¼ Section 35 for irrigation of 200 acres located in the SW ¼, W ½ SE ¼ Section 26; all in T119N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7326-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 21, 2012

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 \_\_\_\_\_.



COPY

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 11, 2012

Burton Raymer  
129 6<sup>th</sup> Street  
Bradley SD 57271

Dear Mr. Raymer:

As you became aware, the Clark County Courier published your notice for Water Permit Application No. 7326-3 on May 2<sup>nd</sup> but not on May 9<sup>th</sup>. To correct this we originally planned to just publish the notice again on May 16<sup>th</sup> and move the date to intervene back to May 28<sup>th</sup>. However, as I became aware, the law states the notice must be for 2 successive weeks. Therefore, to be legal the notice is being published on May 16 and 23 with a date to intervene of June 4, 2012.

I understand that you talked with the Bill Krikac with the newspaper and he told you that the notice only had to be published again on May 16<sup>th</sup>. That was based on my initial conversation with him which changed after I looked closer at the law. It is important to follow the law on public notice requirements to be sure that the water permit has proper legal standing.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund

Water Rights Program

605 773-3352

eric.gronlund@state.sd.us

**Affidavit of Publication**

State of South Dakota

County of Clark

**RECEIVED**  
**JUN - 1 2012**

**WATER RIGHTS PROGRAM**

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**WATER RIGHTS PROGRAM  
- BURTON RAYMER**

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

**TWO**

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

**MAY 16, 2012  
MAY 23, 2012**

that the full amount of the fees for the publication of the annexed notice is **42.35**

*William J. Krikac*

Subscribed and sworn to before me this

**31ST DAY OF MAY, 2012**

*Ann Hjelke*

Notary Public  
Clark County, South Dakota

**My Commission expires: 06/04/2013**

**NOTICE OF APPLICATION  
NO. 7326-3 to Appropriate Water**

Notice is given that Burton Raymer, 129 6th St., Bradley SD 57217 has filed an application for a water permit to appropriate 2.85 cubic feet of water per second from a slough located in NE 1/4 Section 35 for irrigation of 200 acres located in the SW 1/4, W 1/2 SE 1/4 Section 26; all in T119N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 7326-3 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 June 4, 2012.

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 regarding this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$42.35.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

**JUN 18 2012**

Burton Raymer  
129 6<sup>th</sup> St  
Bradley SD 57217

Dear Mr. Raymer:

Enclosed is Water Permit No. 7326-3 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

7326-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**  
JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

**JUL 06 2023**

Burton Raymer  
129 6<sup>th</sup> St  
Bradley SD 57217

7326-3

Dear Mr. Raymer:

Enclosed is Water License No. 7326-3. 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,

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

*enclosures*

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 7326-3**

---

(1) Burton Raymer, 129 6<sup>th</sup> St, Bradley SD 57217, made Application No. 7326-3, March 6, 2012, for a water permit to divert 2.85 cubic feet of water per second from surface water held by a slough in the NE ¼ Section 35-T119N-R57W, Clark County, South Dakota for irrigation purposes. Permit No. 7326-3, with a priority date of March 6, 2012, was approved June 4, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 4, 2017, and for the application to beneficial use of water on or before June 4, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Pump #2: 1,405 ft S & 1,970 ft W of the NE corner of Section 35, T119N, R57W (SW ¼ NE ¼)  
(Latitude 45.07580 Longitude -97.64433)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

| Section 26, T119N, R57W |            |           |             |
|-------------------------|------------|-----------|-------------|
| NW ¼ SW ¼               | 20.5 acres | NW ¼ SE ¼ | 14.5 acres  |
| SW ¼ SW ¼               | 34.0 acres | SW ¼ SE ¼ | 33.5 acres  |
| NE ¼ SW ¼               | 14.5 acres |           |             |
| SE ¼ SW ¼               | 30.5 acres | TOTAL:    | 147.5 acres |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Burton Raymer, the holder and/or owner of Water Right No. 7326-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from the above-described slough, with a priority date of March 6, 2012, 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. 7326-3 and subject to the following qualification:

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

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

JUL 06 2023  
date



## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7326-3

I have this day, June 22, 2023, made a thorough examination of the water use system constructed by Burton Raymer, 129 6<sup>th</sup> St, Bradley, SD 57271 of Permit No. 7326-3, bearing the priority of March 6, 2012 authorizing the diversion of 2.85 cu. ft. per second of the waters of slough in NE ¼ Sec 35 for irrigation purposes, in Clark County.

### A. Works used to divert the water: ONLY SURFACE WATER IS USED FOR IRRIGATION PURPOSES

#### Pump #2:

- 1) Make Centrifugal (Used to pump water from a south slough to the center pivots)
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 600 GPM

#### Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 25 hp

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

- 1) Type Buried PVC
- 2) Size 10 inches
- 3) Length 6000 feet

Comments: North slough to south slough  
Also buried 8 inch PVC pipe to the pivots that is 4500 feet long

### C. Works used to apply water to beneficial use:

#### Center pivot:

- 1) Make 2 - T&L
- 2) Overall length 1030 & 960 feet (6 tower pivot longer than 7 tower pivot)
- 3) Number of towers 6 & 7
- 4) End gun Y
- 5) Capacity 600 each GPM

#### Chemigation Equipment:

- 1) Does chemigate N

### D. Compliance with Permit Requirements:

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

**E. Condition and Location:**

1. The system is in good condition with the point(s) of diversion located as follows: PUMP #2 LOCATION From the NE corner Sec 35-T119N-R57W 1,405 ft S & 1,970 ft W, Lat 45.07580 Long -97.64433 (SW ¼ NE ¼)
2. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 26 T119N R57W

NW ¼ SW ¼ – 20.5 acres

SW ¼ SW ¼ – 34.0 acres

NE ¼ SW ¼ – 14.5 – acres

SE ¼ SW ¼ – 30.5 acres

NW ¼ SE ¼ – 14.5 acres

SW ¼ SE ¼ – 33.5 acres

comprising a total of 147.5 acres of land and the license should be issued for 1.33 cfs

3. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The centrifugal pump takes water from the south slough to provide water to the two (2) center pivots, one at a time.

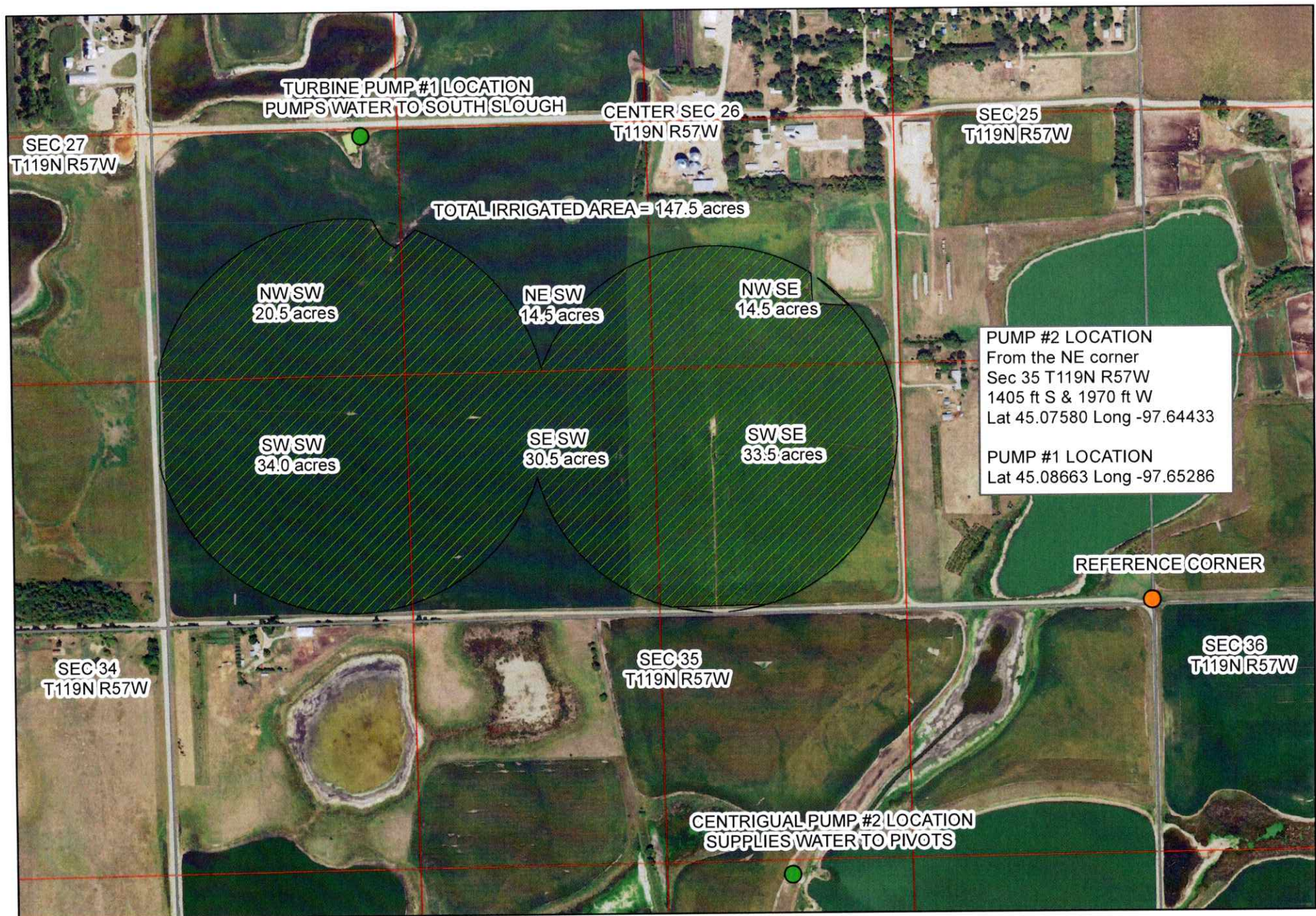
The mailing address and telephone number in the permit materials are current while a current cell contact telephone number is 605/520-1394.

I talked to Burton Raymer during the field inspection visit.



Darrell W DeBoer  
Water Rights Inspector

Date report completed: June 26, 2023



0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer  
Water Right Inspector  
DANR-Water Rights Program