

WATER PERMIT NO. 8485-3

Name of Applicant: **Hilltop Irrigation District**

Address: **Box 305, Chamberlain SD 57325**

Phone: **605 730-2202**

Amount of Water Claimed: **no add'l**

Total Acres: **160**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Brule**

Type of Waste Disposal System:

Location: **3 miles north of Chamberlain**

PRIORITY Date Received: **1-22-21**

Application/License Fee: **\$ 1,050**

Corrected Application Received: **2-1-21**

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

Remarks: **Utilizing existing Missouri River diversion point authorized by Water Right No. 2704A-3**

Diversion Point: **SW 1/4 SW 1/4 Sec 36-T105N-
R71W**

Land to be Irrigated: **N 1/2 NW 1/4 Sec 13-
T104N-R71W and E 1/2 NW 1/4 Sec 16-T104N-
R70W**

Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **plat**

Prepared by:

Reviewed and the Number Assigned on: **2-1-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8485-3**

Date of first receipt of application January 22, 2021.

Date of return to applicant for corrections, amendments or changes January 26, 2021.

Date of receipt of corrected application February 1, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8485-3 to Hilltop Irrigation District, c/o Richard B Lloyd, Box 305, Chamberlain SD 57325 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. 8485-3 authorizes irrigation of 160 additional acres. Water Right No. 2704A-3 authorizes 22.20 cubic feet of water per second (cfs) from Missouri River located in the SW 1/4 SW 1/4 Section 36-T105N-R71W to irrigate 1,911 acres. This permit will utilize the existing diversion point to irrigate an additional 160 acres located in the N 1/2 NW 1/4 Section 13-T104N-R71W and the E 1/2 NW 1/4 Section 16-T104N-R70W. This permit does not increase the authorized diversion rate of 22.20 cfs. The Missouri River diversion point is located approximately 2 miles north of Chamberlain SD.
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: June 1 – September 30.
3. The date from which applicant may claim right is January 22, 2021.
4. The date of approval of Permit No. 8485-3 is March 29, 2021.
5. One-fifth of the construction is to be completed on or before Septembr 29, 2023.
6. All construction is to be completed on or before March 29, 2026.
7. Water is to be put to beneficial use on or before March 29, 2030.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 15 2021

date



RECEIVED

JAN 22 2021

WATER RIGHTS
PROGRAMFORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>8485-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Central Dakota Times</u>	
	<u>Plainsman</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2704 A-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) email ddllloyd@midstatesd.net
605-730-2202-D. Lloyd

- Name of Applicant Hilltop Irrigation District (check one) ☐ Owner ☐ Tenant/lessee Phone 605-680-0755-W. Priebe
Mailing Address Box 305 Chamberlain State SD 57325
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0 *CFS or 0 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River - Lake Francis Case
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brule
SW1/4 SW1/4 Sec 36-T105N-R71W
- County or counties where water will be used Brule
- Annual period during which water is to be used June - September
- 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>Wes Priebe</u>	<u>80</u>	<u>80A N1/2-NW1/4-Sec 13-104-71</u>	<u>71</u>
		<u>Chamberlain Township</u>	
<u>Richard & Dixie Lloyd</u>	<u>80</u>	<u>NW1/4 E1/2 Sec. 16 - 104-70</u>	
		<u>Pukwana Township</u>	

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

The District is applying to include these 2 tracts of secondary acres under its present water permit. See enclosed map.

STATE OF SOUTH DAKOTA) SS
County of Brule

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

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

Applicant's signature Richard B. Lloyd vice President

Subscribed and sworn to before me this 20 day of January 20 21

Kay Johnson
Notary Public signature
May 4, 2021

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

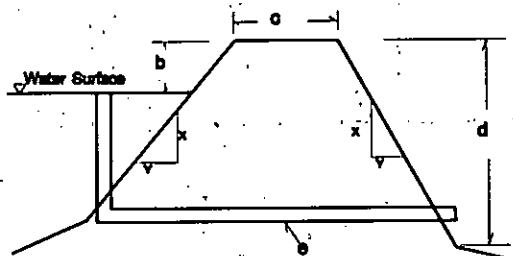
3. Dugout Information

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

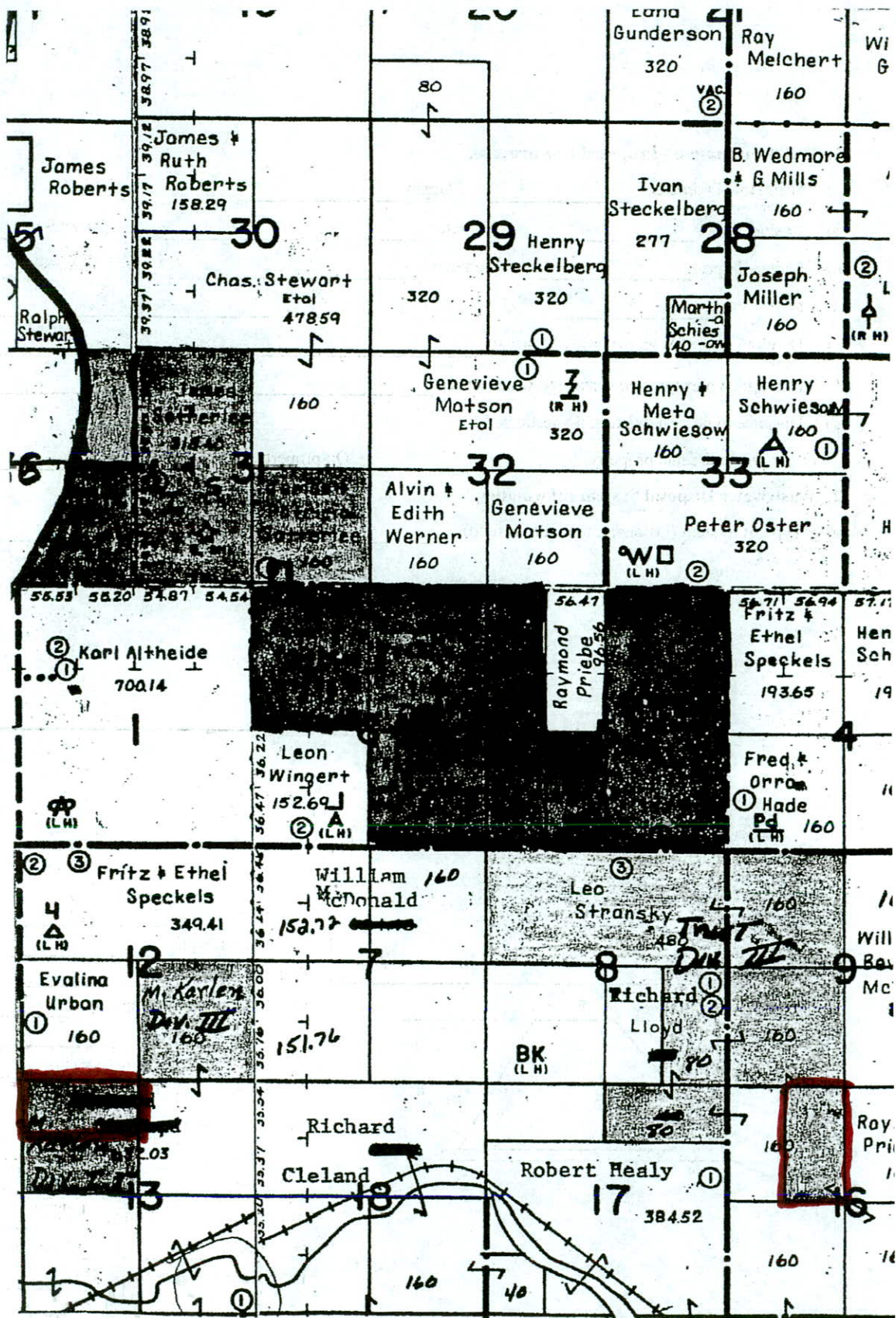
4. Water Storage Dams

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.

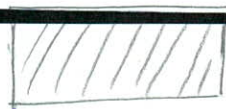
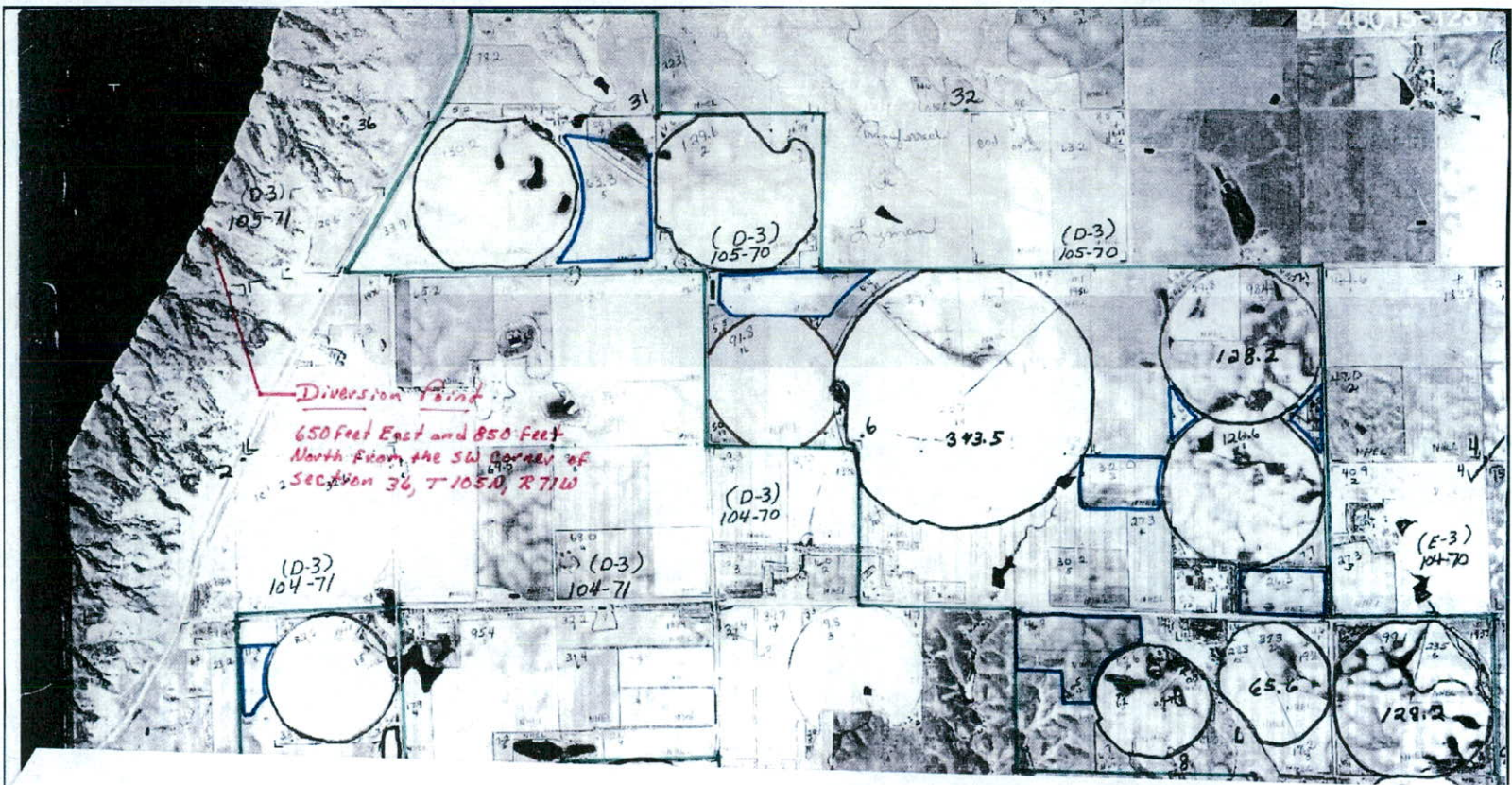
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Attachment A



N $\frac{1}{2}$ NW $\frac{1}{4}$
 Sec 13
 104N 71W

approximate location
 of proposed acres



E $\frac{1}{2}$ NW $\frac{1}{4}$
 Sec 16
 104N 70W

RECEIVED

JAN 22 2021

WATER RIGHTS
PROGRAM

January 20, 2021

Ron DuVall,

As per our telephone conversation on January 19, 2021, enclosed is our application and map, to include two (2) 80A. Tracts of land in our present water permit.

Hope this information is sufficient - please advise.

Thank you for your time and cooperation.

**Dick Lloyd
605-730-2202**



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2021

Hilltop Irrigation District
Richard B Lloyd
Box 305
Chamberlain SD 57325

Dear Mr. Lloyd:

Thank you for submitting the *Application for a Permit to Appropriate Water* for additional irrigation in Brule County. In order to complete the application, the following is required.

- The application/license fee will be \$1,050.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 1, 2021

RECEIVED OF Richard B Lloyd Family PO Box 305 Chamberlain SD 57325

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

Fee for Application for Permit No. <u>8485-3</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>8485-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$1050.00

By Eric Bronlund
Chief Engineer

th



DENR
SOUTH DAKOTA

**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. 8485-3, Hilltop Irrigation District**

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. 8485-3, Hilltop Irrigation District, Box 305, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 8485-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 10, 2021

**REPORT ON WATER PERMIT APPLICATION NO. 8485-3
HILLTOP IRRIGATION DISTRICT
MARCH 10, 2021**

Application No. 8485-3 seeks to irrigate 160 acres, or 320 acre-feet annually (ac-ft/yr), with water taken from an existing diversion point authorized under current Hilltop Irrigation District Water Right No. 2704A-3. Water Right No. 2704A-3 authorizes irrigation of 1,911 acres with an appropriation of 22.20 cubic feet per second (cfs) from the Missouri River located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36-T105N-R71W. This application proposes to irrigate an additional 160 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13-T104N-R71W and the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16-T104N-R70W. The diversion point is located north of and the proposed irrigated acres are located east of Chamberlain, SD, in Brule County (Figure 1).

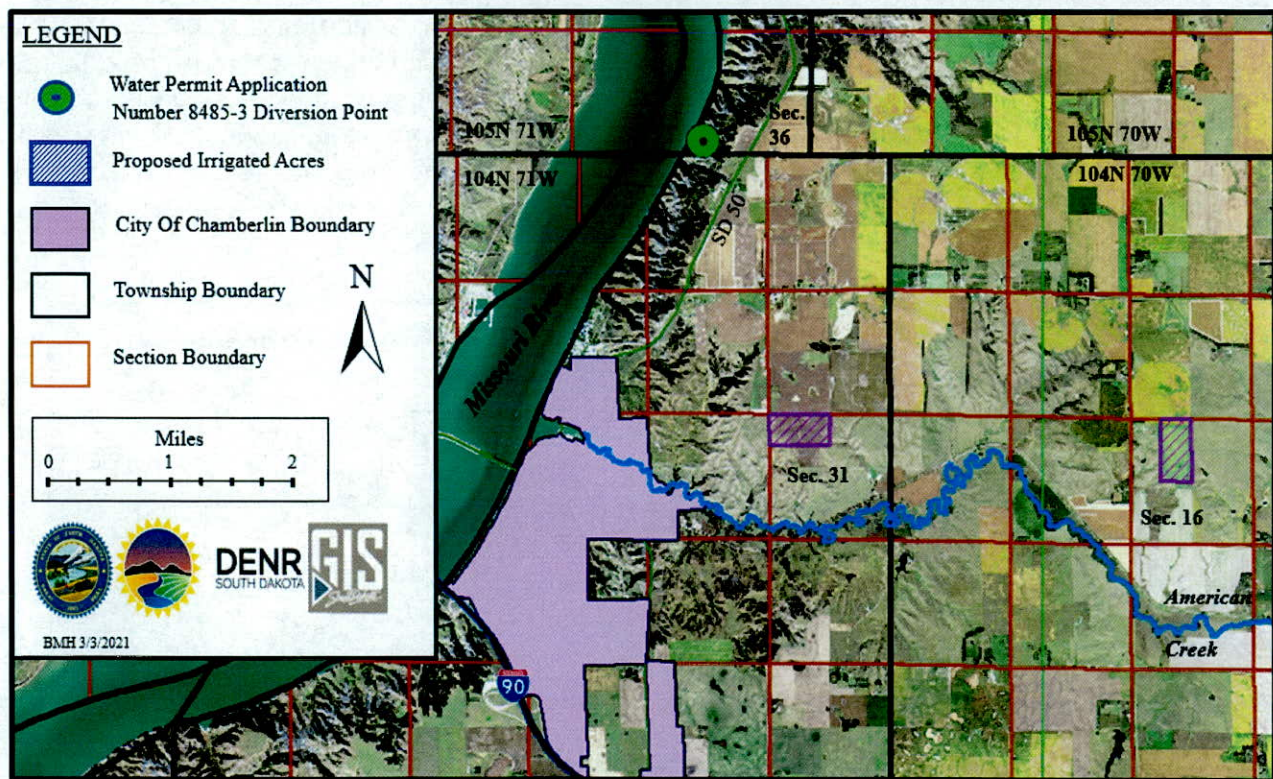


Figure 1. Map showing the location for the proposed diversion point and irrigated acres for Application No. 8485-3.

Review of the Proposed Project and Water Source

Application No. 8485-3 proposes to appropriate water from an existing diversion point to irrigate 160 acres. The water source is the natural flow of the Missouri River flowing through Lake Francis Case in the reach impounded behind the Fort Randall Dam. The US Army Corps of Engineers constructed Fort Randall Dam, impounding Lake Francis Case, in the 1940's and 1950's as a part of the Pick-Sloan project for the Missouri River. The six dams constructed under this project - Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point - are operated as a system providing storage and water releases for congressionally authorized purposes, including irrigation. Specifically, the Lake Francis Case reservoir can impound 5.3 million acre-feet (MAF) of water when full. Natural flow in the in-stream Missouri River reservoir system is considered the volume

of water moving past a point along the river that is not augmented by artificial releases from reservoir storage. When there is an excess of natural flow, the excess can be used to fill empty storage space in a reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment natural flow.

The flow hydrograph of the Missouri River, in South Dakota, has been altered in the past 60 to 70 years due to emplacement of the mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows to support the federally-authorized purposes of the Missouri River Mainstem System. The US Geological Survey (USGS) has made an estimation of natural flows on the Missouri River at Oahe Dam and Gavins Point Dam. (Jacobsen, 2001). Figure 2 is a hydrograph, developed from this study at Oahe Dam, displaying the daily 50th, 25th, and 10th percentile flows corresponding to drier climactic conditions. A percentile is a measure used in statistics to indicate the value at which a given percentage of entries in a dataset will be below that value. The Missouri River natural flow hydrograph shows two peaks for the three percentile levels. The first peak occurs in March-April and corresponds to melting snowpack and spring rains from the plains of Montana, Wyoming, North Dakota, and South Dakota. The second peak, in June, represents upstream summer thunderstorms and snowmelt run off from the mountains in Wyoming and Montana.

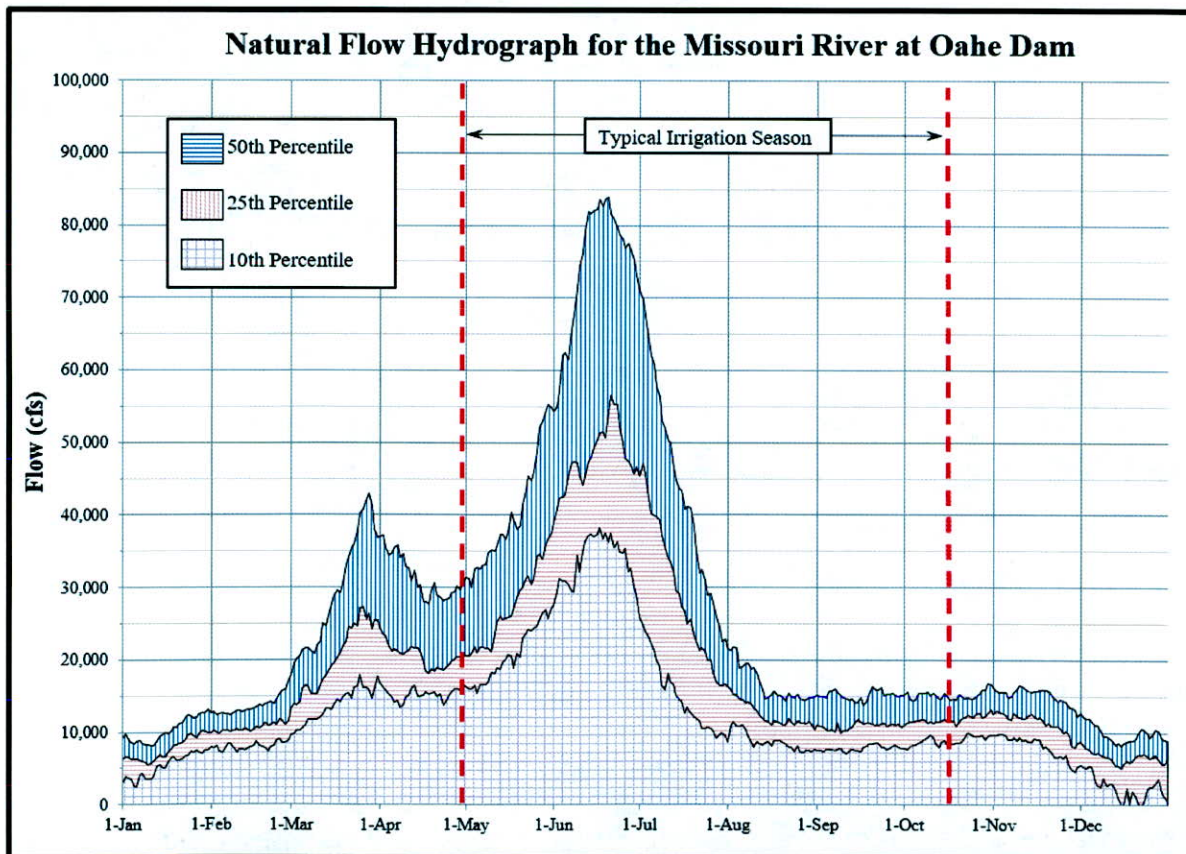


Figure 2. Natural Flow Hydrograph for the Missouri River at Oahe Dam (Jacobson, 2012).

Figure 3 is a hydrograph, developed for the Missouri River at Gavins Point Dam, displaying the daily 50th, 25th, and 10th percentile flows also corresponding to drier climactic conditions. The Missouri River natural flow hydrograph shows two peaks for the three percentile levels. The first peak occurs in March-April and corresponds to melting snowpack and springs rains from the plains of Montana, Wyoming, North Dakota, and South Dakota. The second peak, in June, represents upstream summer thunderstorms and snowmelt run off from the mountains in Wyoming and Montana.

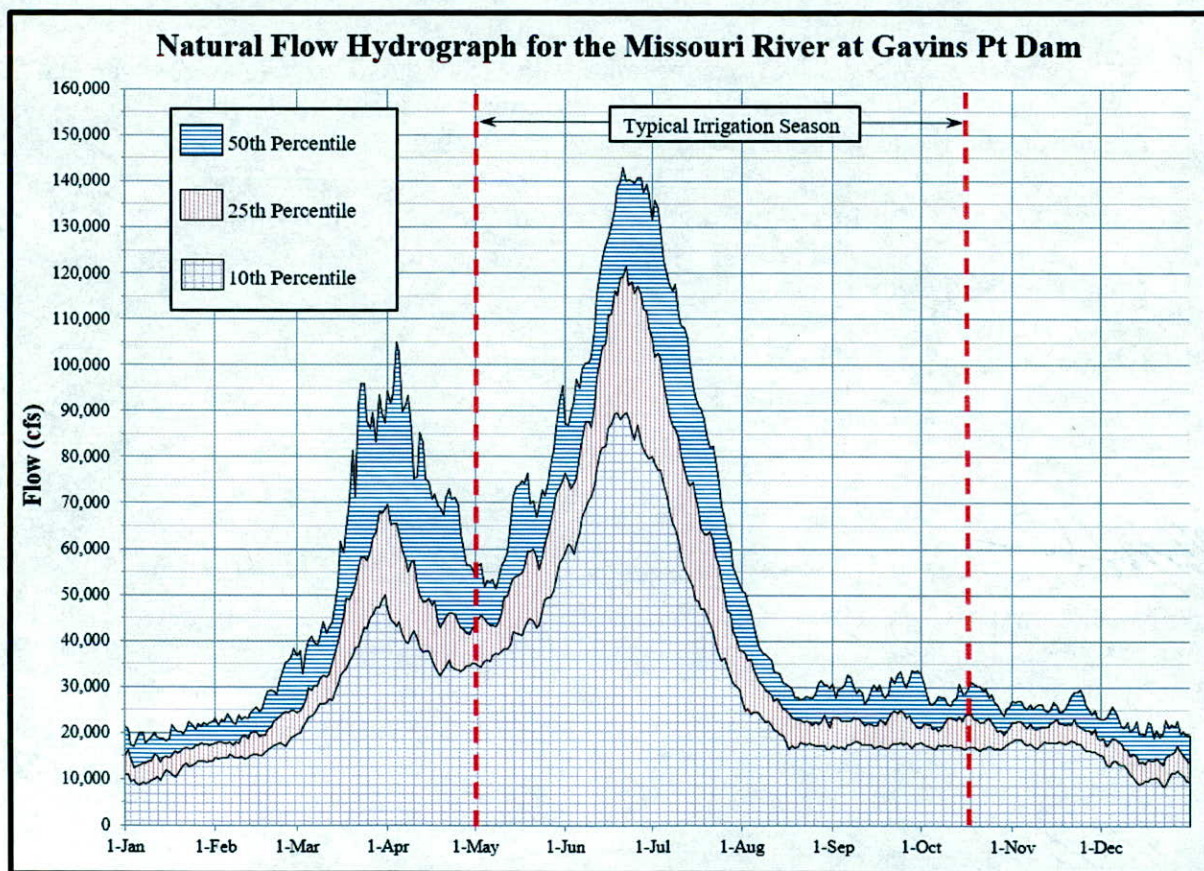


Figure 3. Natural Flow Hydrograph for the Missouri River at Gavins Point Dam (Jacobson, 2012).

The daily flow values of the 10th percentile hydrograph, the during the irrigation season of April through November, indicate that over 10,000 cfs of water is available on average nine out of ten years. This indicates that there is natural flow available for this application, if approved, and the existing water appropriation. Water availability is not a concern when using the natural flows of the Missouri River as a source. Accessing water due to declining water levels during drier climactic conditions (reduced upstream basin runoff) can become an issue for this reach of the Missouri River.

Review of Existing Water Rights and Current Appropriations

There are 254 existing water rights/permits appropriating approximately 1,287 cfs of water from the natural flows of the Missouri River in South Dakota (Water Rights, 2021). Since the hydrograph at Gavins Point Dam indicates in excess of 10,000 cfs is available on average nine out of ten years, approval of this permit will not adversely affect existing water rights.

Conclusions

1. Application No. 8485-3 seeks to appropriate water from the Missouri River, via an existing diversion point held by the Hilltop Irrigation District under Water Right No. 2704A-3, to irrigate an additional 160 acres located near Chamberlain, SD.
2. The water source for the proposed project is from the natural flow of the Missouri River.
3. Unappropriated water is available.
4. Existing water rights will not be unlawfully impaired.



Blaise M. Hansen
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

1. Jacobson. 2021. *Visualization of Flow Alternatives, Lower Missouri River*. US Geological Survey Open-file Report OF02-122. Robert B. Jacobson and Jeanne Heuser, US Geological Survey, Columbia, MO.
2. Water Rights. 2021. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 10, 2021 12:58 PM
To: 'ddlloyd@midstatesd.net'
Subject: Water Permit Application No. 8485-3
Attachments: 0898.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



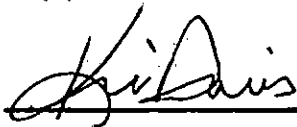
PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

I, KIM DAVIS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**APPROPRIATE WATER, HILLTOP
IRRIGATION DISTRICT**

was published for one day, in said newspaper, and not in any supplement of the said newspaper. The first publication being the 17th day of MARCH 2021. That the full amount of the fee charged for publishing is: **THIRTY & 00/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 6TH day of APRIL 2021.



Notary Public, South Dakota

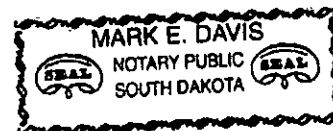
My term expires 12/27/2024

RECEIVED

APR 06 2021

WATER RIGHTS
PROGRAM

2000 - Legals	2000 - Legals
F.P. 00-07-01 NOTICE OF APPLICATION NO. 0488-0 is Appropriate Water Notice is given that Hilltop Irrigation District, c/o Richard B. Lloyd, Box 355, Chamberlain SD 57325 has filed an application for a water permit to irrigate 100 additional acres. Water Right No. 27044-0 authorizes 22.20 cubic feet of water per second (cfs) from Missouri River located in the SW 1/4 SW 1/4 Section 35-T10N-47W to irrigate 1.81 acres. This application proposes to utilize the existing diversion point to irrigate an additional 100 acres located in the N 1/2 NW 1/4 Section 13-T10N- 47W and the E 1/2 NW 1/4 Section 16-T10N- 47W. This permit, if approved, does not increase the authorized diversion rate of 22.20 cfs. The Missouri River diversion point is located approximately 2 miles north of Chamberlain SD. Pursuant to SDCL 45-4A-2, the Chief Engineer recommends APPROVAL of Appli- cation No. 0488-0 with sufficiency because 1) unappropriated water is available, 2) existing rights will not be unduly impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at http://dwr.sd.gov/ public, or contact Ron Duvall for the information, or other information, at the Water Rights Program address provided below. Any person interested in appearing or supporting	This application or recommendation must be a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition, if containing the Chief Engineer's recommendation, at the address in "Water Rights Program, Room Building, 525 E Capitol, Pierre SD 57501 (505) 773-2457 and the applicant's mailing address is given above. A petition filed by other an interested person or the applicant must be filed by March 29, 2021. The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for appearing or supporting the application, and the petitioner's mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is retained. If the applicant does not contest the recommendation of the Chief Engineer and no petition is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition. No. 0718 (rev.) Published one time at the total approximate cost of \$30.00.



RECEIVED

MAR 22 2021

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brule) SS

I, Debi Ruiz

certify that the attached printed Notice was taken
from the Central Dakota Times

printed and published in Chamberlain
County of Brule and

state of South Dakota. The notice was published
in the newspaper on the following date:

March 17, 2021

Cost of Printing \$ 24.70

D. Ruiz
(Signature)

Owner / Publisher
(Title)

March 18, 2021
(Date Signed)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

**NOTICE OF APPLICATION NO. 8485-3
TO APPROPRIATE WATER**

Notice is given that Hilltop Irrigation District, c/o Richard B. Lloyd, Box 305, Chamberlain, SD 57325 has filed an application for a water permit to irrigate 160 additional acres. Water Right No. 2704A-3 authorizes 22.20 cubic feet of water per second (cfs) from Missouri River located in the SW 1/4 SW 1/4 Section 36-T105N-R71W to irrigate 1,911 acres. This application proposes to utilize the existing diversion point to irrigate an additional 160 acres located in the N 1/2 NW 1/4 Section 13-T104N-R71W and the E 1/2 NW 1/4 Section 16-T104N-R70W. This permit, if approved, does not increase the authorized diversion rate of 22.20 cfs. The Missouri River diversion point is located approximately two miles north of Chamberlain, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8485-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information or other information, at the Water Rights Program address provided below.

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 East 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 March 29, 2021.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

(Published one week, March 17, 2021, at a total approximate cost of \$24.70.)
(March 17)

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 10, 2021 12:42 PM
To: 'rcrandall@plainsman.com'
Subject: 8485-3, Hilltop Irrigation District
Attachments: 8485-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 17, 2021.

Hilltop Irrigation District, c/o Richard Lloyd, Box 305, Chamberlain SD 57325 (605 730-2202) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 10, 2021 12:41 PM
To: 'cdt@midstatesd.net'
Subject: 8485-3, Hilltop Irrigation District
Attachments: 8485-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 17, 2021.

Hilltop Irrigation District, c/o Richard Lloyd, Box 305, Chamberlain SD 57325 (605 730-2202) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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 NEWSPAPERS RIGHT AWAY.**

March 10, 2021

Hilltop Irrigation District
c/o Richard B Lloyd
Box 305
Chamberlain SD 57325

Dear Mr. Lloyd:

Water Permit Application No. 8485-3 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 Central Dakota Times printed at Chamberlain SD (Ph # 605 234-0266) and the Plainsman printed at Huron SD (Ph # 605 350-7414). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 8485-3 to Appropriate Water

Notice is given that Hilltop Irrigation District, c/o Richard B Lloyd, Box 305, Chamberlain SD 57325 has filed an application for a water permit to irrigate 160 additional acres. Water Right No. 2704A-3 authorizes 22.20 cubic feet of water per second (cfs) from Missouri River located in the SW 1/4 SW 1/4 Section 36-T105N-R71W to irrigate 1,911 acres. This application proposes to utilize the existing diversion point to irrigate an additional 160 acres located in the N 1/2 NW 1/4 Section 13-T104N-R71W and the E 1/2 NW 1/4 Section 16-T104N-R70W. This permit, if approved, does not increase the authorized diversion rate of 22.20 cfs. The Missouri River diversion point is located approximately 2 miles north of Chamberlain SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8485-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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 March 29, 2021.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Published once at the total approximate cost of_



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

APR 15 2021

Hilltop Irrigation District
c/o Richard B Lloyd
Box 305
Chamberlain SD 57325

Dear Mr. Lloyd:

Enclosed is Water Permit No. 8485-3 authorizing construction of the 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,


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

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