

WATER PERMIT NO. 7396-3

Name of Applicant: Oahe Speedway LLC

Address: PO Box 471, Pierre SD 57501 Phone: 605 223-9885

Amount of Water Claimed: 0.27 add'l cfs Total Acres: 6 add'l acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Sully

Type of Waste Disposal System:

Location: 12 miles northwest of Pierre

PRIORITY Date Received: 8-10-12 Application/License Fee: \$ 500 (license fee on 6732-3)

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 34-T113N-
R80W

Land to be Irrigated: NE ¼ Sec 34-T113N-R80W

Depth of Well: 51 feet deep

Well Driller: Bullis Bros

Remarks:

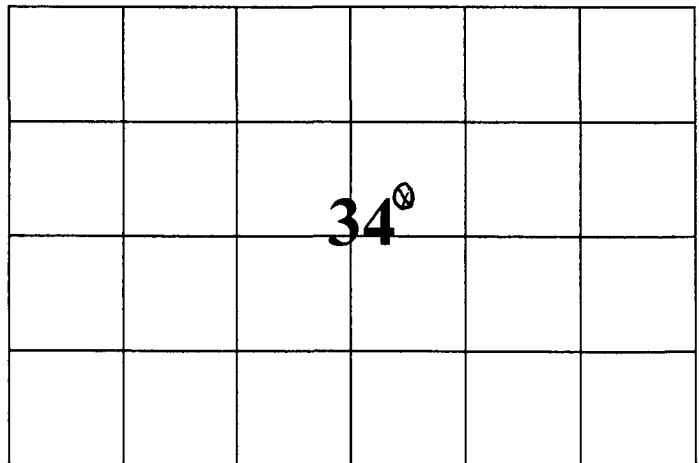
Type of Map: aerial

Prepared by: Mike DeFea

Reviewed and the Number Assigned on: 8-16-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7396-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u> <u>605-258-2604</u>
	Newspaper <u>Orida Watchman P.O. Box 245-57564</u>
	<u>Capitol Journal P.O. Box 878 Pierre 57501 605-224-7301</u>

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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 Oahe Speedway, LLC Phone 605-223-9885
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 471 Pierre SD 57501
(Address) (City) (State) (Zip Code)
- Amount of water claimed 0.27*CFS or 150**GPM ***AF Total Acreage 6 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Existing Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sully
T113N, R 80W, SW 1/4 of NE 1/4 Section 34. See Permit #6732-3
- County or counties where water will be used _____
- Annual period during which water is to be used May1 - October 31st
- 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
T113N, R80W, Section 34 NE 1/4	6		

- Give a description of the project. (Attach sheet if more space is needed)
Current permit authorizes 30 GPM and well is capable of 150 GPM. This application is to increase diversionary authority by 120 GPM and irrigate an additional 6 acres to bring the total acres to 36 acres.

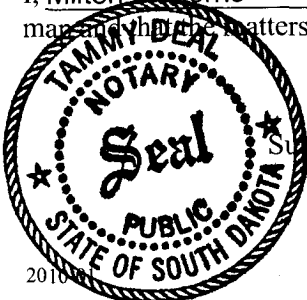
STATE OF SOUTH DAKOTA)
County of South Dakota) SS

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

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

Applicant's signature Milton J. Morris

Subscribed and sworn to before me this 7th day of August 2012



Tammy Deal
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7396-3**

Date of first receipt of application August 10, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7396-3 to Oahe Speedway LLC, PO Box 471, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7396-3 authorizes an additional 0.27 cubic feet of water per second (cfs) and to irrigate 6 additional acres to what is currently authorized by Water Permit No. 6732-3. Water Permit No. 6732-3 appropriates 0.067 cfs from one well completed into the Gray Goose Aquifer (51 feet deep) located in SW 1/4 NE 1/4 Section 34 to irrigate 30 acres located in the SE 1/4 Section 34; all in T113N-R80W. An investigation of the permit found the system capable of diverting an additional 0.27 cfs from the existing well. This permit is for irrigation of an additional 6 acres located in the NE 1/4 Section 34-T113N-R80W. This permit and Water Permit No. 6732-3 authorize a total diversion rate of 0.337 cfs (150 gallons per minute) for irrigation of 36 acres.
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 1 – October 31.
3. The date from which applicant may claim right is August 10, 2012.
4. The date of approval of Permit No. 7396-3 is November 5, 2012.
5. One-fifth of the construction is to be completed on or before May 5, 2015.
6. All construction is to be completed on or before November 5, 2017.
7. Water is to be put to beneficial use on or before November 5, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

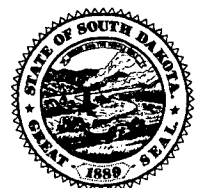
1. The well approved under Water Permit Nos. 6732-3 and 7396-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

NOV 14 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 applicant's 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

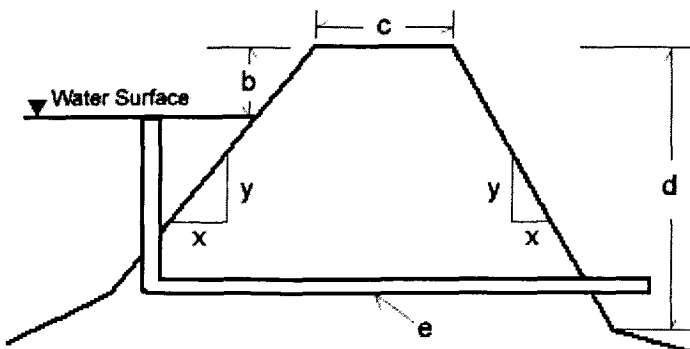
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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 _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



PLAT OF OAHE HILLS SUBDIVISION

located in the East Half (E½) of Section 34,
Township 113 North, Range 80 West of the 5th. P.M.,

SULLY COUNTY, SOUTH DAKOTA

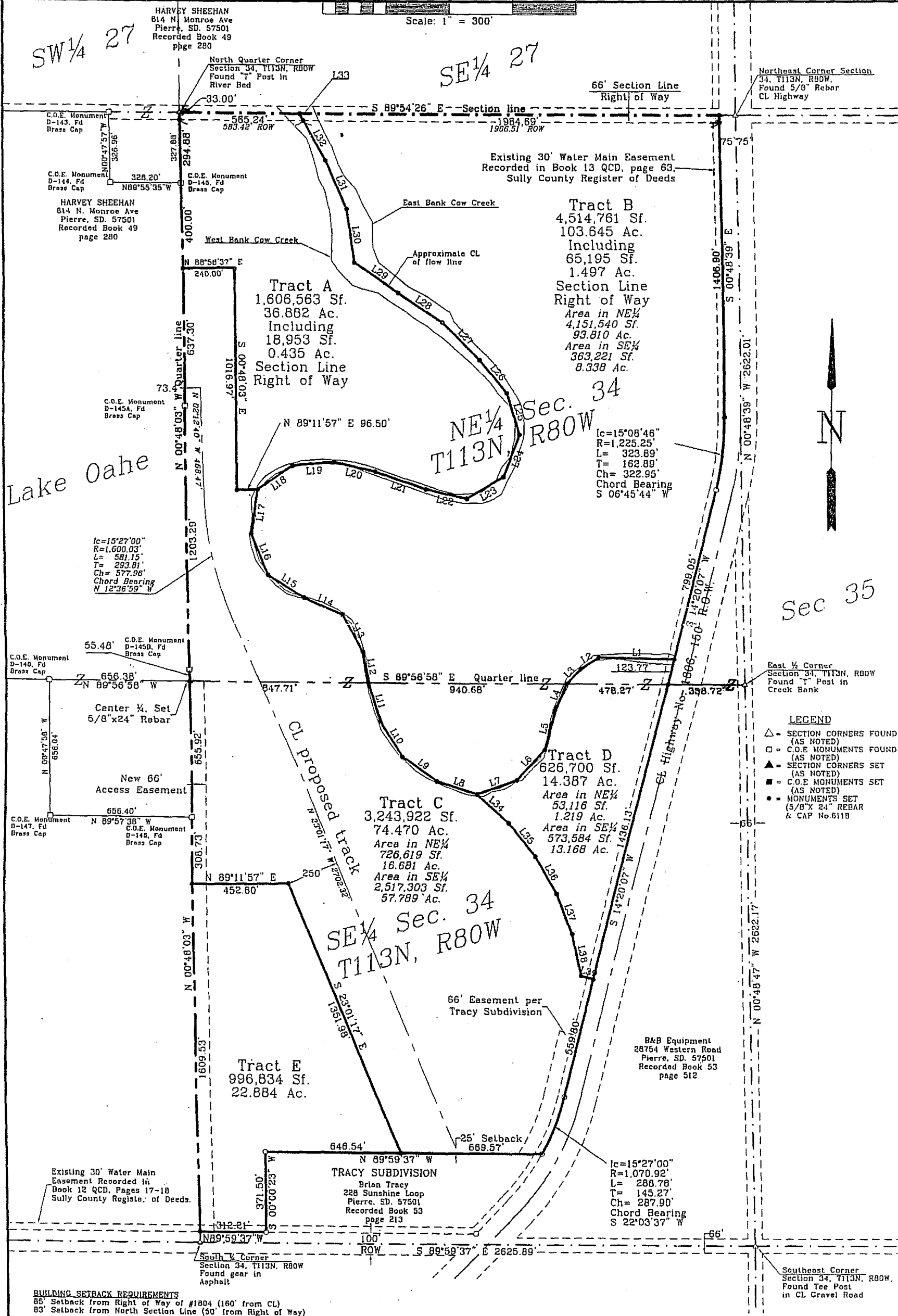
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300 0 300 600 900

Scale: 1" = 300'



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/10, 20 12

RECEIVED OF Oake Speedway LLC PO Box 471 Pierre SD 57501

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

Fee for Application for Permit No. <u>7396-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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. _____		
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	500 00

No. 05530

By

Julia D. Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 2012

6732-3

Milt Morris
Oahe Speedway LLC
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Recently Mike DeFea with our program conducted a field investigation for licensing purposes of Water Permit No. 6732-3.

Water Permit No. 6732-3 authorizes diversion of 0.067 cfs (30 gallons per minute) from one well for irrigation of 30 acres. The investigation found you were diverting at a rate of 150 gallons a minute from the well. Mike indicated you were going to be submitting an application for some additional acreage. Since you are going to add acres, you can include the additional diversion rate you are using on the new application. We will work with you to get everything covered and in compliance.

The application forms are available on our website at <http://denr.sd.gov/des/wr/wr.aspx>. There is an instruction sheet along with the application. If you prefer, I can mail you copies rather than having you download them from the website, just let me know. We will hold up licensing of Water Permit No. 6732-3 until the additional permitting is taken care of.

If you have questions on completion of the application forms, please contact Eric Gronlund with our program at (605) 773-3352.

Sincerely,

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

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



**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. 7396-3, Oahe Speedway 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. 7396-3, Oahe Speedway LLC, c/o Milton Morris, PO Box 471, Pierre SD 57501

The Chief Engineer is recommending APPROVAL of Application No. 7396-3 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. The well approved under Water Permit Nos. 6732-3 and 7396-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
October 16, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7396-3
OAHE SPEEDWAY, LLC
OCTOBER 1, 2012

Water Permit Application No. 7396-3 proposes to appropriate up to 12 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.27 cubic feet of water per second (cfs) from a well completed into the Gray Goose aquifer. This application proposes to authorize diversions from an existing well, 51 feet deep, that is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T113N-R80W to irrigate six acres located in the NE $\frac{1}{4}$ of Section 34, T113N-R80W.

An inspection of the works for Water Permit No. 6732-3 conducted pursuant to SDCL 46-5-30, identified that the system as constructed, was capable of diverting water at a rate of 0.27 cfs greater than authorized and the system irrigated six acres that were not authorized by the permit. Water Permit No. 6732-3 appropriates up to 60 ac-ft/yr at a maximum diversion rate of 0.067 cfs from one well completed into the Gray Goose aquifer to irrigate 30 acres. The appropriation requested by Water Permit Application No. 7396-3 in conjunction with the appropriation of Water Permit No. 6732-3 will reflect the actual extent that water is used by the system. If approved, Water Permit No. 7396-3 together with Water Permit No. 6732-3 will authorize a maximum diversion rate of 0.337 cfs (150 gallons per minute) from a single well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T113N-R80W to irrigate 36 acres located in the NE $\frac{1}{4}$ of Section 34, T113N-R80W.

AQUIFER: GRAY GOOSE (GG)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Gray Goose aquifer is a glacial outwash deposit that occupies a channel that was incised into the Pierre Shale bedrock. The aquifer extends from the Missouri River just north of the Hughes-Sully County line, approximately 30 miles to the east-southeast (see figure 1). Hedges and others, (1982) estimated the Gray Goose aquifer underlies approximately 33,400 acres of Hughes County and contains an estimated 200,400 acre-feet of recoverable water in the county. The extent of the aquifer was refined by Hamilton, (1986) to an area of approximately 70,400 acres. The total amount of water in storage (including unrecoverable water) is estimated to be 560,000 acre-feet (Hamilton, 1986). The total thickness of the sand and gravel making up the Gray Goose aquifer averages 40 feet and exceeds 60 feet in places (Hamilton, 1986). The well log for this existing well identifies outwash material between 5-51 feet below grade (i.e. the base of the aquifer is approximately 1569 feet msl). In 2006, the static water level at this well was 28 feet below grade; therefore the saturated thickness of the aquifer was approximately 23 feet. The Gray Goose aquifer is composed mostly of medium to very coarse sand and gravel and the average estimated hydraulic conductivity was estimated to be 400 feet per day (ft/d) based on three aquifer tests (Hamilton, 1986). Assuming a saturated thickness of 23 feet and hydraulic conductivity of 400 ft/d, the transmissivity of the Gray Goose aquifer would be approximately 9,200 ft²/d at this well site.

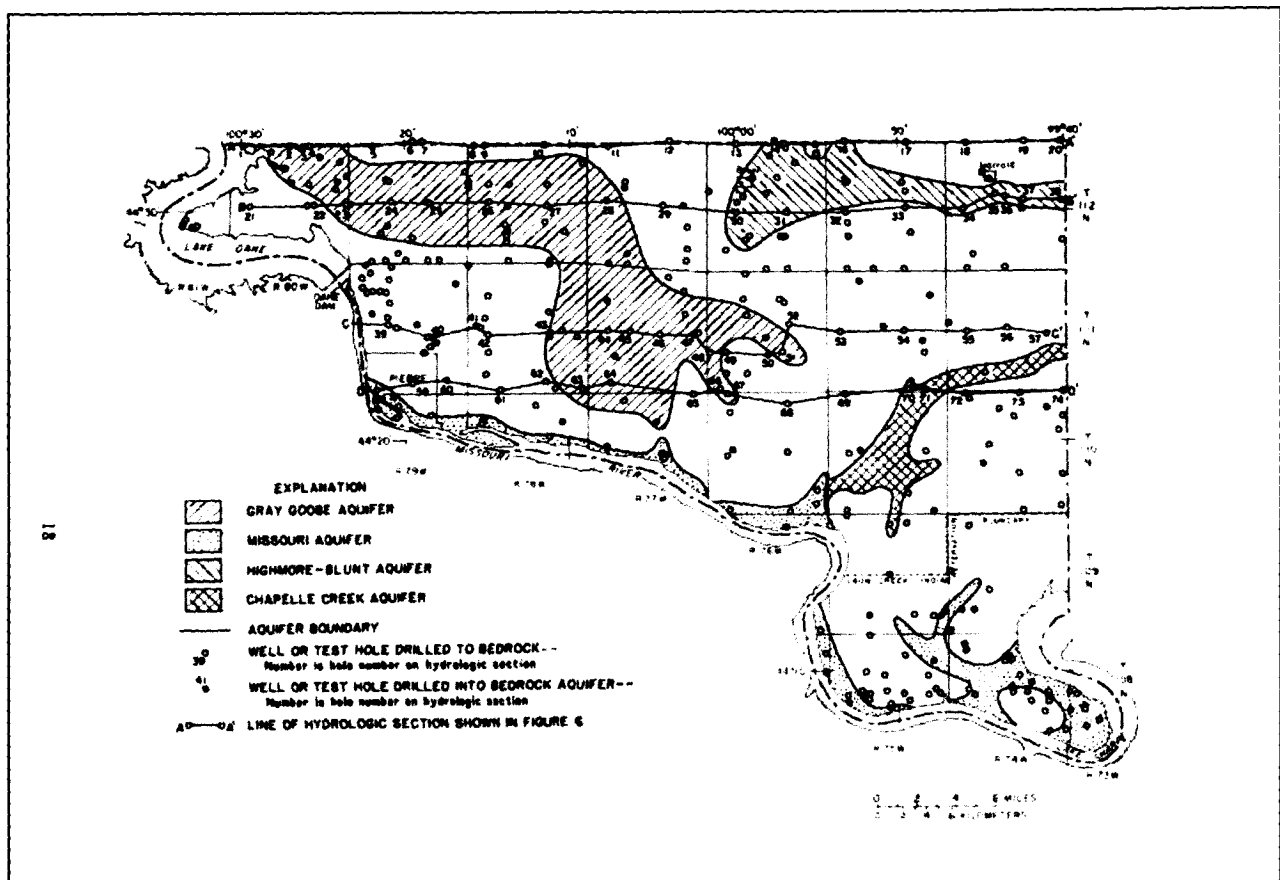


Figure 1. Major glacial aquifers in Hughes County including the Gray Goose aquifer: modified from Hamilton, 1986)

The Gray Goose aquifer is generally under unconfined conditions and appears to be hydraulically connected to the Missouri River. Groundwater generally flows from west to east in the Gray Goose aquifer at a rate of about 100 ft/yr (Hamilton, 1986). However, near Lake Oahe, groundwater moves either toward the lake or away from the lake depending upon the lake level. "Much of the inflow [to the aquifer] from the lake is bank storage that discharges back into the lake when the level of the lake declines." (Hamilton, 1986). This "zone of bank storage" extends about two and one-half miles east of the lake. The water levels within this zone correlate well with the levels of the lake. However, at times groundwater levels in this zone get higher than the maximum elevation attained by Lake Oahe, indicating local recharge.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

This application proposes to appropriate 12 acre-feet annually from the Gray Goose aquifer. The probability of unappropriated water available from an aquifer can be evaluated by considering

SDCL 46-6-3.1 which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Discharge:

Recharge:

Recharge to the Gray Goose aquifer is primarily through infiltration of precipitation where the aquifer is at or near the ground surface. However, as stated earlier, recharge also occurs from Lake Oahe when the level of the lake is higher than the potentiometric surface of the aquifer. The average annual recharge to the Gray Goose aquifer was estimated to be 3.2 inches per year based on observation well analysis (Hedges and others, 1985). Hamilton (1986) estimated recharge based on discharge calculations for 1981 assuming no change in storage to be 0.3 inches per year.

Discharge:

Discharge from the Gray Goose aquifer is: (1) through evapotranspiration in the valley of Medicine Knoll Creek (Hamilton, 1986); (2) flow to Lake Oahe when lake levels are lower than the potentiometric surface of the aquifer; and (3) through well withdrawals. There are a number of reports on file with the DENR-Water Rights Program for domestic wells completed into the Gray Goose aquifer (Water Rights, 2012b), and there are 16 water rights/permits appropriating water from the aquifer (Water Rights, 2012c). The appropriations from the Gray Goose aquifer are shown in Table 1.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1621-3	MARVIN SCHUMACHER	10/07/1968	LC	IRR	1.85	130
1987A-3	MARVIN SCHUMACHER	04/26/1973	LC	IRR	0.97	68
1987B-3	JIM SCHUMACHER	04/26/1973	LC	IRR	2.11	148
2488-3A	JIM SCHUMACHER	11/10/1975	LC	IRR	1.56	127
3354-3	JAMES F SCHUMACHER	12/06/1976	LC	IRR	1.78	136
4500-3	JIM SCHUMACHER	01/24/1980	LC	IRR	1.78	132
4521-3	THOMAS/MARY TVEIT	04/17/1980	LC	IRR	3.56	252
4580-3	MARVIN SCHUMACHER	11/11/1980	LC	IRR	3.56	264
4580A-3	THE MASCHHOFFS LLC	07/29/1986	LC	COM/LCO	0.17	0
4917-3	TOM OLSON	08/10/1982	LC	COM	0.07	0
5943-3	COW CREEK ESTATES	06/11/1996	PE	COM	0.055	0
6281-3*	DAKOTA VALUE CAPTURE CO	11/02/2001	PE	COM/IND	2.22	0
6726-3	RON L YOUNG	05/24/2006	PE	IRR	0.1	16
6732-3	OAHE SPEEDWAY LLC	05/23/2006	PE	IRR	0.067	30
7251-3	MARVIN SCHUMACHER	05/12/2011	PE	IRR	1.78	120
7380-3	JONATHON HOFER	06/29/2012	PE	IRR	0.22	60
LC= Water Right, PE= Water Permit, IRR= Irrigation, COM= Commercial, LCO= Livestock Confinement Operation, IND= Industrial						
* Water Permit No. 6281-3 may be subject to cancellation due to none construction						

Table 1. Appropriations from the Gray Goose aquifer

Well withdrawals from the Gray Goose aquifer are primarily for irrigation. The irrigation history from the Gray Goose aquifer is reflected in Table 2.

YEAR	APPROPRIATION (ac-ft/yr)	REPORTED PUMPED (ac-ft/yr)
1979	2805	606
1980	2805	1199
1981	4349	1127
1982	4265	1608.37
1983	4325	1650.48
1984	4325	1620
1985	4325	1792
1986	4325	922
1987	4325	1868
1988	4325	2392.1
1989	4325	2132
1990	4325	2165
1991	4737.65	2280.6
1992	4737.65	1307
1993	4737.65	1585
1994	4680.65	1033.1
1995	4680.65	2171.75
1996	5093.3	1591.56
1997	5093.3	1610
1998	5093.3	1528.82
1999	4305.3	1026.43
2000	4305.3	1006.91
2001	4305.3	885.95
2002	4305.3	779.7
2003	4305.3	1101.04
2004	3480	818.14
2005	3480	675.8
2006	3480	1044.59
2007	3572	1111.62
2008	3572	960
2009	3572	1393.48
2010	3572	924.83
2011	3455	1863.46
<i>MIN</i>	<i>2805</i>	<i>606</i>
<i>MAX</i>	<i>5093.3</i>	<i>2392.1</i>
<i>AVE</i>	<i>4163.262</i>	<i>1387.325</i>

Table 2. Irrigation history for the Gray Goose aquifer

A comparison of the recharge and discharge estimates for the Gray Goose aquifer indicates that unappropriated water is available from the aquifer to satisfy this appropriation. It should be noted that the diversion points for the appropriations from the Gray Goose aquifer are all located within or near “the zone of bank storage” discussed above. In this area, under most conditions, the water level of the aquifer is maintained by Lake Oahe. It is likely that additional withdrawals from this area would induce additional recharge from the lake.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity

of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The DENR-Water Rights Program monitors eight observation wells completed into the Gray Goose aquifer. The nearest observation well to this site, HU-80A, is located approximately 2.75 miles southeast of the well that is to be used for this appropriation. The hydrograph for the observation well is shown in Figure 2.

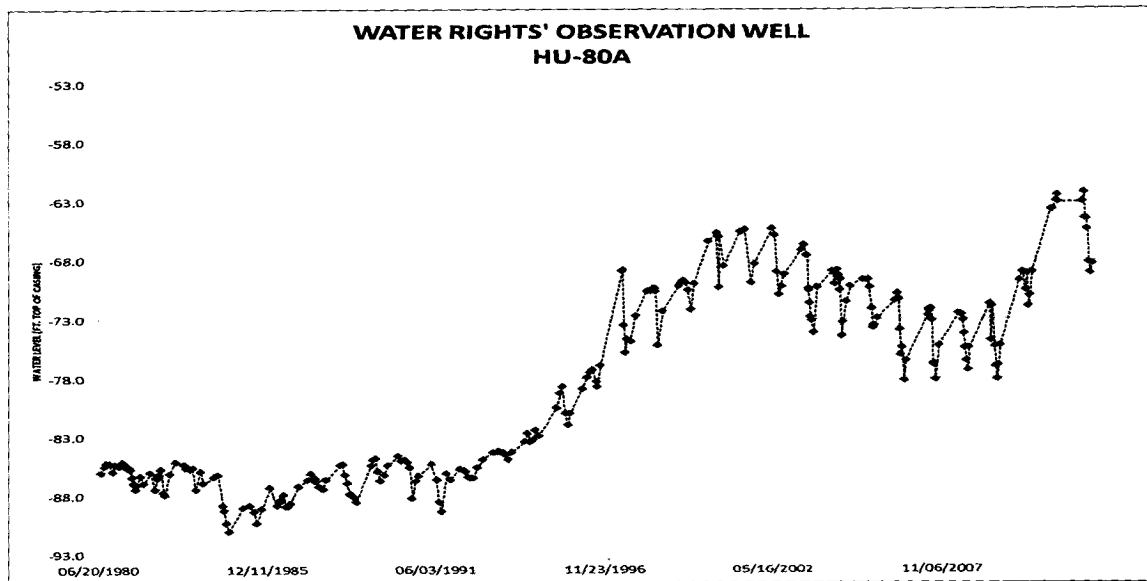


Figure 2. Hydrograph for an observation well completed into the Gray Goose aquifer located approximately 2.75 miles southeast of the well that is to be used for this appropriation.

The observation well data shows the aquifer readily recharges and clearly documents the cyclical climatic conditions with wet and dry periods. The water levels show response to both seasonal and long-term changes in recharge and discharge. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Gray Goose aquifer significantly exceeds pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The nearest water right/permit appropriating water from the Gray Goose aquifer is Water Permit No. 6726-3 which is located approximately 4,300 feet south of this well site. Since the Gray Goose aquifer is under unconfined conditions and the aquifer material is generally very permeable, the drawdown that would result from 0.27 cfs will not be significant. The general shape of a drawdown cone can be calculated using the Theis equation. Assuming an aquifer transmissivity of 9,200 ft²/d (68,816 gpd/ft), a storage coefficient of 0.15, and a constant discharge of 0.27 cfs for one year, the shape of the drawdown cone is shown in Figure 3.

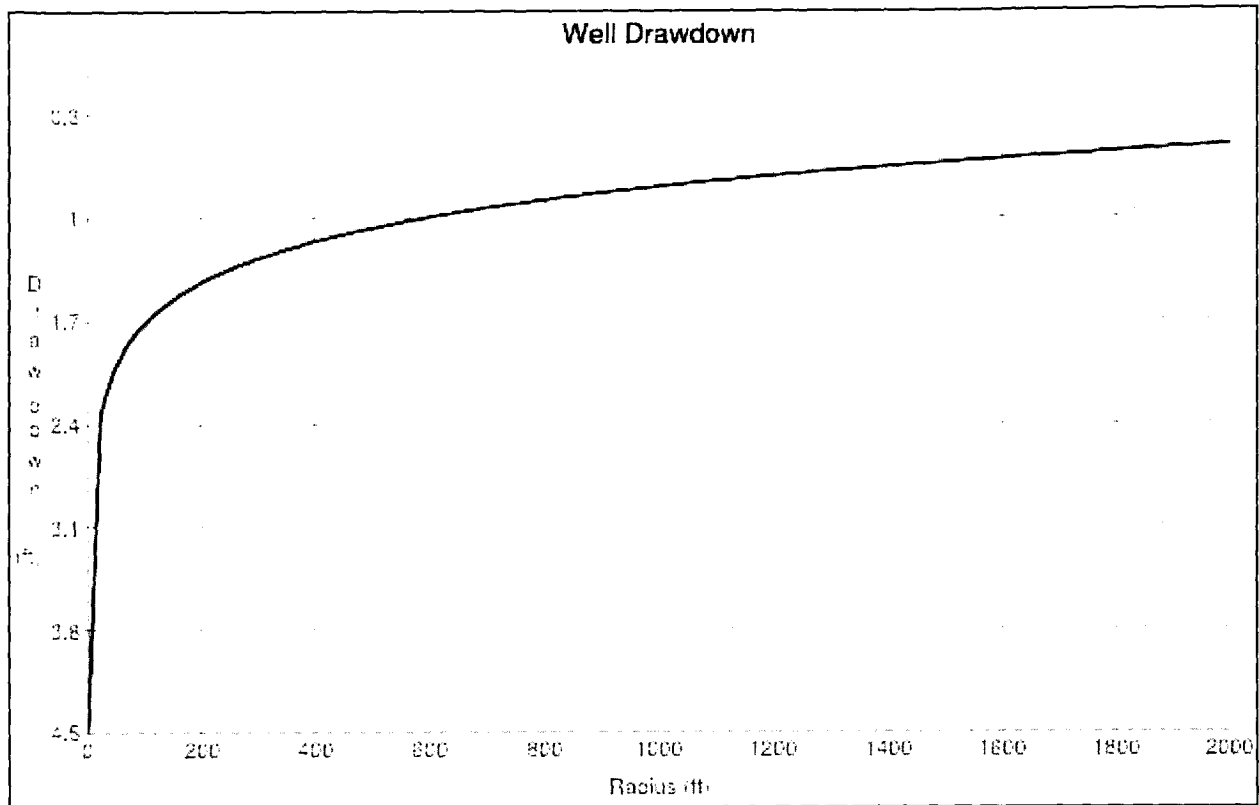


Figure 3. Drawdown predicted from a well pumping 0.27 cfs from the Gray Goose aquifer, continuously for one year assuming $T = 9,200 \text{ ft}^2/\text{d}$, $S = 0.15$, $t = 365$ days (modified from ("Theis Equation calculator"))).

Although Figure 3 was based on general aquifer characteristics, (i.e. a hydraulic conductivity of 400 ft/d and an assumed storage coefficient of 0.15) instead of the site specific characteristics, it is still useful in showing the relative magnitude of the drawdown that can be expected. Given the amount of drawdown that can be expected from this appropriation and the distance to the nearest existing water right/permit, adverse impacts are not likely.

CONCLUSIONS:

1. This permit application is the result of an inspection of the works for Water Permit No. 6732-3 which identified that the system as constructed was capable of diverting water at a rate of 0.27 cfs greater than authorized and the system irrigated six acres that were not authorized by the permit.
2. This application proposes to appropriate water from the Gray Goose aquifer.
3. There is a reasonable probability that unappropriated water is available from the Gray Goose aquifer to satisfy this proposed appropriation.
4. There is a reasonable probability that the additional diversions that have occurred in the past through this system and are to be authorized by this proposed appropriation have not/will not cause(d) an adverse impact to existing users.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Hamilton, L.L., 1986, Water Resources of Hughes County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4195, 60 p.

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

“Theis Equation Calculator.” i·calcul⁸ 30 Oct. 2012 <<http://www.icalcul8.com/theis.php>>

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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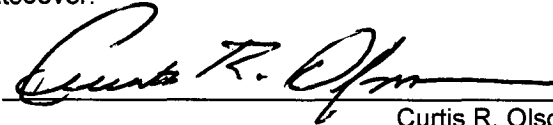
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that the **ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

**NOTICE OF APPLICATION NO. 7396-3 TO
APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive issues, the first publication made **2012** the **25th** day of **OCTOBER**, and the last publication on **2012** the -- day of --, and that **\$25.93** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

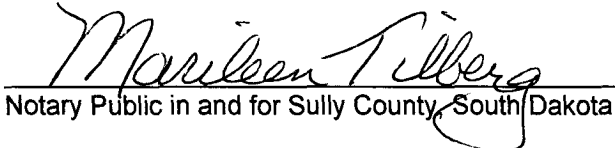

Curtis R. Olson

Subscribed and Sworn to me this

1st Day of November, 2012

(SEAL)

My commission expires April 24, 2016


Notary Public in and for Sully County, South Dakota

**NOTICE OF
APPLICATION**

**NO. 7396-3 to
Appropriate Water**

Notice is given that Oahe Speedway LLC, PO Box 471, Pierre SD 57501 has filed an application for a water permit to appropriate an additional 0.27 cubic feet of water per second (cfs) and to irrigate 6 additional acres to what is currently authorized by Water Permit No. 6732-3. Water Permit No. 6732-3 appropriates 0.067 cfs from one well completed into the Gray Goose Aquifer (51 feet deep) located in SW 1/4 NE 1/4 Section 34 to irrigate 30 acres located in the SE 1/4 Section 34; all in T113N-R80W. An investigation of the permit found the system capable of diverting an additional 0.27 cfs from the existing well and irrigating an additional 6 acres located in the NE 1/4 Section 34-T113N-R80W. This application, if approved and Water Permit No. 6732-3 will authorize a total diversion rate of 0.337 cfs (150 gallons per minute) for irrigation of 36 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7396-3 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 November 5, 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 once at the total approximate cost of \$25.93.

RECEIVED

OCT 26 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

October 24, 2012

Cost of Printing \$34.65

Marylinn Baker
(Signature)

Bookkeeper
(Title)

10-24-12
(Date Signed)

800 Public Notice 800 Public Notice

ter Permit No. Engineer's ad-
6732-3 will author- dress is "Water
ize a total diver- Rights Program,
sion rate of 0.337 Foss Building, 523
cfs (150 gallons E Capitol, Pierre
per minute) for irr- SD 57501 (605
gation of 36 acres. 773-3352)" and

Pursuant to the applicant's
SDCL 46-2A-2, mailing address is
the Chief Engineer given above. A
recommends AP- petition filed by et-
PROVAL of Appl- ther an interested
cation No. 7396-3 person or the ap-
because 1) unap- plicant must be
propriated water is filed by November
available, 2) exist- 5, 2012.

ing rights will not. The petition may
be unlawfully im- be informal, but
paired, 3) it is a must include a
beneficial use of statement describ-
water, and 4) it is ing the petitioner's
in the public inter- interest in the ap-
est. In accordance plication, the peti-
with SDCL tioner's reasons

46-2A-23, the for opposing or
Chief Engineer will supporting the ap-
act on this appli- plication, and the
cation, as recom- signature and
mended, unless a mailing address of
petition is filed op- the petitioner or
posing the appli- the petitioner's le-
cation or the appli- gal counsel, if le-
cant files a petition gel counsel is ob-
contesting the tained. Contact
Chief Engineer's Eric Gronlund at
recommendation. the above Water
If a petition oppos- Rights Program
ing the application address to request
or contesting the copies of Informa-
recommendation tion pertaining to
is filed, then a this application.
hearing will be Steven M. Pirner,
appropriates scheduled and the Secretary, Depart-
0.067 cfs from one well completed Water Manage- ment of Environ-
into the Gray ment Board will ment and Natural
Goose Aquifer (51 consider this ap- Resources.

feet deep) located the hearing will be Published once at
in SW 1/4 NE 1/4 given to the appli- the total approxi-
Section 34 to irr- cant and any per- mate cost of
gate 30 acres lo- cant and any per- mate cost of
cated in the SE tion. filing a peti- \$34.65.

1/4 Section 34; all Any person inter-
In T113N-R80W. ested in opposing
An investigation of or supporting this
the permit found application or rec-
the system capa- ommendation
ble of diverting an must file a written
additional 0.27 cfs petition with
from the existing BOTH the appli-
well and irrigating cant and Chief En-
an additional 8 gineer. The appli-
acres located In cant must file a
the NE 1/4 Sec- petition if contest-
tion ing the Chief Engi-
34-T113N-R80W. neer's recommen-
This application, dation. The Chief
approved and Wa-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 2012

Onida Watchman
PO Box 245
Onida SD 57564

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7396-3 to Appropriate Water. Please publish the notice once on October 25, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Oahe Speedway, c/o Milton Morris, PO Box 471, Pierre SD 57501 (Ph # 605-223-9885).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 16, 2012

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7396-3 to Appropriate Water. Please publish the notice once on October 25, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Oahe Speedway, c/o Milton Morris, PO Box 471, Pierre SD 57501 (Ph # 605-223-9885).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 16, 2012

Oahe Speedway
Milt Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Water Permit Application No. 7396-3 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 Onida Watchman printed at Onida SD (Ph # 605-258-2604) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on October 25, 2012. 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. 7396-3 to Appropriate Water

Notice is given that Oahe Speedway LLC, PO Box 471, Pierre SD 57501 has filed an application for a water permit to appropriate an additional 0.27 cubic feet of water per second (cfs) and to irrigate 6 additional acres to what is currently authorized by Water Permit No. 6732-3. Water Permit No. 6732-3 appropriates 0.067 cfs from one well completed into the Gray Goose Aquifer (51 feet deep) located in SW ¼ NE ¼ Section 34 to irrigate 30 acres located in the SE ¼ Section 34; all in T113N-R80W. An investigation of the permit found the system capable of diverting an additional 0.27 cfs from the existing well and irrigating an additional 6 acres located in the NE ¼ Section 34-T113N-R80W. This application, if approved and Water Permit No. 6732-3 will authorize a total diversion rate of 0.337 cfs (150 gallons per minute) for irrigation of 36 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7396-3 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 November 5, 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 once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

NOV 14 2012

Oahe Speedway
Milton Morris
PO Box 471
Pierre SD 57501

Dear Mr. Morris:

Enclosed is Water Permit No. 7396-3 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



7396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: OAHE SPEEDWAY LLC, MILTON MORRIS, PO BOX 471, PIERRE, SD 57501 0471

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6732-3, 7396-3 & 8008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2017

Milt Morris
PO Box 1162
Pierre SD 57501-1162

RE: Irrigation questionnaires for Water Permit Nos. 6732-3, 7396-3 & 8008-3

Dear Mr. Morris:

Enclosed is a "Notice" dated January 20, 2017 concerning the 2016 irrigation questionnaires and the scheduling of a hearing.

The notice was originally mailed to PO Box 471, 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



7396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 14, 2017

6732-3
7396-3
8008-3

Milt Morris
PO Box 1162
Pierre SD 57501-1162

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires for Oahe Speedway LLC and Oahe Trail Development.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, BOX 1162, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6732-3, 7396-3 & 8008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7396-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2019

6732-3
7396-3
8008-3

Milton Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of the 2018 irrigation questionnaires for the following:

- Permit No. 6732-3 – Oahe Speedway LLC
- Permit No. 7396-3 – Oahe Speedway LLC
- Permit No. 8008-3 – Oahe Trail Development Inc

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



7396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, PO BOX 1162, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6732-3, 7396-3 & 8008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: ILS DST**

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

7396-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

6732-3
7396-3
8008-3

Milt Morris
Oahe Trail Development Inc
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 6732-3, 7396-3 & 8008-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 20, 2022

NOTICE

TO: OAHE TRAIL DEVELOPMENT INC, MILTON MORRIS, PO BOX 1162, PIERRE, SD 57501

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6732-3, 7396-3 & 8008-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6732-3, 7396-3 & 8008-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6732-3, 7396-3 & 8008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HQLHXY**

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

7396-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

6732-3
7396-3
8008-3

Milt Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 6732-3, 7396-3 & 8008-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

File No. 6732-3

7396-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Milt Morris, PO Box 1162, Pierre SD 57501

DATE: January 10, 2023

TELEPHONE: 605 280-1688

RE: name change and possible cancellation

COMMENTS:

Mr. Morris brought his two irrigation questionnaires into the office for completion.

With respect to Permit No. 6732-3, he indicated it is abandoned and can be cancelled. He owns the land where the well is, but the acreage has been sold to Vic Utech and they do not have a working relationship.

No. 7396-3 is for an additional 6 acres however he is irrigating 14 acres. The well used to irrigate these acres is covered under No. 6732-3.

Prior to doing anything with the water permits, a licensing investigation needs to be done. At that time, any part of No. 6732-3 he is using can be incorporated into 7396-3. This may avoid him having to apply for a new permit for the additional 8 acres he is irrigating. The remaining acreage under No. 6732-3 can be scheduled for cancellation with the new owner also receiving notification.

Mr. Morris indicated the ownership should be listed as Cow Creek Recreation (same address). At this time, I am not sure if one or two transfers will be needed. Hopefully after the licensing investigation, it can be ironed out.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 30, 2024

7396-3

Cow Creek Recreation LLC
c/o Milton Morris
220 W HWY 14/34
Ft Pierre SD 57532

Dear Mr. Morris:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaire.

The notice was originally mailed to PO Box 1162, Pierre SD 57501. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password *HSLFDV*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

RETURN TO SENDER 1141C2316616/26/24
UNDELIVERED
COW CREEK RECREATION LLC
220 W HWY 14/34
FT PIERRE SD 57532
RETURN TO SENDER