

WATER PERMIT NO. 8042-3

Name of Applicant: **Schley Farms Inc/Schley Real Estate LLP**

Address: **40017 143rd St, Stratford SD 57474** Phone: **605 395-6611**

Amount of Water Claimed: **1.11 cfs** Total Acres: **72 acres**

Source of Water Supply: **James River Mud Creek**

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

Type of Waste Disposal System:

Location: **4 miles east of Stratford**

PRIORITY Date Received: **8-26-14** Application/License Fee: **\$ 950**

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

Remarks:

Diversion Point: **SW 1/4 NE 1/4 Sec 7-T121N-R61W**

Land to be Irrigated: **E 1/2 NW 1/4, W 1/2 NE 1/4**
Sec 7-T121N-R61W

Depth of Well: **NA**

Well Driller:

Remarks:

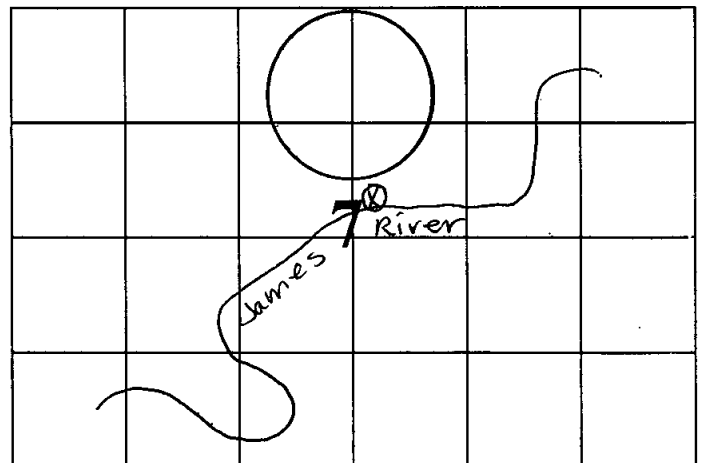
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-26-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

AUG 26 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8042-3</u> (office use only)	Hydrologic Unit <u>10160005</u>
	Basin <u>James River</u>	
	Newspaper <u>American News PO Box 4430</u>	
	<u>Abundeen 57402-605-225-4100</u>	

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 SCHLEY FARMS INC / SCHLEY REAL ESTATE LLP
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 40017 143rd STRATFORD SD 57474
(Address) (City) (State) (Zip Code)

Home Phone 605-395-6611 Cell _____ Email _____

2. Amount of water claimed 1.11 *CFS or 500 **GPM _____ ***AF Total Acreage 72
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply James River - Mud Creek

4. Location of point of diversion SW 1/4 NE 1/4 Section 7 121 61
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Brown

5. County or counties where water will be used Brown

6. Annual period during which water is to be used May 1 - August 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
NE 1/4 NW 1/4 7-121-61	24		
SE 1/4 NW 1/4 7-121-61	12		
NW 1/4 NE 1/4 7-121-61	24		
SW 1/4 NE 1/4 7-121-61	12		

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

Irrigation by Center Pivot with pump and pipe Delivery
Requesting diversion rate greater than statutory limit

I, [Signature], 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. 8042-3

Date of first receipt of application August 26, 2014.

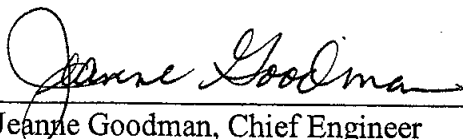
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8042-3 to Schley Farms Inc, Schley Real Estate LLP, c/o Jerry Schley, 40017 143rd St, Stratford SD 57474 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8042-3 appropriates 1.11 cubic feet of water per second from Mud Creek, a tributary to the James River located in the SW 1/4 NE 1/4 Section 7 for irrigation of 72 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 7; all in T121N-R61W. Water may be diverted to the land or the wastewater ponds for the cattle confinement facility prior to land application.
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 – August 31.
3. The date from which applicant may claim right is August 26, 2014.
4. The date of approval of Permit No. 8042-3 is November 10, 2014.
5. One-fifth of the construction is to be completed on or before May 10, 2017.
6. All construction is to be completed on or before November 10, 2019.
7. Water is to be put to beneficial use on or before November 10, 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. Low flows as needed for downstream domestic use, including livestock water must be by-passed in Mud Creek. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

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

NOV 19 2014

date



Supplemental Information

(type or print)

NOT Applicable

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

a) If new wells, how many ____ 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 ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) 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)

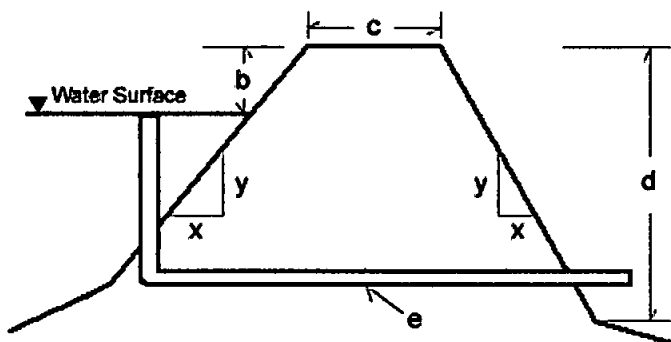
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 7_121N_61W
Farm: 9771

Brown County

1:8,618



March 16, 2012

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Unit
 Non Cropland
 Easement

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

2010 Ortho-Photography - Not to Scale

RECEIVED
AUG 26 2014
 WATER RIGHTS PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/26, 20 14

RECEIVED OF Schley Farms Inc 40017 143rd St Stratford SD 57474

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

Fee for Application for Permit No. <u>8042 3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8042-3</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	950 00

No. **06931**

By


Chief Engineer

Gronlund, Eric

To: Roggow, Jason
Cc: Beck, Lynn
Subject: Schley Farms in Brown County

Schley Farms in Brown County filed a water permit application to divert from Mud Creek to irrigate 72 acres. This is located in N ½ Section 7, T121N, R61W. In looking at the map there is an apparent open lot cattle confinement operation with wastewater ponds in the NW ¼ of the section that is just west of the proposed irrigated acres. From the map it is obvious that a center pivot is intended to be used.

In review of the application, Jeanne Goodman inquired whether a general permit was in place for the cattle facility and also whether the applicant planned to divert water from Mud Creek to the wastewater ponds prior to land applying through the center pivot. Checking with the Surface Water Quality Program, it was found that this is a permitted facility and the area proposed for irrigation under the water permit application is land included within Schley Farms nutrient management plan.

I contacted Schley Farms and received a call back from Dusty Schley. He first indicated they do "spray" water from the wastewater ponds on to the area proposed to be irrigated under the pending water permit application. Initially Mr. Schley stated they do not plan to divert water from Mud Creek to the ponds prior to irrigating because it would take too much plumbing and require extra diesel fuel costs. He did say that they would divert Mud Creek directly to the pivots and have the separate ability to divert effluent from the wastewater ponds directly through the pivots. He then said Inman Irrigation has promoted the idea of plumbing the system such that water from Mud Creek could be diverted directly to the pivot or to the wastewater ponds prior to irrigation. Their logic is that they could use the ponds as an irrigation source during August when diversion of water from Mud Creek may not be available or allowed. He asked me if I thought they should do that. I told him it is their application and they need to decide upon whether they want the option to use the pond in this manner. He said still wasn't convinced they would ever divert from the creek to the wastewater pond prior to irrigation but want to keep their options open so asked that I amend the application accordingly.

I told him this may require an amendment to their nutrient management plan. He asked why and I told he should consult directly with the Surface Water Quality Program but I did say using a diversion from the creek to augment water into the wastewater ponds may affect the water balance of the ponds. He said if adding that option became a hassle, he just wouldn't do it. I said he really needed to the Surface Water Quality Program as they deal with the General Permit that included the nutrient management plan. He said he doesn't generally have his cell phone (605 216-2453) but asked that if he needed to do something to email him at dustyschley@hotmail.com.

Eric Gronlund
Water Rights Program, DENR



**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. 8042-3, SchleyFarms Inc / Schley Real Estate LLP**

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. 8042-3, Schley Farms Inc / Schley Real Estate LLP, c/o Jerry Schley, 40017 143rd Street, Stratford SD 57474.

The Chief Engineer is recommending APPROVAL of Application No. 8042-3-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water must be by-passed in Mud Creek. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.
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
October 22, 2014

NOTE: DENR encourages you to read the staff report carefully. Mud Creek may not be a reliable source of water in dry years. The anticipated annual yield in a normal year may not supply the needed application rates for irrigation. This will need to be a consideration in your decision regarding if the project is feasible.

Dusty Schley indicated that Schley Farms wants the option to divert water from Mud Creek to the wastewater ponds used at the cattle confinement facility prior to applying to the land. Therefore the publication notice reflects this alternative in addition to direct diversion of Mud Creek water to the land. However, diverting water from Mud Creek to the wastewater pond may require amendment to the General Water Pollution Control Permit issued for the concentrated animal feeding operation. I encourage you to contact Jason Roggow with the Feedlot Permit Program at (605) 773-3351 to discuss any requirements that may be necessary regarding the facility's General Water Pollution Control Permit.

REPORT ON WATER PERMIT APPLICATION NO. 8042-3

Schley Farms Inc./Schley Real Estate LLP

October 8, 2014

Schley Farms Inc. has filed Water Permit Application No. 8042-3 to appropriate 1.11 cubic feet per second (cfs) of water from Mud Creek to irrigate 72 acres of land. The land is located in the E½ NW¼ and the W½ NE¼ and the diversion point will be located in the SW¼ NE¼; all in Section 7, T121N-R61W. The annual period during which water is to be used is May through September.

Review of Water Source

The water source for this project is Mud Creek in Brown County at a point 17 miles southeast of Aberdeen, SD. Mud Creek has a very large watershed which includes Antelope Creek to the northeast. The contributing watershed above the point of diversion is 840 square miles; the more immediate watershed above the diversion point is 48.6 square miles. For the purposes of this report the more immediate watershed will be used to estimate water availability.

Mud Creek is currently an ungaged stream but has been gaged in the past. The U.S. Geological Survey operated a gage on Mud Creek near Stratford, approximately 7 river miles downstream of the proposed project. The gage operated from 1954 to 1977 and has since been discontinued. The historical data from 1954 to 1977 for the Mud Creek stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 0 to 5.7-cfs May through September of any given year. There is a 75-percent probability there will be no flow (Table 1 and Hydrograph 1).

Table 1. Percent Chance of Mud Creek Monthly Mean Flow (cfs)

Mud Ck gage nr Stratford												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	0.00	0.02	115.69	265.27	64.19	67.07	54.77	13.37	4.39	1.49	0.66	0.20
25% chance	0.00	0.00	33.80	44.17	21.98	19.56	10.59	1.14	0.03	0.13	0.03	0.00
50% chance	0.00	0.00	5.99	8.72	5.71	2.45	0.24	0.00	0.00	0.00	0.00	0.00
75% chance	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90% chance	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Hydrograph 1.

MUD CREEK GAGE NEAR STRATFORD, SD 1954 - 1977

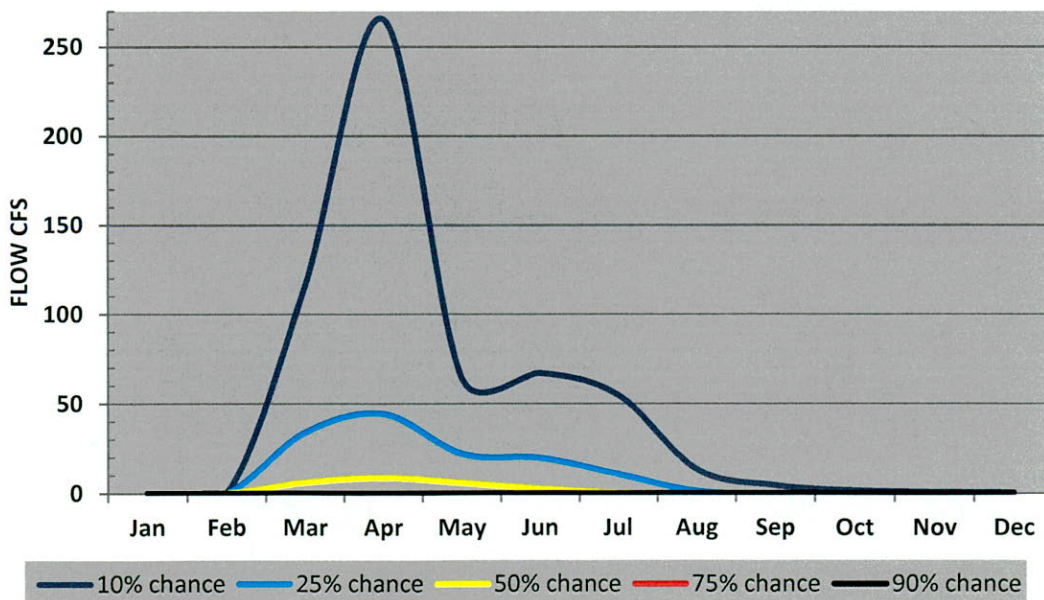


Table 1 and Hydrograph 1 indicate that Mud Creek is not a reliable source of water for the time period of May through September. Only 25% of the time flows may be expected through August and only 10% of the time flows may be expected through September.

More recent years have seen an increase in precipitation in the area of this application. The current climatic conditions would increase the chances of having flow available during normal to wet years. During the years 1957 to 1977 the total precipitation during the time period of May through September was below the average 65% of the years. During the years 1992 to 2010 the total precipitation, May through September, was above the average 74% of the years (Figure 1 and Figure 2).

Figure 1. TOTAL PRECIP FOR ABERDEEN MAY - SEP, 1957 - 1977

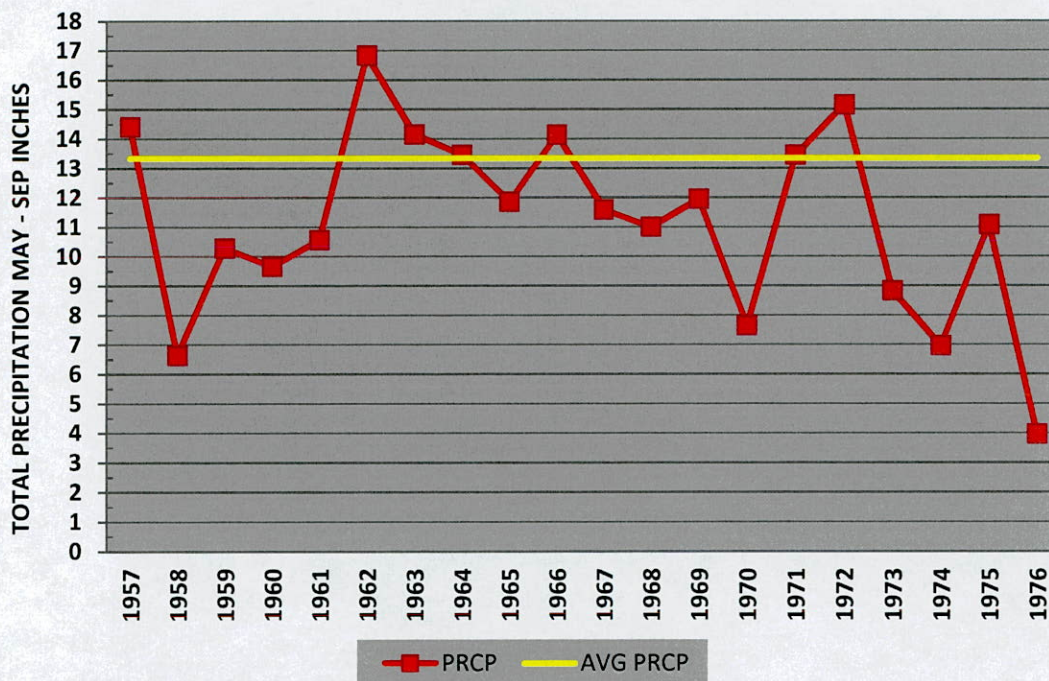
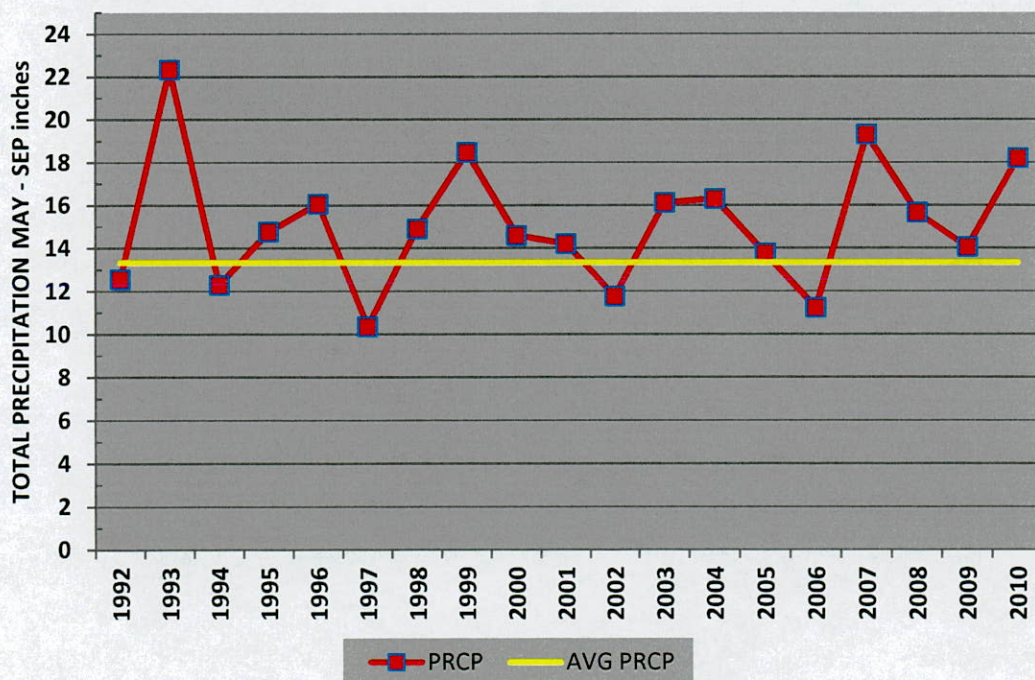


Figure 2. TOTAL PRECIP FOR ABERDEEN MAY - SEP, 1992 - 2010



In addition to the analysis above, the percent chance of annual runoff volumes were estimated using the USDA-NRCS method. This method uses very general characteristics of the watershed. On an annual basis there is sufficient water for this application (Table2).

Table2. USDA – NRCS estimate of annual surface water yield for streams.

% CHANCE	80%	50%	20%	10%
ANNUAL RUNOFF AC-FT	674	1659	4408	7000

Flow in Mud Creek for May through September is very unreliable during drier climatic periods. More recent precipitation values indicate a better chance of water availability in the May through September time period. Annual surface water yields indicate sufficient water for the project most of the time. The importance when looking at annual volumes is the timing of the flow. Given these three parameters, Mud Creek cannot be considered a reliable source of water during drier climatic periods.

Review of Existing Water Rights

There are no existing water rights/permits utilizing surface water in the Mud Creek watershed downstream of this project, therefore, no existing rights would be adversely affected by this application. Mud Creek is a tributary to the James River with the nearest existing water right on the James River, approximately 30 miles downstream of this project. If this application is approved adverse effects on this downstream water right would be negligible.

Discussion

The applicant is asking for slightly more than the statutory limit of 1 cfs per 70 acres. SDCL 46-5-6 allows for a greater diversion rate than the statutory limit due to time constraints, method of irrigation or soil type. The proposed system type and irrigation method to be used for this project requires the greater diversion rate.

This project proposes to pump at a rate of 1.11 cfs (500 fpm) from Mud Creek. The most likely time water will be available is in the spring. Although there are no existing water rights located downstream from this project on Mud Creek, pumping during the lower flow summer months could adversely affect domestic use, which includes livestock watering. If approved the permit should include the following qualification to address periods of low flow.

1. This permit is subject to shutoff orders any time Mud Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.

Conclusions

1. Application No. 8042-3 proposes to appropriate 1.11 cfs of water from Mud Creek located in Brown County to irrigate 72 acres of land.
2. During dry periods, Mud Creek cannot be considered a reliable source of water.
3. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, due to irrigation methods and needs.
4. There are no existing water rights/permits utilizing surface water in the Mud Creek watershed, therefore, no existing rights would be adversely affected by this application.
5. If approved the permit should include the following qualifications to address periods of low flow:
 - a. This permit is subject to shutoff orders any time Mud Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.
6. Issuance of this permit does not preclude the permit holder from the responsibility of obtaining any other state or federal permits nor gives the permit holder any implied ability to disregard any other federal or state requirement.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

Resources

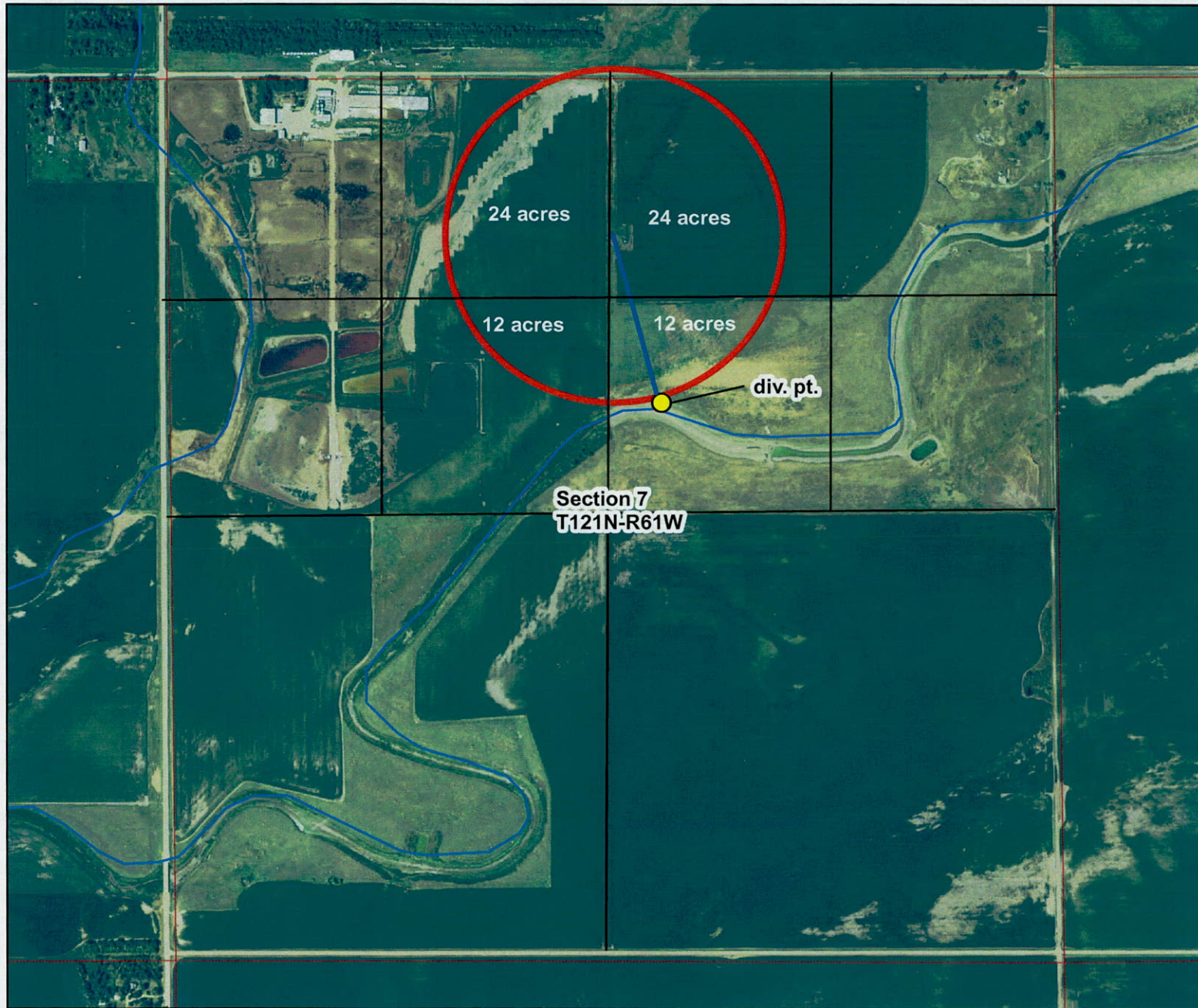
Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota, U.S. Geological Survey Water Resources Investigations 80-80, 1980.

USDA – NRCS Annual Surface Water Yield Method A.

South Dakota Department of Environment and Natural Resources, Water Rights Program Records.

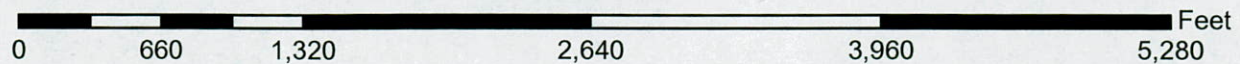
Climatology records, South Dakota State University Climate and Weather Website,
http://climate.sdstate.edu/climate_site/climate.htm

Water Permit Application No. 8042-3
Schley Farms Inc./Schley Real Estate LLP
October 9, 2014



Lynn Beck
Natural Resources Engineer III
DENR - Water Rights Program

SCALE



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NOV 05 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, May Baster

certify that the attached printed Notice was
taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

Oct 31, 2014

Cost of Printing 47.59

May Baster
(Signature)

Adv. Billing Spec
(Title)

Oct 31, 2014
(Date Signed)

(No. 1866492)
(Oct. 31, 2014 - 17)

NOTICE OF APPLICATION NO. 8042-3
to Appropriate Water

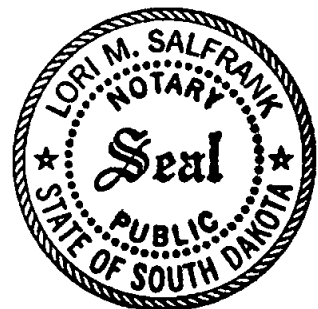
Notice is given that Schley Farms Inc./Schley Real Estate LLP, c/o Jerry Schley, 40017 143rd St, Stratford SD 57474 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from Mud Creek, a tributary to the James River located in the SW 1/4 NE 1/4 Section 7 for irrigation of 72 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 7; all in T121N-R61W. Water may be diverted to the land or the wastewater ponds for the cattle confinement facility prior to land application. The applicant is requesting a diversion rate greater than the statutory

limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8042-3 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 10, 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. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$47.59





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov



October 23, 2014

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8042-3 to Appropriate Water. Please publish the notice once on October 31, 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 Schley Farms Inc./Schley Real Estate LLP, c/o Jerry Schley, 40017 143rd St, Stratford SD 57474 (Ph # 605-395-6611).

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



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

October 23, 2014

Schley Farms Inc
Schley Real Estate LLP
Jerry Schley
40017 143rd St
Stratford SD 57474

Dear Mr. Schley:

Water Permit Application No. 8042-3 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 American News printed at Aberdeen SD (Ph # 605-225-4100). 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 31, 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. 8042-3 to Appropriate Water

Notice is given that Schley Farms Inc./Schley Real Estate LLP, c/o Jerry Schley, 40017 143rd St, Stratford SD 57474 has filed an application for a water permit to appropriate 1.11 cubic feet of water per second (cfs) from Mud Creek, a tributary to the James River located in the SW 1/4 NE 1/4 Section 7 for irrigation of 72 acres located in the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 7; all in T121N-R61W. Water may be diverted to the land or the wastewater ponds for the cattle confinement facility prior to land application. The applicant is requesting a diversion rater greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8042-3 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 10, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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

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



NOV 19 2014

Schley Farms Inc
Schley Real Estate LLP
Jerry Schley
40017 143rd St
Stratford SD 57474

Dear Mr. Hofer:

Enclosed is Water Permit No. 8042-3 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

8042-3
RECEIVED

FEB 27 2017

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 2-24-2017TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Dusty Schley
(name)40017 143rd St
(address)STRATFORD SD 57474
(city, state, zip)605-216-2453
(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.

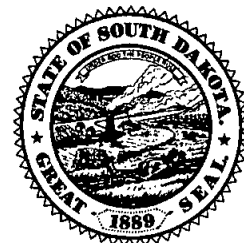
Water Permit No. 8042-3 states that the water use system is to be constructed by Nov 10, 2017 and water is to be put to beneficial use by Nov 10, 2017.
(date) (date)

The water use system was completed on June 2015.
(date)

Applying the water to beneficial use was completed on June 2015.
(date)

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

Dusty Schley
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2017

8042-3

Dusty Schley
Schley Farms Inc.
40017 143rd St
Stratford SD 57474

Dear Mr. Schley:

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

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

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

Sincerely,

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