

WATER PERMIT NO. 8008-3

Name of Applicant: **Oahe Trails Development, Inc.**

Address: **PO Box 1162, Pierre SD 57501** Phone: **605 280-1688**

Amount of Water Claimed: **2.22 cfs** Total Acres: **148**

Source of Water Supply: **groundwater (one well)**

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

Type of Waste Disposal System:

Location: **15 miles northwest of Pierre**

PRIORITY Date Received: **4-28-14** Application/License Fee: **\$ 1050**

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

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point: **NW 1/4 SE 1/4 Sec 34-T113N-R80W**

Land to be Irrigated: **SW 1/4, W 1/2 SE 1/4 Sec 34-T113N-R80W**

Depth of Well: **90 feet deep**

Well Driller:

Remarks:

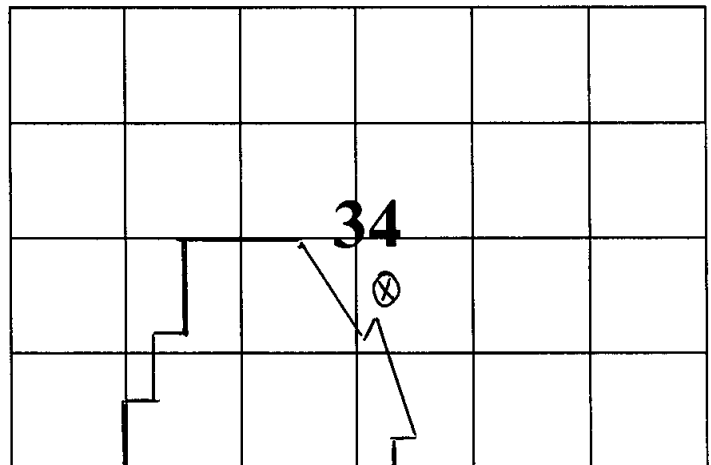
Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **4-29-14**

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	(office use only)	
	No. <u>8008-3</u>	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>	<u>605-258-2604</u>
	Newspaper <u>Orida Watchman Box 245 57564</u>	<u>605-224-2301</u>
	<u>Capital Journal Box 878 Pierre 57501</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.)

1. Name to Appear on Irrigation Permit Cake Trail Development, Inc.
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
- Mailing Address P.O. Box 1162 Pierre SD 57501
(Address) (City) (State) (Zip Code)
- Home Phone 223-2585 Cell 280-1688 Email milton.morris@morris-inc.com
2. Amount of water claimed 2.22*CFS or 1000 **GPM ***AF Total Acreage 1148
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion T113N, R80W, Sec 34 NW 1/4 SE 1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sully
5. County or counties where water will be used Sully
6. Annual period during which water is to be used April - Oct 31
7. 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>See attached map</u>			

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

I, Milton Morris, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 8008-3**

Date of first receipt of application April 28, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8008-3 to Oahe Trail Development, Inc., c/o Milton Morris, PO Box 1162, 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. 8008-3 appropriates 2.22 cubic feet of water per second from one well to be completed into Gray Goose Aquifer (90 feet deep) located in the NW 1/4 SE 1/4 Section 34 for irrigation of 148 acres located in the SW 1/4, W 1/2 SE 1/4 Section 34; all in T113N-R80W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 28, 2014.
4. The date of approval of Permit No. 8008-3 is July 14, 2014.
5. One-fifth of the construction is to be completed on or before January 14, 2017.
6. All construction is to be completed on or before July 14, 2019.
7. Water is to be put to beneficial use on or before July 14, 2023.
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 this Permit 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: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 18 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by Stretches Well Service
- c) Well Depth 40 Depth to Top of Water Bearing Material 47 Depth to Water from Surface 47
- d) Distance to nearest existing domestic well:
On applicant's property 1500' On property owned by others 1/2 mile

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

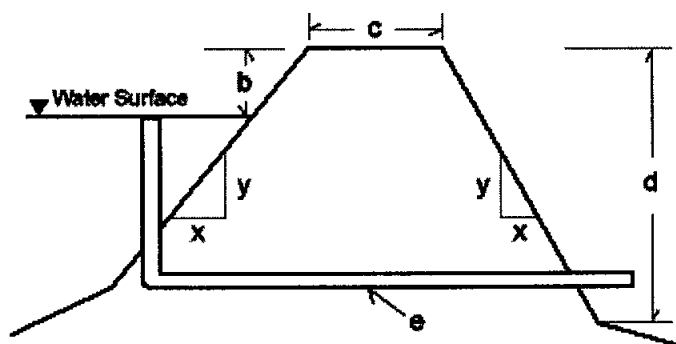
3. Dugout Information

- 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



JOB NAME: Land Purchase		DRAWN BY: BR		CHECKED BY:	
SCALE:		DATE: 05/15/2013		JOB NUMBER	
SHEET		1		△	
Morris Inc		GPS Machine Control		Heavy Highway Contractor	
301 W Hwy 14 & 34		Rt Pierre, SD 57532		Phone: (605)223-2585	
Fax: (605)223-2006					
REV.		DESCRIPTION		BY	
DATE					

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Imagery Date: 9/8/2012 44°33'08.54" N 100°27'12.41" W elev 1657 ft



1997



1,300 650 0 1,300 Feet

all in Section 34, T113N, R80W

NW SW - 16 acres

NE SW - 34 acres

SW SW - 30 acres

SE SW - 40 acres

NW SE - 6 acres

SW SE - 22 acres

Well is in NW 1/4 SE 1/4 of section

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR

April 25, 2014

based on representation by Milton Morris



SOUTH DAKOTA WATER WELL COMPLETION REPORT

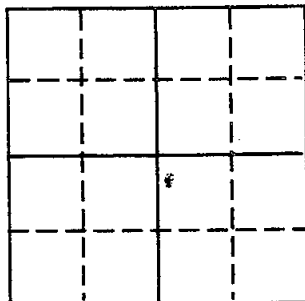
11-02

Location NW 1/4 SE 1/4 Sec 34 Twp 113N Rg 80W

County

Hughes

North



Please mark well location with an "X"

Well Completion Date

10-24-13

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? NONE ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>240</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>82</u> FT	<u>6 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#70</u>	<u>3</u>	Lb/gal	<u>0</u> Ft	<u>30</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 4 Inches Length 40 Feet
 Material PVC
 Slot Size .025 Set From 42 Feet to 82 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Enviro Plug

Describe packer(s) and location

above Slotted

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated
☐ No, Why Not?
 Lab sample sent to for water quality analysis

Well Owner:

Milton Morris

Business Name:

Address:

103 Woodriver Quay

City, State, Zip:

Pierre SD 57501

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>yellow Clay</u>	<u>2</u>	<u>6</u>
<u>Clay</u>	<u>6</u>	<u>15</u>
<u>Gravel yellow</u>	<u>15</u>	<u>25</u>
<u>Sand & Clay</u>	<u>25</u>	<u>47</u>
<u>Sand</u>	<u>47</u>	<u>82</u>

STATIC WATER LEVEL

44 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

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WELL TEST DATA:

☐ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

47.85 Ft. After 3 Hrs. pumped 30 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license #

722

And this report is true and accurate.

Drilling firm:

Stretch's Well Service

Signature of License Representative:

Tommy Grathwaite

Signature of Well Owner or Equitable Property Holder:

Milton Morris

Date:

11-18-13

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604 Highway 15 West
P.O. Box 510
Northwood, ND 58267
Phone 701-587-6010

General Water Quality Terms

Water Chemistry: Six major ions make up the dissolved material in water. The major cations in water are generally calcium, magnesium and sodium. The major anions are sulfate, chloride and bicarbonate. Other ions that can be presented in lesser amounts are potassium, iron and nitrate.

Salt Level: The total concentration of salt in water is measured by the electrical conductivity (E.C.) of the water. The units of our E.C. measurement is millimhos per centimeter (mmhos/cm). Another term for this unit of measure is decisiemens. Another term for the total concentration of salt in water is total dissolved solids (TDS). The TDS level of water is generally reported in parts per million (ppm). A quick way to estimate the TDS level of a water sample is to multiply the E.C. by 640. A typical range of E.C. in well water in the upper Midwest is 1.00 to 2.50 mmhos/cm. High quality irrigation water has an E.C. less than 0.25 mmhos/cm. Water with an E.C. over 2.25 mmhos/cm is not recommended for irrigation in the upper Midwest.

Hardness: Water hardness is caused by calcium and magnesium. AGVISE reports hardness in milligram per liter equivalent to calcium carbonate (mg /l CaCO_3). Another unit often used in the water softener industry to measure hardness is grains per gallon. To convert an AGVISE hardness reading to grains, divide the AGVISE reading by 17.1. For household use, ideal hardness is less than 100 mg/l CaCO_3 or about 6 grains.

SAR: The Sodium Adsorption Ratio (SAR) of a water sample is the proportion of sodium relative to calcium and magnesium. The SAR has no units associated with it. Water with a SAR value over 6 should not be used for continuous irrigation on most soils.

Nitrate-Nitrogen: Nitrate-nitrogen levels exceeding 10 ppm of $\text{NO}_3\text{-N}$ are a health concern for humans. High nitrate levels are also a concern for livestock that may drink the water. To check a water sample for drinking purposes, a certified laboratory must test other parameters such as coliform bacteria.

pH: pH is a measure of the hydrogen ion concentration in water. The pH of water indicates whether the water is acid or alkaline.

Sulfate Sulfur: Sulfates are a combination of sulfur and oxygen and are a part of naturally occurring minerals in some soil and rock formations that contain groundwater. The mineral dissolves over time and is released into groundwater. Sulfate may have a laxative effect that can lead to dehydration and is of special concern for infants. With time, people and young livestock will become acclimated to the sulfate and the symptoms disappear. Sulfur-oxidizing bacteria pose no known human health risk. The desirable sulfate sulfur level is less than 85 ppm of sulfate sulfur (250 ppm if reported as sulfate).

Chloride: Small amounts of chlorides are required for normal cell functions in plant and animal life. Chlorides are not usually harmful to people. The public drinking water standards require chloride levels not to exceed 250 ppm. Some plant species under sprinkler irrigate will show burn injury at about 175 ppm of chloride.

Salinity (Salt Level) in regards to irrigation

C1 - Low salinity water-- (Conductivity < 0.25) -- can be used for irrigation with most crops on most soils with little likelihood that soil salinity will develop. Some leaching is required, but this occurs under normal irrigation practices except in soils of slow and very slow permeability.

C2 - Medium salinity water-- (Conductivity 0.25 to 0.75)-- can be used if a moderate amount of leaching occurs. In most cases plants with moderate salt tolerance can be grown without special practices for salinity control.

C3 - High salinity water--(Conductivity 0.75 to 2.25) cannot be used on soils with moderately slow to very slow permeability. Even with adequate permeability, special management for salinity control may be required and plants with good salt tolerance should be selected.

C4 - Very high salinity water --(Conductivity > 2.25)-- is not suitable for irrigation under ordinary conditions, but may be used occasionally under very special circumstances. The soils must have rapid permeability, drainage must be adequate, irrigation water must be applied in excess to provide considerable leaching, and very salt tolerant crops should be selected.



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604 Highway 15 West
P.O. Box 510
Northwood, ND 58267

(701) 587-6010
FAX (701) 587-6013

email: agvise@polarcomm.com
Homepage: www.agvise.com

AGVISE Irrigation Water Report

Submitting Firm	=	MIDWEST COOPERATIVE
Grower Name	=	DANIEL HABERLING
Sample ID	=	11-17936 SOUTH WELL
Date Received	=	04-01-2014
Date Reported	=	04-03-2014

AGVISE Lab # 45

pH	7.4
Sodium	38 ppm
Calcium	131 ppm
Magnesium	32 ppm
Hardness	463 mg equivalent CaCO ₃ /L
Sodium Adsorption Ratio (SAR)	0.77
Conductivity	0.92 mmhos/cm
Total Dissolved Solids (calculated)	589 ppm
Salinity Hazard	High
Sodium Hazard	Low



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Northwood, ND 58267

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FAX (701) 587-6013

email: agvise@polarcomm.com
Homepage: www.agvise.com

AGVISE Irrigation Water Report

Submitting Firm	=	MIDWEST COOPERATIVE
Grower Name	=	DANIEL HABERLING
Sample ID	=	11-17932 NORTH WELL
Date Received	=	04-01-2014
Date Reported	=	04-03-2014

AGVISE Lab # 46

pH	7.6
Sodium	37 ppm
Calcium	124 ppm
Magnesium	30 ppm
Hardness	435 mg equivalent CaCO ₃ /L
Sodium Adsorption Ratio (SAR)	0.77
Conductivity	0.85 mmhos/cm
Total Dissolved Solids (calculated)	544 ppm
Salinity Hazard	High
Sodium Hazard	Low

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South Dakota Department of Environment and Natural Resources

Date 4/29, 2014

RECEIVED OF Cow Creek Recreation 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>8008-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>8008-3</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	1050 00

No. **06842**

By J. Lorne Hecaman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8008-3, Oahe Trail Development Inc**

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. 8008-3, Oahe Trail Development Inc., c/o Milt Morris, PO Box 1162, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8008-3 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 this Permit 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.

Jeanne Goodman, Chief Engineer
June 25, 2014

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 8008-3

Oahe Trail Development Inc., c/o Milton Morris

May 22, 2014

Water Permit Application No. 8008-3 proposes to appropriate groundwater at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from one well to be completed into the Gray Goose aquifer. The well is expected to be 90 feet deep and located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T113N-R80W. Water will be used to irrigate 148 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34, T113N-R80W. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Gray Goose aquifer (GG)

HYDROGEOLOGY:

Hamilton (1986) determined an aerial extent of the Gray Goose aquifer in Hughes County. The current lithologic logs database was reviewed, and Hamilton's (1986) delineation appears to still be accurate according to this current data (SD Geological Survey, 2014). Because the aquifer has not been studied in Sully County, lithologic logs and domestic wells on file were examined to estimate the extent of the aquifer in this county (SD Geological Survey, 2014; Water Rights, 2014c). As a result, the aquifer has been estimated to underlie approximately 87,750 acres. The location is shown in Figure 1.

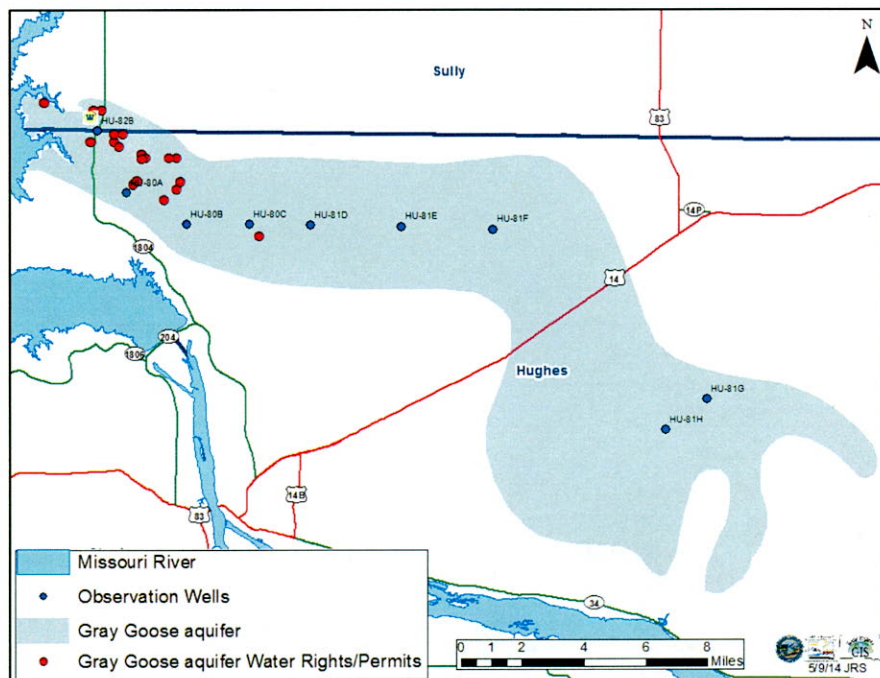


Figure 1: Map of Gray Goose aquifer, observation wells, and water rights/permits (Modified from Hamilton, 1986; SD Geological Survey, 2014; Water Rights, 2014a; Water Rights, 2014b, Water Rights, 2014c)

The Gray Goose aquifer appears to have a strong hydraulic connection to the Missouri River. Hydrographs of the nine observation wells completed into this aquifer are shown in Figures 2 through 10, in order from east to west and further from the river.

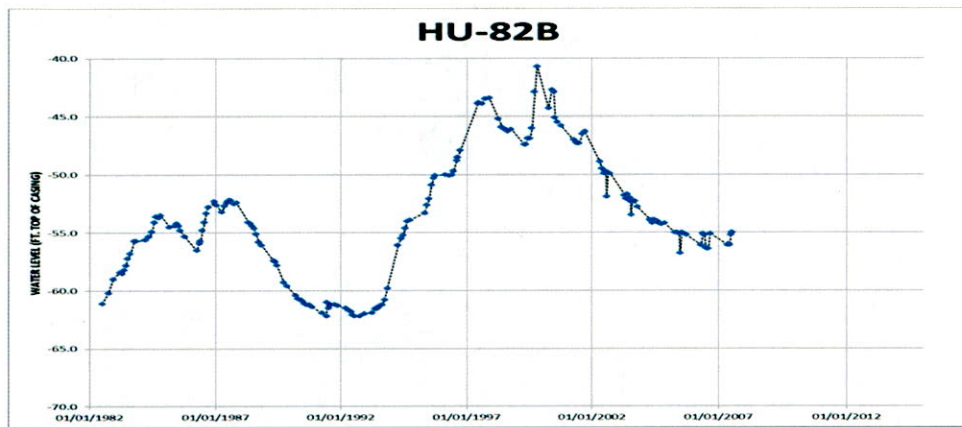


Figure 2: Hydrograph of observation well HU-82B completely into the Gray Goose aquifer located approximately two miles from the Missouri River (well was destroyed in 2007) (Water Rights, 2014a)

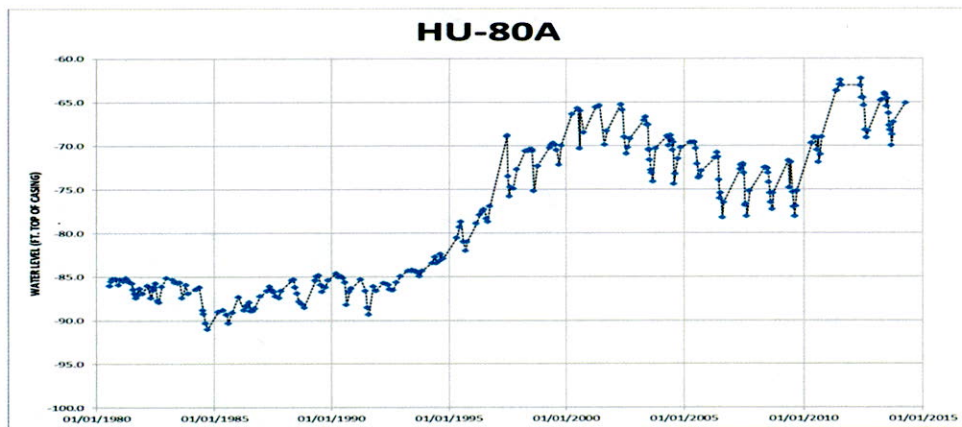


Figure 3: Hydrograph of observation well HU-80A completely into the Gray Goose aquifer located approximately three miles from the Missouri River (Water Rights, 2014a)

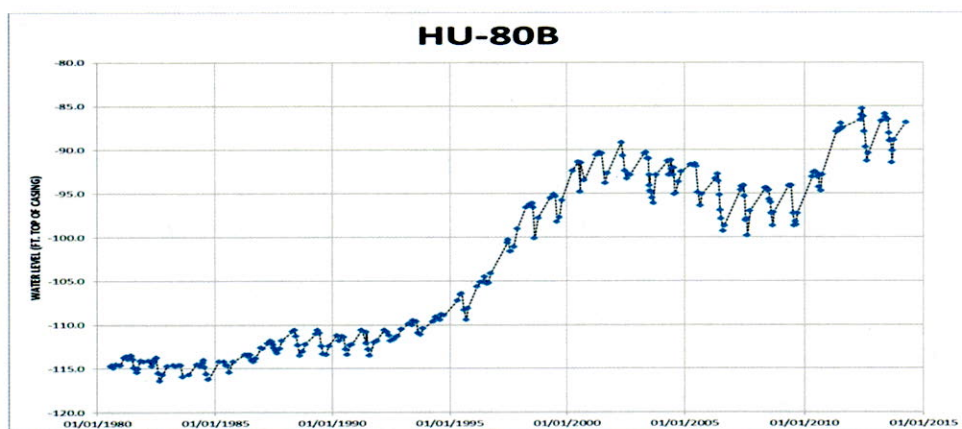


Figure 4: Hydrograph of observation well HU-80B completely into the Gray Goose aquifer located approximately five miles from the Missouri River (Water Rights, 2014a)

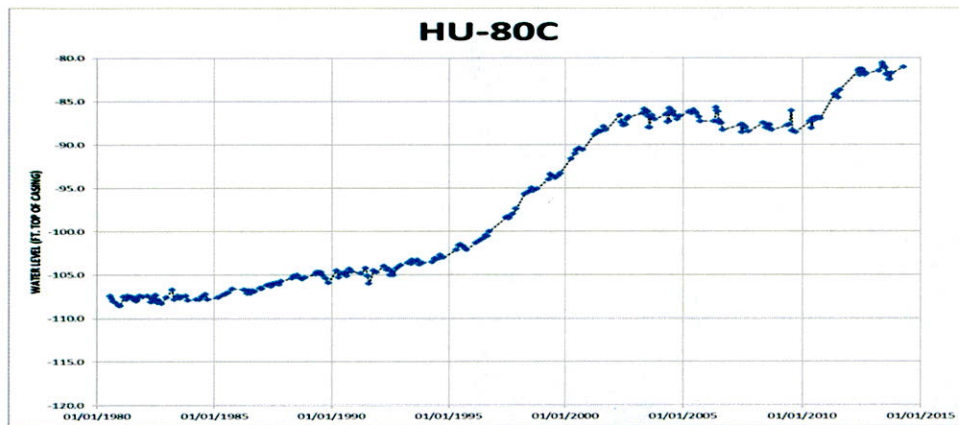


Figure 5: Hydrograph of observation well HU-80C completely into the Gray Goose aquifer located approximately seven miles from the Missouri River (Water Rights, 2014a)

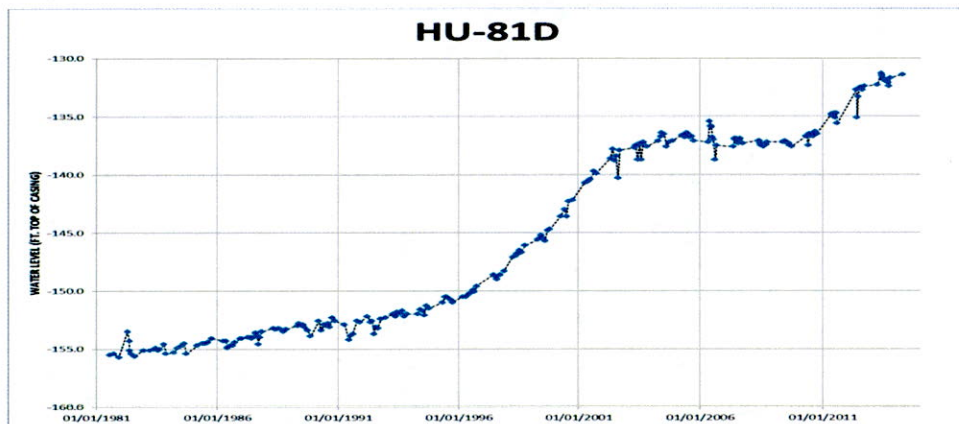


Figure 6: Hydrograph of observation well HU-81D completely into the Gray Goose aquifer located approximately nine miles from the Missouri River (Water Rights, 2014a)

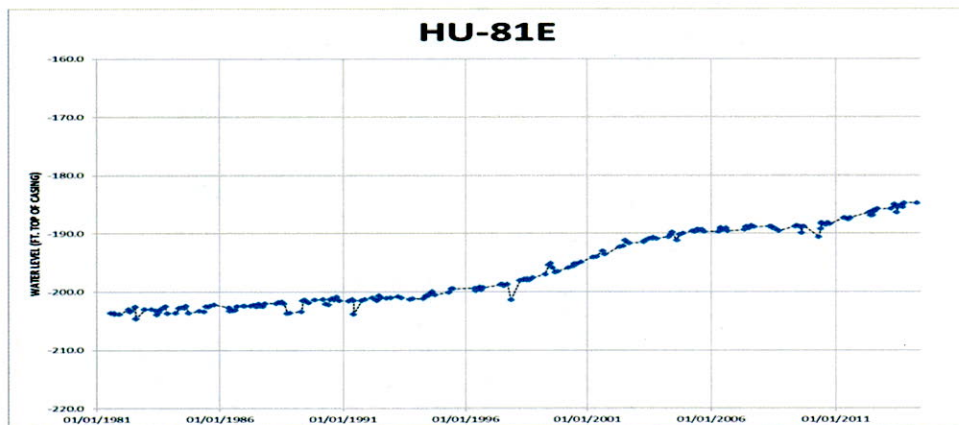


Figure 7: Hydrograph of observation well HU-81E completely into the Gray Goose aquifer located approximately 12 miles from the Missouri River (Water Rights, 2014a)

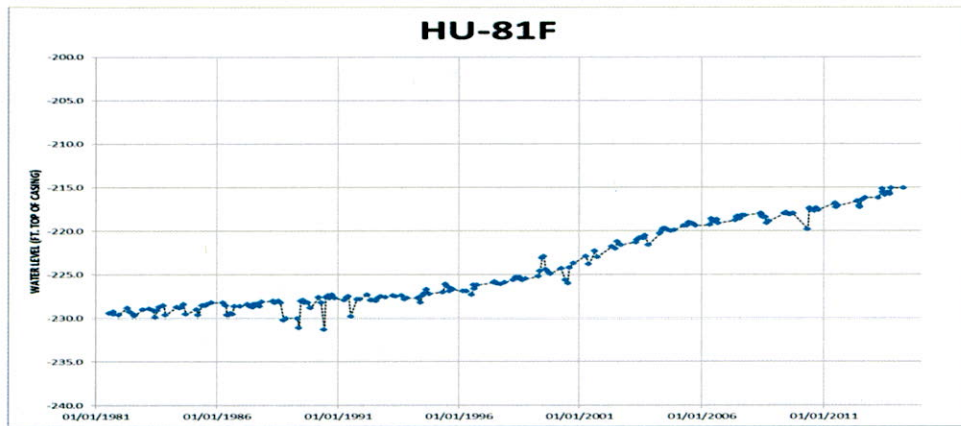


Figure 8: Hydrograph of observation well HU-81F completely into the Gray Goose aquifer located approximately 15 miles from the Missouri River (Water Rights, 2014a)

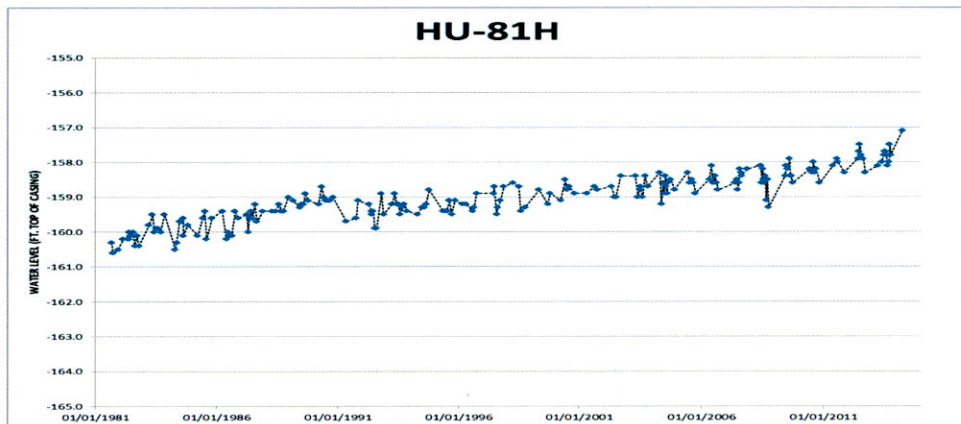


Figure 9: Hydrograph of observation well HU-81H completely into the Gray Goose aquifer located approximately 22 miles from the Missouri River (Water Rights, 2014a)

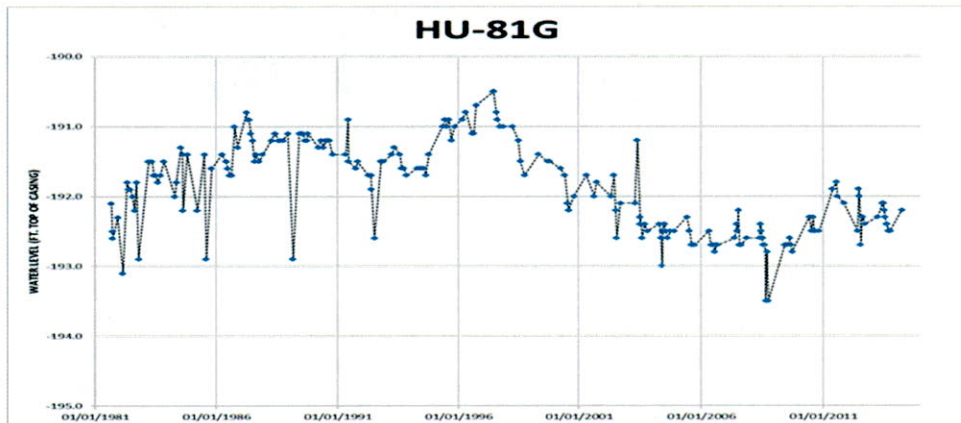


Figure 10: Hydrograph of observation well HU-81G completely into the Gray Goose aquifer located approximately 23 miles from the Missouri River (Water Rights, 2014a)

The Gray Goose aquifer consists of sand and gravel that is under water table conditions near the Missouri River and confined approximately five miles and further from the river. The aquifer is at land surface near the Missouri River and reaches depths of 230 feet below ground surface at

the eastern extent of the aquifer. The aquifer is mostly buried, filling an ancient river valley within the shale bedrock. Groundwater movement in the aquifer is westward near the Missouri River. Approximately five miles from the Missouri River, groundwater flow divides and moves east and south (Hamilton, 1986).

The aquifer in the area of the proposed well site is encountered from just below ground surface to a depth of 70 feet. The static water level is expected to be approximately five to 10 feet below ground surface (SD Geological Survey, 2014; Water Rights, 2014c).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge. If the source of the groundwater is older or lower than the Greenhorn formation and will be used for a public water system, recharge and withdrawal does not need to be considered.

Here, a public water system is not involved and the aquifer is above the Greenhorn formation. So, recharge and withdrawal must be considered. This will be considered by two methods: a hydrologic budget considering quantified values of recharge and withdrawal and an observation well analysis considering water levels.

HYDROLOGIC BUDGET:

Recently, circuit courts have ruled that if average annual recharge is considered, average annual withdrawals should also be considered to determine if unappropriated water is available. Also, data must be presented to show that it is probable that the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (Memorandum Decision, April 29, 2005; Memorandum Decision, April 11, 2012).

Recharge:

Recharge to the Gray Goose aquifer occurs through infiltration of precipitation in areas where the aquifer is at or near land surface and inflow from the Missouri River during times of high stage (Hamilton, 1986).

Hamilton (1986) conducted a flow net analysis of both groundwater flow regimes. For the portion of the aquifer flowing toward the Missouri River, recharge is estimated to be 336 ac-ft/yr. For the eastern portion of the aquifer, recharge is estimated to be 1,164 ac-ft/yr. These are expected to be the minimum recharge rates estimates. More water could be available based on the concept of induced recharge from the Missouri River and water capture prior to evapotranspiration or natural outflow due to pumping (Hamilton, 1986). Hedges and others

(1985) estimated recharge rate based on observation well data to be 3.2 inches per year. Applying this rate to the area results in a recharge estimate of 23,400 ac-ft/yr.

Discharge:

Discharge from the aquifer occurs through evapotranspiration in areas where the aquifer is at or near land surface, outflow to the Missouri River during times of low stage, outflow to Medicine Knoll Creek, and well withdrawals (Hamilton, 1989; Kume, 1985). There are a total of 17 water rights/permits appropriating water from the aquifer.

Non-irrigation water rights/permits limited by diversion rate currently appropriate water at a total maximum diversion rate of 2.515 cfs. Annual volume use can be estimated by assuming pumping will occur at the maximum diversion rate at 60 percent of the time. And so, annual use is expected to be 1,093 ac-ft/yr (Water Rights, 2014b).

The average of the annual irrigation pumpage over the time period of 1979 to 2012 is 1,404 ac-ft/yr, varying from a minimum of 607 ac-ft/yr to a maximum of 2,392 ac-ft/yr (Water Rights, 1980-2013). The annual irrigation pumpage can be attributed to two major factors: climatic and economic conditions. While the relationship between these variables exists, these variables are difficult to predict.

While there are many domestic wells on file, many are no longer used as primary sources since rural water systems have been introduced in the area. Considering this, and the relatively small withdrawal ability of a domestic well, the annual quantity of water withdrawn due to domestic wells is not significant to the hydrologic budget of the aquifer (Water Rights, 2014c).

Hydrologic Budget:

The average annual recharge to the Gray Goose aquifer is estimated to be 23,400 ac-ft/yr. The average annual withdrawal is expected to be 2,500 ac-ft/yr. Also, considering the location of the proposed well site to the nearby Missouri River, pumpage is expected to result in induced recharge and water capture before aquifer outflow. Therefore, unappropriated water is available from the Gray Goose aquifer to support the proposed appropriation.

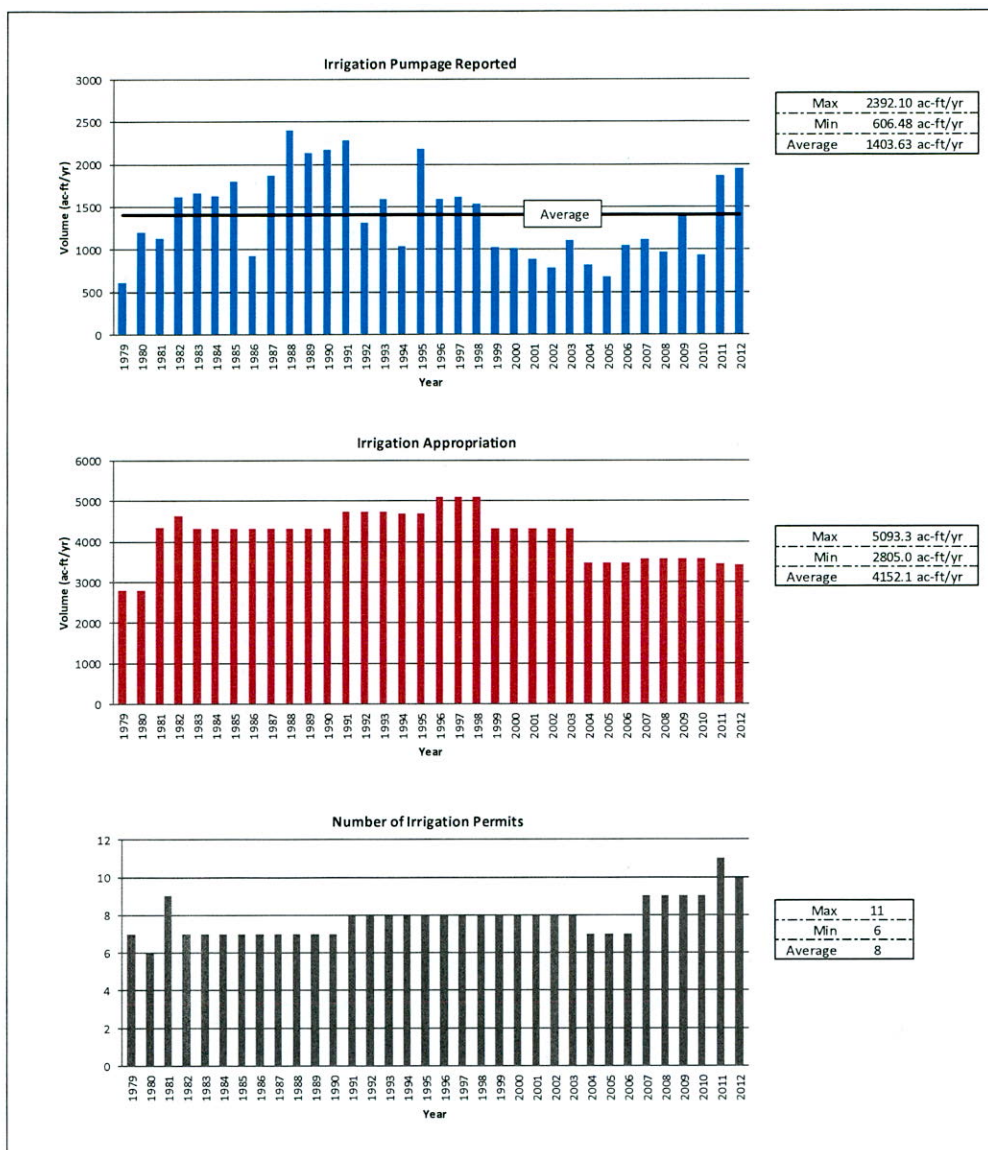


Figure 11: Historic irrigation water use from the Gray Goose aquifer (Water Rights, 1980-2013)

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 states the Board will rely on the record of observation well measurements to determine that the annual withdrawals from the aquifer does not exceed the estimated average annual recharge.

The DENR-Water Rights Program currently monitors eight observation wells completed into the Gray Goose aquifer. One additional well was destroyed in 2007. The hydrographs of these observation wells were previously shown in Figure 2 through 10. The nearest, HU-82B, is located one half mile southeast of the proposed well site.

Most of these wells record steady or increasing water levels in the aquifer over the period of record. Water levels in this observation well often displays cyclic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions. As previously discussed, overall water level trends are directly related to water levels in the river. While these hydrographs are skewed by the influence of the river, this proven strong

connection provides essentially an endless amount of water to the aquifer in this area. Therefore, unappropriated water is available from the Gray Goose aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

There are several wells in the area of the proposed well site. Within approximately one mile there are four water rights/permits for irrigation use from this aquifer. There is also one domestic well on file completed into this aquifer within one mile. The nearest wells belongs to the applicant. The nearest well not owned by the applicant is authorized by Water Permit No. 7380-3, Jonathon Hofer. This well is located approximately three-quarters of a mile south.

The water table conditions of the aquifer in this area dictate that water level drawdown due to pumping will not extend far from the proposed well. The strong hydraulic connection to the Missouri River is expected to lessen the effects of pumping. However, precise drawdown cannot be quantified without aquifer testing. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. Therefore, nearby adequate wells defined by ARSD 74:02:20(7) are not expected to be adversely impaired due to the proposed diversion.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres or the equivalent. The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

This water permit application proposes to divert at a rate of 2.0 cfs per 125 acres, equating to 1.05 cfs per 70 acres. No justification was provided, but it could be an operational requirement of an irrigation pivot system.

CONCLUSIONS:

1. This application proposes to divert groundwater at a maximum rate of 2.22 cfs from one well to be completed into the Gray Goose aquifer to irrigate 148 acres.
2. Unappropriated water is available from the Gray Goose aquifer to supply the proposed appropriation.
3. This proposed diversion is not expected to adversely impair nearby adequate wells.
4. The application has requested an addition diversion rate in excess of one cfs per 70 acres.

Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1986. Water Resources of Hughes County, South Dakota. Water-Resources Investigations Report 84-4195, 65 p. USGS, Huron, SD.
- Hedges, L.S., Allen, J., and 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.
- In the Matter of Water Permit Application No. 6431-3, by Phillip W. Hines v. SD Department of Environment and Natural Resources, South Dakota Sixth Judicial Court Civ. No. HU04-37 (Memorandum Decision, April 29, 2005)
- In the Matter of Water Permit Application No. 7239-3, by Hanson County Dairy v. Robert Bender and Stace Nelson, South Dakota First Judicial Court Civ. No. 11-54 (Memorandum Decision, April 11, 2012)
- SD Geological Survey. 2014. Lithologic Logs Database, SD DENR- Geological Survey Program, Vermillion, SD.
- Water Rights. 1980-2013. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

JUL - 7 2014

WATER RIGHTS
PROGRAM

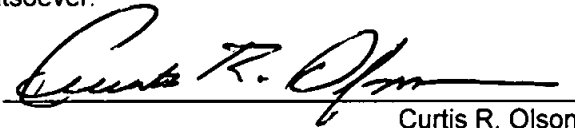
AFFIDAVIT OF PUBLICATION

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. 8008-3 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 **2014** the **3rd** day of **JULY**, and the last publication on **2014** the -- day of --, and that **\$22.38** 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

3rd Day of July, 2014

(SEAL)

My commission expires April 24, 2016


Notary Public in and for Sully County, South Dakota

Public Notices

Legal Notices Protect Your Right To Know

**NOTICE OF
APPLICATION
NO. 8008-3 to
Appropriate Water**

Notice is given that Oahe Trail Development Inc., c/o Milton Morris, PO Box 1162, Pierre SD 57501 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into Gray Goose Aquifer (90 feet deep) located in the NW 1/4 SE 1/4 Section 34 for irrigation of 148 acres located in the SW 1/4, W 1/2 SE 1/4 Section 34; all in T113N-R80W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8008-3 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 July 14, 2014.

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 \$22.38.

RECEIVED

JUL - 9 2014

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:

July 3, 2014

Cost of Printing \$30.14

Marylinn Baker
(Signature)

Bookkeeper
(Title)

7-8-14
(Date Signed)

Thursday, July 3, 2014 1:17

NO	Public Notice	NO	Public Notice	NO	Public Notice
SDCLP 13859	with SDCL	46-2A-23,	the applicant's		
July 7/3		the mailing address is			
NOTICE OF		Chief Engineer will			
APPLICATION		act on this applica-			
NO. 8008-3 to		tion, as recom-			
Appropriate		mended, unless a			
Water		person or the ap-			
Notice is given		plicant must be			
that Oahe Trail		filed by July 14,			
Development Inc.		2014.			
250 Milton Morris,		The petition may			
PO Box 1182, Pi-		be informal, but			
erre SD 57501		must include a			
has filed an appli-		statement describ-			
cation for a water		ing the petitioner's			
permit to appropri-		interest in the ap-			
ate 2.22 cubic feet		plication, the peti-			
of water per sec-		tioner's reasons			
ond from one well		for opposing or			
to be completed		supporting the ap-			
into Grey Goose		plication, and the			
Aquifer (80 feet		signature and			
deep) located in		mailing address of			
the NW 1/4 SE 1/4		the petitioner or			
Section 34 for irri-		the petitioner's le-			
gation of 148		gal counsel, if le-			
acres located in		gal counsel is ob-			
the SW 1/4, W 1/2		tained. Contact			
SE 1/4 Section 34;		Eric Gronlund at			
all in		the above Water			
T113N-R80W.		Rights Program			
The applicant is		address to request			
requesting a divi-		copies of informa-			
sion rate greater		tion pertaining to			
than the statutory		(this application,			
limit.		Steven M. Pimer,			
Pursuant to		must file a written			
SDCL 46-2A-2,		petition with			
the Chief Engineer		BOTH the appli-			
recommends Ap-		cant and Chief En-			
PROVAL of Appli-		gineer. The appli-			
cation No. 8008-3		cant must file a			
because 1) unap-		petition if contest-			
propriated water is		ing the Chief Engi-			
available, 2) exis-		neer's recommen-			
ting rights will not		dation. The Chief			
be unlawfully im-		Engineer's ad-			
paired, 3) it is a		dress is "Water			
beneficial use of		Rights Program			
water, and 4) it is		use of Foss Building, 623			
in the public inter-		water, and 4) it is E. Capitol, Pierre			
est, in accordance		SD 57501 (905			
773-3352)" and		est. in accordance			

Published once at the total approxi-
mate cost of \$30.14.

Choose
Capital Journal
Classified
CHOOSE
RESULTS.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 25, 2014

Onida Watchman
PO Box 245
Onida SD 57564

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8008-3 to Appropriate Water. Please publish the notice once on July 3, 2014. 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 Trail Development, c/o Milton Morris, PO Box 1162, Pierre SD 57501 (Ph # 605-223-2585).

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

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



June 25, 2014

Capital Journal
PO Box 878
Pierre SD 57501

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



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

June 25, 2014

Oahe Trail Development
Milton Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

Water Permit Application No. 8008-3 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 July 3, 2014. 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. 8008-3 to Appropriate Water

Notice is given that Oahe Trail Development Inc., c/o Milton Morris, PO Box 1162, Pierre SD 57501 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into Gray Goose Aquifer (90 feet deep) located in the NW 1/4 SE 1/4 Section 34 for irrigation of 148 acres located in the SW 1/4, W 1/2 SE 1/4 Section 34; all in T113N-R80W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8008-3 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.

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Published once at the total approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



AUG 18 2014

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

Dear Mr. Morris:

Enclosed is Water Permit No. 8008-3 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

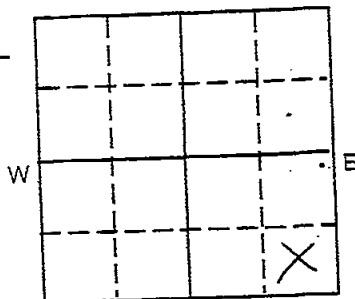
11-02

Location SE 1/4 SE 1/4 Sec 9 Twp 112 Rg 80

County

Hughes

Please mark well location with an "X"



Well Completion Date

4-22-14

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? NONE ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
If other describe stainless steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>304#</u> LB/FT	<u>16</u> IN	<u>60</u> FT	<u>90</u> FT	<u>26"</u> IN
<u>SDR20</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>60</u> FT	<u>26</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>20</u>	Lb/gal	<u>0</u> Ft	<u>55</u> Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 inches Length 30 FeetMaterial stainless steelSlot Size .050 Set From 60 Feet to 90 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Enviro Plug

Describe packer(s) and location

55-60

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?Chlorine☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Milton Morris

Business Name:

Address:

103 Wooddriven Quay

City, State, Zip:

Pierre S.D. 57501

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>20</u>
<u>Sand & Gravel</u>	<u>20</u>	<u>25</u>
<u>Yellow Sandy Clay</u>	<u>25</u>	<u>45</u>
<u>Blue Clay</u>	<u>45</u>	<u>65</u>
<u>Pee Rock</u>	<u>65</u>	<u>85</u>
<u>Fine Sand</u>	<u>85</u>	<u>90</u>

STATIC WATER LEVEL

47

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

900

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

OCT 23 2014

WATER RIGHTS PROGRAM

This well was drilled under license #

722

And this report is true and accurate.

Drilling firm:

Stretch's Well Service

Signature of License Representative:

Tom Rathjen

Signature of Well Owner or Equitable Property Holder:

Milton Morris

Date:

6/16/14

4-8-01

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date Jan 16, 2015

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

JAN 16 2015

**WATER RIGHTS
PROGRAM**

FROM:

MILTON MORRIS
(name)

Box 2162
(address)

PIERRE S.D. 57501 605-280-1688
(city, state, zip) (phone)

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

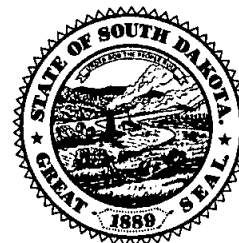
Water Permit No. 8008-3 states that the water use system is to be constructed by July 14, 2014, and water is to be put to beneficial use by July 14, 2023.
(date) (date)

The water use system was completed on July 14, 2014.
(date)

Applying the water to beneficial use was completed on July 14, 2014.
(date)

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

Milton Morris
(signature)





8008-3
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.

8008-3



**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



8008-3
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

Water Permit No. 8008-3
Missouri River - Water District

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

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

I have this day, **July 26, 2016**, made a thorough examination of the water use system constructed by **Oahe Trails Development, Inc** of **PO Box 1162, Pierre, SD 57501** holder of Permit No. **8008-3**, bearing the priority of **April 28, 2014** authorizing the diversion of **2.22** cu. ft. per second of water from the **Gray Goose Aquifer** for **Irrigation** purposes, in **Sully** County.

Inspection contact & relationship to permit holder, if applicable: **Milt Morris (280-1688)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Stretch's Well Service**
- 2) No. of Wells **1**
- 3) Depth(s) **90** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **16** inches
- 2) Length **60** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **30** feet
- 3) Static water level **47** feet

Pump:

- 1) Make **Goulds**
- 2) Model **120-HO**
- 3) Capacity **1050** GPM

Motor:

- 1) Make GE
- 2) Model No. 5X6276XJ24A
- 3) Horsepower rating 100 hp

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

- 1) Type Buried Pipe

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Number of towers 7 with Cornering System
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 850 GPM

Lateral:

- 1) Make Reinke
- 2) Number of towers 3
- 3) High or low pressure Low
- 4) Capacity 150 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

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

Approximately 2,185 feet north and 2,340 feet west of the SE corner of Section 34-T113N-R80W
(N 44.55375, W -100.45425) (NW ¼ SE ¼)

Report of Examination of Works

Permit No. 8008-3

The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water which is to be used for **Irrigation use**. Water has been put to beneficial use to the maximum extent as follows:

Section 34-T113N-R80W

NW ¼ SW ¼ - 16 acres

NE ¼ SW ¼ - 29 acres

SW ¼ SW ¼ - 29 acres

SE ¼ SW ¼ - 40 acres

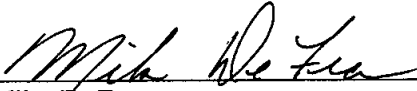
NW ¼ SE ¼ - 4 acres

SW ¼ SE ¼ - 13 acres

comprising a total of 131 acres of land and the license should be issued for 2.22 cfs.

All structures, wells and lands on map **Y**

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



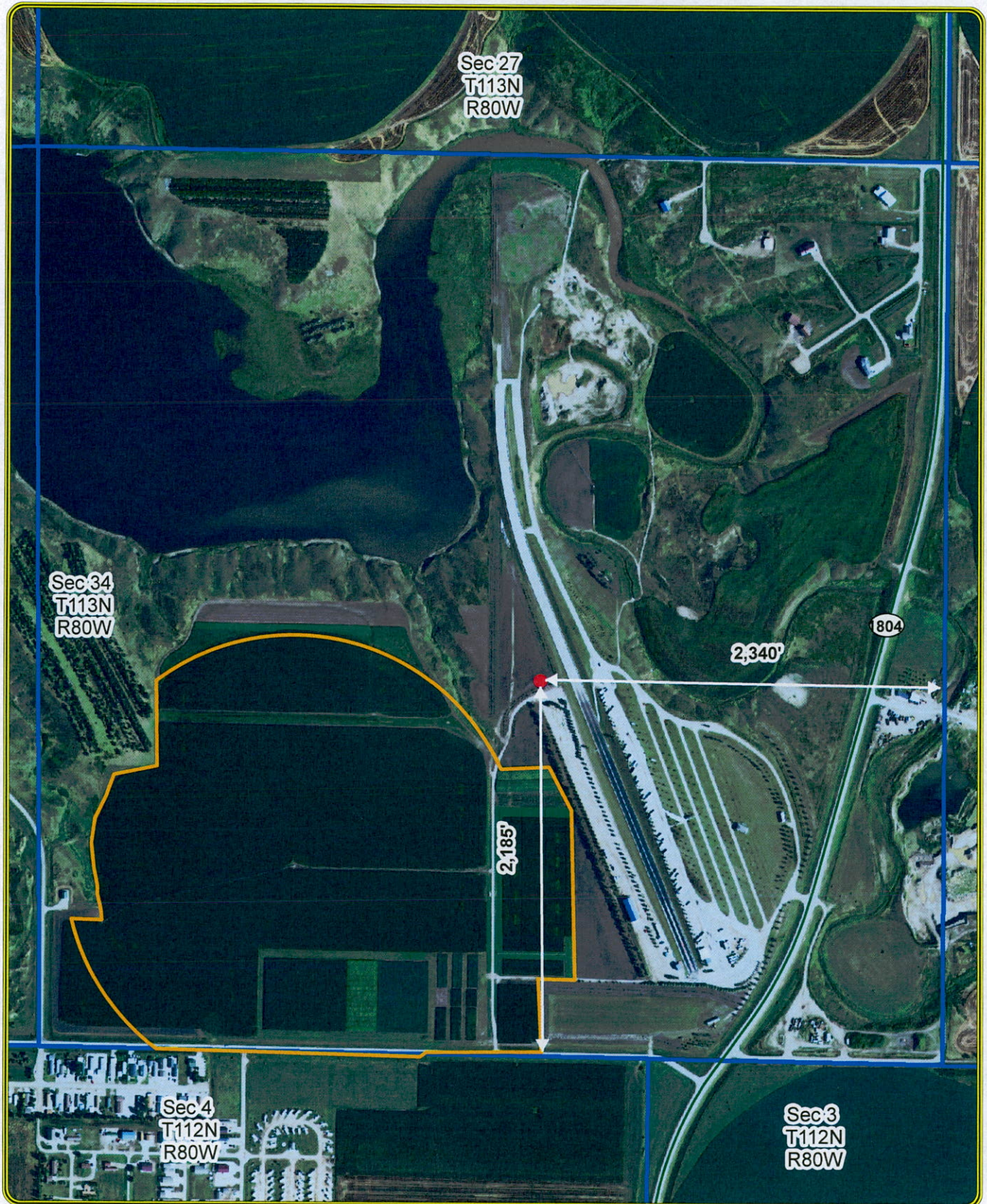
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **April 25, 2017**

Oahe Trails Development, Inc

Water Permit No. 8008-3



0 0.125 0.25 0.5 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
April. 25. 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 30 2017

8008-3

Milt Morris
Oahe Trail Development
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

Enclosed is Water License No. 8008-3. 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.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 8008-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8008-3**

(1) Oahe Trail Development Inc., PO Box 1162, Pierre SD 57501 made Application No. 8008-3, April 28, 2014 for a water permit to divert 2.22 cubic feet of water per second from ground water, one well (Gray Goose Aquifer), Sully County, South Dakota for irrigation purposes. Permit No. 8008-3, with a priority date of April 28, 2014 was approved July 14, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 14, 2019 and for the application to beneficial use of said water on or before July 14, 2023.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on January 16, 2015. The "*Notice*" stated the water use system was completed and the water placed to beneficial use on July 14, 2014.

(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 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is 2,185 feet north and 2,340 feet west of the SE corner of Section 34, T113N, R80W (NW ¼ SE ¼).

(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 34, T113N, R80W			
NW ¼ SW ¼	16 acres	NW ¼ SE ¼	4 acres
NE ¼ SW ¼	29 acres	SW ¼ SE ¼	13 acres
SW ¼ SW ¼	29 acres		
SE ¼ SW ¼	40 acres	Total	131 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Oahe Trail Development Inc., PO Box 1162, Pierre SD 57501 the holder and/or owner of Water Right No. 8008-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from ground water, one well (Gray Goose Aquifer) with a priority date of April 28, 2014 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. 8008-3 and subject to the following qualifications:

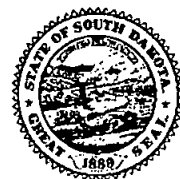
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 30 2017

date



January 23, 2018

Chief Engineer:

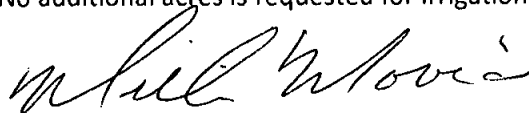
Requesting two additional wells that were drilled in 2017 to supplement water authorized by Water Permit No. 8008-3 and 8203-3. The new wells are primarily used to supply the dam authorized by Water Permit No. 8203-3. Each new well supplies about 30 gpm.

The new wells were drilled by Stretch's well service.

The existing diversion rate authority by No. 8008-3. The 1000 gpm diversion rate authority will not be exceeded.

The new wells are about 90 feet deep which is the Gray Goose Aquifer.

No additional acres is requested for irrigation.

A handwritten signature in black ink, appearing to read "Milt Morris". The signature is fluid and cursive, with the first name "Milt" and last name "Morris" clearly distinguishable.

Milt Morris

Request for Additional Diversion Points

NAME: Milton Morris

ADDRESS: PO Box 1162, Pierre, SD 57501

DATE: February 21, 2018

COUNTY: Sully

TELEPHONE:

BACKGROUND:

Water Right No. 8008-3 appropriates 2.22 cubic feet of water per second (cfs) from one well completed into the Gray Goose aquifer for irrigation purposes. This well is completed to a depth of 90 feet and is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T113N R80W. Water Right No. 8008-3 is for the irrigation of 131 acres in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T113N R80W. Water Permit No. 8203-3 appropriates up to 1.11 cubic feet of water per second from the diversion rate authorized by Water Right No. 8008-3 to maintain the water level behind a dam located in W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; all in T113N-R80W. Water Permit No. 8203-3 does not increase diversion rate authorized by Water Right No. 8008-3 by an additional 1.11 cfs, but instead allows the use of up to 1.11 cfs of the diversion rate authority of Water Right No. 8008-3 to be used to maintain the water level behind the dam for fish and wildlife propagation and recreational use.

A letter was submitted to the South Dakota DENR Water Rights Program requesting the addition of two diversion points to supply the dam authorized by Water Permit No. 8203-3. These additional wells will supplement the existing well utilized by Water Right No. 8008-3 and Water Permit No. 8203-3. One well is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the second well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, both in Section 34, T113N R80W and approximately 0.55 miles west-southwest from the existing well. Both wells are completed to a depth of 67 feet and each well will supply approximately 30 gallons per minute (0.067 cfs).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be permitted provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source**

The water source authorized by Water Permit No. 8203-3 is the Gray Goose aquifer. The existing well is completed to a depth of 90 feet. The two proposed additional wells are completed to a depth of 67 feet. Nearby wells indicate that the additional wells are also in the Gray Goose aquifer at their completed depths.

- **No additional water appropriated**

No additional appropriation of water is requested. This request is for the addition of two diversion points. Water Permit No. 8203-3 currently appropriates up to 1.11 cfs (500 gpm) for fish and wildlife propagation and recreational use from one well. These additional diversion points do not increase the appropriation of Water Permit No. 8203-3 beyond the permitted 1.11 cfs (500 gpm).

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest domestic well on file and completed into this aquifer is approximately 0.75 miles west-southwest of the current diversion and approximately 0.2 miles west of the new diversion locations. The distance to the nearest domestic wells has decreased. The nearest water right/permits completed into this aquifer are located approximately 0.75 miles from the location of the new wells. The distance to these existing water rights/permits has increased compared to the distance between the existing well and the existing water rights/permits. Based upon the small change in distance from other users in the Gray Goose aquifer and the low diversion rate of these wells, interference is not expected to be a concern.

Observation Well Data

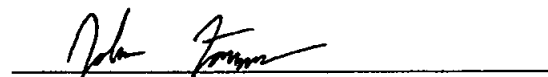
The Water Rights Program has eight observation wells completed into the Gray Goose aquifer. The nearest observation well completed into this aquifer (HU-80A) is located approximately 2.7 miles southeast of the well sites. Historic water levels in HU-80A show that the groundwater surface has risen approximately 15-20 feet since the well was constructed in 1980. The aquifer near the observation well transitioned from being unconfined to a confined aquifer in approximately 1994.

CONCLUSION

- The change of diversion point does not propose to appropriate additional water.
- The water source continues to be the Gray Goose aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

RECOMMENDED ACTION

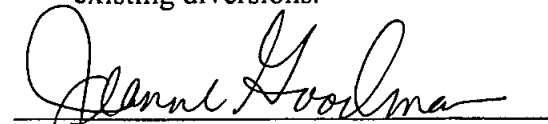
Based on the above criteria, it is recommended that the addition of two diversion points under Water Right No. 8203-3 should be approved.



John Farmer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The addition of these two diversion points does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



1,100 550 0 1,100 Feet



Eric Gronlund
Eric Gronlund
Water Rights Program DENR
January 23, 2018
based on representation by Milt Morris



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 21, 2018

Milton Morris
PO Box 1162
Pierre SD 57501

To Mr. Morris:

Water Permit No. 8203-3 authorizes use of 1.11 cubic feet of water per second of diversion rate authority from the existing irrigation well under Water Right No. 8008-3 to maintain the water level in a dam capable of impounding 8.45 acre feet of water. This well is completed in the Gray Goose aquifer and located in the NW ¼ SE ¼ Section 34 T113N R80W.

You filed a request to add two diversion points for Water Permit No. 8203-3. The new wells are located approximately 0.5 miles from the existing well and are located in the NW ¼ SW ¼ and SW ¼ SW ¼ Section 34 T113N, R80W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the addition of two diversion points for Water Permit No. 8203-3 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate or appropriation has been requested or approved.

If you have any questions, please contact John Farmer at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

Overspray Complaint

Permit No. 8008-3

Date: August 23, 2018

Re:

DENR Engineer Neal Konda was driving west on Spring Creek Place along the southern edge of Sec 34 T113N-R80W at approximately 9:15 pm on August 22, 2018 when his vehicle was hit by water from the end gun of a center pivot on the north side of the road. Mr. Konda stated an approximately 400 foot length of Spring Creek Place was wet and that length was roughly centered on the intersection between Spring Creek Place and Landing Avenue. Mr. Konda said the end gun was running and spraying the road while the walking towers on the end of the pivot were parallel to the road. The center pivot is authorized under Water Right No. 8008-3. See the attached map for pivot in question as well as approximate wetted section of road.



Adam Mathiowetz
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

8008-3

August 24, 2018

Oahe Trail Development Inc.
Milton Morris
PO Box 1162
Pierre SD 57501

Dear Mr. Morris:

On August 22, 2018, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the SW 1/4 Section 34-T113N-R80W onto the adjacent east/west road (see attached). This irrigation system is covered by Water Right No. 8008-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not authorized by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DENR
605 773-3352

enclosure

Schlaak, Karen

From: Duvall, Ron
Sent: Tuesday, August 28, 2018 9:14 AM
To: Schlaak, Karen; Gronlund, Eric
Cc: Goodman, Jeanne
Subject: Milt Morris Overspray

Milt Morris called and confessed that the end gun was spraying on the road. He also indicated that the end guns can be set to turn on/off by GPS coordinates. He is going to get his manager to reset the coordinates so it quits spraying the road. As a side note, he said he has also seen people sit in the spray in their vehicles presumably to get a car wash 😊



800 8-3
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.

8008-3



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,

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



8008-3
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:

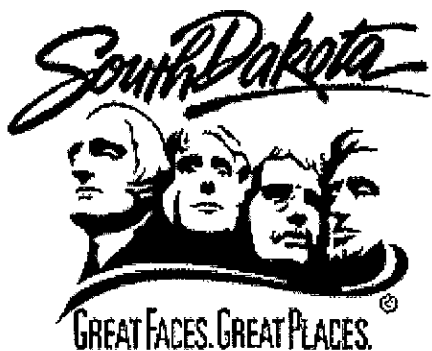
1. Suspend or cancel Permit No(s) 6732-3, 7396-3 & 8008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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.

8008-3



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,

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

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

8008-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2022

8008-3

Vic Utech
28170 Spring Creek Place
Pierre SD 57501

Dear Mr. Utech:

Thank you for visiting with me about the water right listed under Oahe Trail Development (Milt Morris).

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

You mentioned the land would be irrigated but not to the extent it has been in the past. The water right has a qualification to submit an annual irrigation questionnaire. Please keep track of the amount of water pumped during each crop season. The 2022 questionnaire will be sent to you in mid-October for reporting purposes.

I have enclosed a copy of the current water right. You may keep this for your records. If you have any questions when completing the transfer form, please let me know.

Sincerely,

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

enclosures

8008-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date March 10, 2022RECEIVED OF Codgers Castaway Development LLC 28170 Spring Creek Place Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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 <u>8008-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
Em

PAID

MAR 10 2022

Ck# 1077

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

MAR 10 2022

WATER RIGHTS
PROGRAM

No. 8008-3

Date: 3-7-22

I/We request that Water Right No. 8008-3

formerly owned by: Oahe Trail Development Inc.

be transferred to: (name & address) Codgers Castaway RV Park
28170 Spring Creek Place Pierre SD 57501

Telephone No. 605-431-3756

Title to the following described land(s)/property has been transferred as described above:

131 acres - SW 1/4 and W 1/2 SE 1/4 Section 34, T113N, R80W

I/We understand that the validity of Water Right No. 8008-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Victor M Utech, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

8008-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 11, 2022

8008-3

Victor M Utech
Codgers Castaway RV Park
28170 Spring Creek Place
Pierre SD 57501

Dear Mr. Utech:

I am writing to acknowledge receipt of the transfer form and filing fee you sent to us for changing ownership on Water Right No. 8008-3.

The ownership change has been completed. Water Right No. 8008-3 formerly held by Oahe Trail Development Inc., is now listed under Codgers Castaway RV Park.

Enclosed is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

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

enclosure

8000-3



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.



**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