

Considered: _____

WATER PERMIT NO. 1096A-1

Phone: 456-2288

Name of Applicant: Butte-Meade Sanitary Water District

Post Office Address: P.O. Box 5, Newell, SD 57760

Amount of Water Claimed: 1.88 cfs (change in use) Total Acres: _____

Source of Water Supply: Groundwater - existing well

Water to be used for: Rural water system County: Butte, Meade

About 5 miles NE of Belle Fourche

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: June 20, 1990 Fee: \$50.00 Remarks change in use
with rights retained to use overflow for irrigation

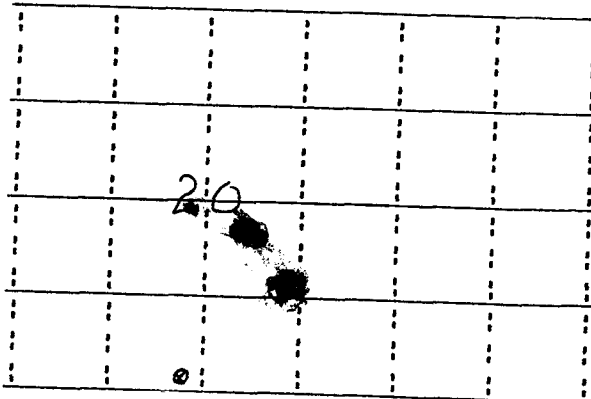
Corrected Application Received July 13, 1990 Period of Annual Use April 1 - Sept. 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE1/4 SW1/4 Section 20 T9N-R3E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 3400' REMARKS _____

Type of Map: Plat PREPARED BY: Steve Thingelstad Reviewed and the Number
Assigned on 7/13/90 By Eric Gronlund

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 1096A-1 Hydrologic Unit 10120202
 Map No. _____ Basin Belle Fourche
 Newspaper Belle Fourche Daily Post Box 400 57717
 Faith Independent Box 38 57622

Application for Permit To Appropriate Water Within The State Of South Dakota

Check use of water for:
 Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☒ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☒☒ Amend Permit No. 1096-1 with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Butte-Meade Sanitary Water District Phone No. 456-2288Post Office Address P.O. Box 5, Newell State SD 57760
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 600-g/m 1.88 cfs3. Source of water supply Flowing Madison well4. Location of point of diversion Well is located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20;
located at the intersecting section lines of Sections 20, 21, 29, 30,
all in T9N, R3E, BHM, County Butte5. Counties where water will be used Butte, Meade6. Annual period during which water is to be used April 1 through September 30

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See attached.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Butte)^{ss}I, Kenneth E. Baker, attorney for _____ 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.Signed Kenneth E. BakerSubscribed and sworn to before me this 19th day of June, 1990.

BARBARA LAMB

Notary Public, STATE OF SOUTH DAKOTA
My Commission Expires MAR. 8, 1996Barbara Lamb

Notary Public

The Butte-Meade Sanitary Water District encompasses a 314 square mile area that includes approximately 237.5 miles of water mains and appurtenants serving 320 users. The District currently suffers from the dual problems of lack of water quantity and substandard water quality. Production from the District's primary well is insufficient to supply current users adequately and there is no hope for system expansion to rural families who must haul their water or utilize unsafe water. To compound the problem, the EPA has found the District in violation of the Safe Drinking Water Act. Acquisition of the 600 g/m Madison well will serve current users with plenty of safe water and yet provide the capability to nearly double the size of the District. Approximately 100-150 users will be added to the District with the initial expansion. Major components will include the Madison well, two storage tanks (20,000 and 50,000 gallons), a pumping station and approximately 34 miles of new line.



SOUTH DAKOTA
WATER PERMIT No. 1096A-1 FOR IRRIGATION AND RURAL WATER SYSTEM

Date of first receipt of application June 20, 1990.

Date Soil/Water Compatibility Permit received May 6, 1976.

Date of return to applicant for corrections, amendments or changes
July 2, 1990.

Date of receipt of corrected application September 18, 1990.

The Water Management Board approved Water Permit Application No. 1096A-1 on October 3, 1990 for Butte-Meade Sanitary Water District, P.O. Box 5, Newell, SD 57760 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. 1096A-1 is to transfer the use of 1.33 cubic feet of water per second (cfs) from irrigation use authorized by Water Right No. 1096-1 to use by the rural water system. This change will allow the Water District to use water, with any excess water to continue to be used for irrigation of lands authorized by No. 1096-1. Water Right No. 1096-1 appropriates 1.88 cfs to irrigate 216 acres from one existing flowing well, 3511 feet deep, located in the SE1/4 SW1/4 Section 20 and a dam (9.2 acre-feet storage capacity) located in the NW1/4 NE1/4 Section 29; all in T9N-R3E. Use of the water for irrigation is to be limited to overflow to the dam from the well.
2. The amount of the appropriation for irrigation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is April 16, 1976.
4. One-fifth of the construction is to be completed on or before April 3, 1993.
5. All construction is to be completed on or before October 3, 1995.
6. Water is to be put to beneficial use on or before October 3, 1999.
7. 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.

(continued)

2. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Overflow from the storage dam shall be kept to a minimum.
4. Approval of Permit No. 1096A-1 authorizes a maximum diversion of 1.33 cfs.

WATER MANAGEMENT BOARD

By: _____

John Hubbert
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 19 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 11" Depth 3400'
- b) Casing Type 28 lb. steel Diameter 8 5/8" O.D. Thickness 5/16"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2800'
- f) Depth to Water (ground surface to water level) flows to surface
- g) Distance to nearest existing domestic well:
 On applicants property 380 rds. On property owned by others 330 rds.

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

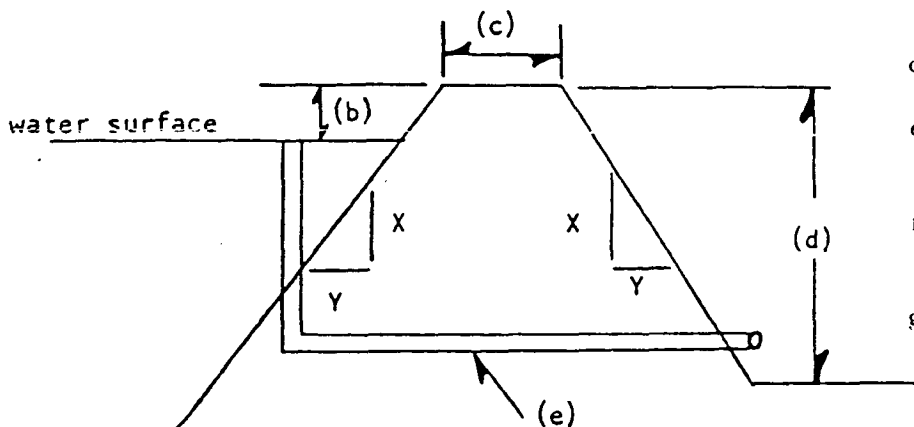
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Smith S. Baker - attorney for applicant
 Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412290

Pierre, July 2, 19 90

RECEIVED OF Quinn Day & Barker, Attorneys at Law, Box 370, Belle Fourche, SD 57717
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>696A-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer mra

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 10 Township 7 N Range 3 E
 Well owner: Belle Fausch
 Date well drilling completed: 12-1-76 Purpose of well: Domestic
 (Name) (Address)
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
		<u>3200</u>	
		Depth to static water level	ft.
		Name of producing aquifer (if known)	<u>Madison</u>
		Total depth of drill hole	<u>3511</u>
		Depth to bottom of casing	<u>3197</u>
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
		<u>3197 x 7" OD 2.3 lb.</u>	
		<u>270' 10" surface on top</u>	
		<u>Cemented.</u>	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		<u>1000' Est.</u>	
		If a flowing well, flow of completed well	
		<u>1000 Est. G.P.M.</u>	
		Name of Drilling Contractor	

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump: _____ HR. _____
 Type of pump: _____ Capacity of installed pump: _____ G.P.M.
 Depth of pump placement: _____ ft., Date of pump installation: _____

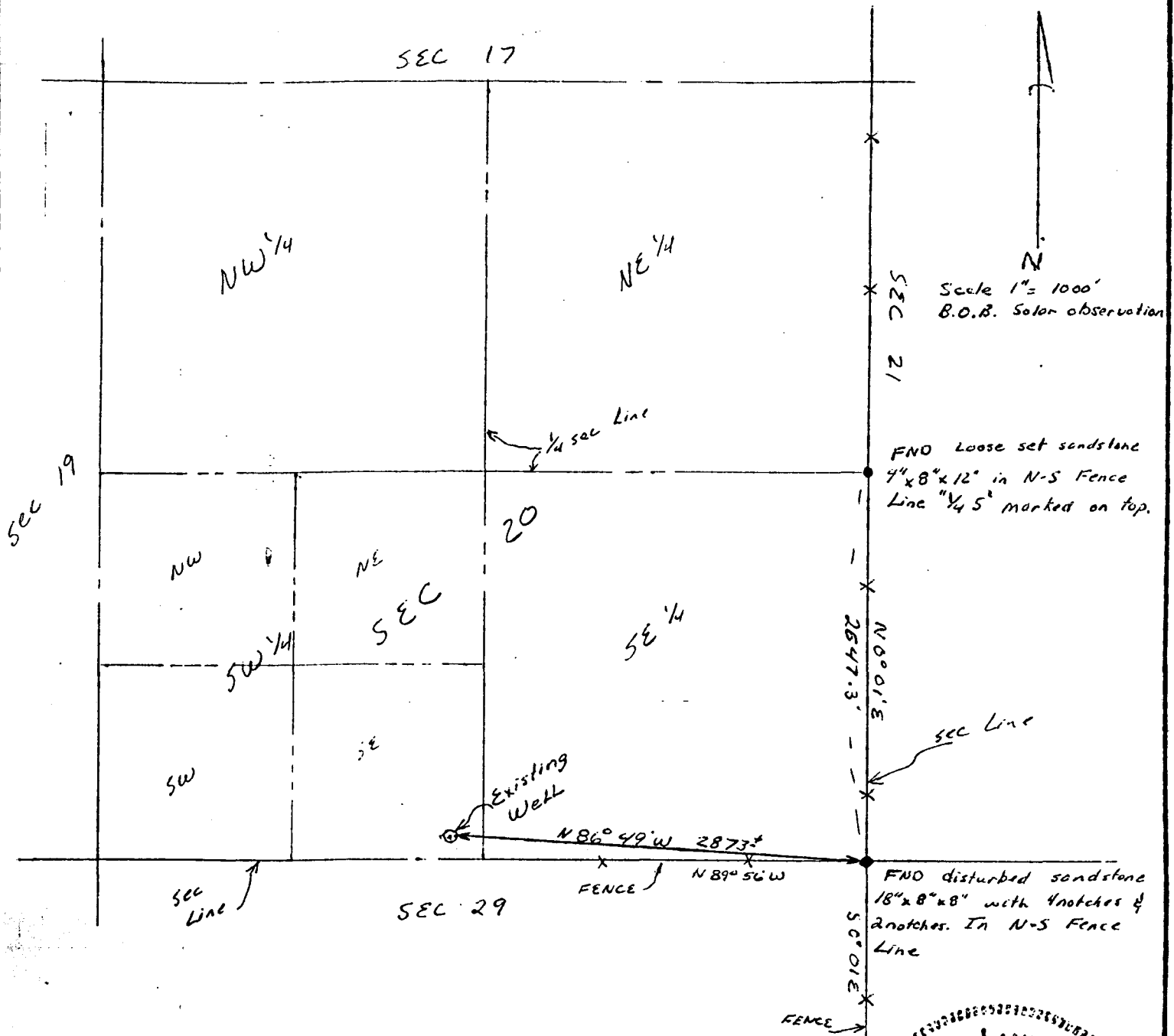
(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46A, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____, tube material: _____

Name of Pump Installation Contractor

Map of Existing Well Location
SE $\frac{1}{4}$ - SW $\frac{1}{4}$ - Sec 20 - T9N - R3E - BHM



Appl. No.
1096A-1



F M G, Inc.
1823 West Main
Rapid City, S.D. 57708

Project: Butte-Meade Sanitary Water

342-4105

BY: S.O.T.

LOCATION
20-T9N-R3E

JOB NO.
6673

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

June 13, 1990



R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. Ron Duvall, Natural Resources Engineer
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096-1
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Mr. Duvall:

Enclosed please find two completed copies of Form 2, Application to Appropriate Water to Amend Water Right No. 1096-1 with old priority date retained. To confirm your understanding, this is an application to change use on Water Right No. 1096-1 from April to September, but it will not increase the rate of diversion or volume of water pursuant to SDCL 46-5-30.4. I have included a check in the amount of \$50 for the filing fee to amend the Water Right.

This is to also confirm that we have retained the priority date of April 16, 1976.

I have enclosed two completed copies of Form 2, Application to Appropriate Water to Amend Water Right No. 1096-1 with new priority date to include the period from September to April. I have also enclosed a filing fee in the amount of \$375 for the appropriation of 600 gpm from September to April, which is the minimum flow of the well.

Very truly yours,

Kenneth E. Barker

KEB/bl
Enclosures
cc: Dale Knutson

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743



R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

TERENCE R. QUINN
MICHAEL W. DAY
KENNETH E. BARKER
ROBERT L. MORRIS

June 25, 1990

Mr. Eric Gronlund
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096-1
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Mr. Gronlund:

Enclosed please find a check in the amount of \$425, \$50 for the filing fee to amend Water Right No. 1096-1 and \$375 to amend Water Right No. 1096-1 with a new priority date. I have also enclosed a copy of the well log and latest inspection report dated October 19, 1984 which we received from Genny McMath, Natural Resources Analyst at the Department of Water and Natural Resources. I do not have a signed map in my possession, but am attempting to obtain one at the present time. I will forward it to you as soon as I receive it.

Very truly yours,

Kenneth E. Barker

Kenneth E. Barker

KEB/61
Enclosures
cc: Dale Knutson



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 2, 1990

Mr. Kenneth Barker
Quinn, Day & Barker
117 5th Avenue
P.O. box 370
Belle Fourche, SD 57717-0370

Dear Mr. Barker:

This letter is regards to the letter and water permits you submitted on behalf of the Butte-Meade Sanitary Water District. I contacted your secretary on June 25, 1990 to inform you that the filing fees of \$375 and \$50 were inadvertently not sent with the applications.

I also stated that a map was not submitted. This map must show the location of the point of diversion (well) and be signed by one of the following: 1) SD Professional Engineer; 2) SD Registered Land Surveyor; 3) a government employee who prepares maps as a normal part of their job (ASCS, SCS, etc.).

Finally, Form 2A was not submitted with the application. I have enclosed Form 2A which is to be completed and submitted to this office. It would also be helpful if a copy of the well completion report on the existing well was submitted.

I will await the filing fee and the above mentioned information before proceeding with processing this application.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Water Rights Division
605 773-3352

enc.

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

July 5, 1990



R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. Eric Gronlund
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096-1
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Mr. Gronlund:

Enclosed please find Form 2A to the application for water permit of Butte-Meade Sanitary Water District. I have also enclosed a map showing the location of the point of diversion of the well. This map is signed by a South Dakota Registered Land Surveyor.

I believe this is all the information that you requested to process this application. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Kenneth E. Barker

KEB/bl

Enclosures

cc: Dale Knutson

Conversation or File Documentation

NAME OF PERSON OR FILE: Butte Meade Sanitary Water DistrictADDRESS: _____ COUNTY ButteDATE: 7/9/90 TELEPHONE 892-2743RE: Ken Barker (attorney)

COMMENTS:

I called Mr. Barker to get some clarification on Butte Meade's permit applic.

1.) Permit No. 1096-1 appropriated 1.88 cfs. - with the change in use applic. Butte Meade requests only 1.33 cfs. I asked if the 0.55 cfs. difference was the ~~the~~ water overflow to ~~be~~ be utilized for irrigation. Mr. Barker said this in the agreement between the parties that Butte-Meade had the rights to all the water. He asked me to change the water claimed to 1.88 cfs, however overflow from this flowing well is to be retained for irrigation (~~was~~ they once tried to cap well but supposedly were unable to).

2) I asked if the ~~water~~ dam is to be utilized to store overflow water that is then going to be used to irrigate lands under Permit No. 1096-1. Mr. Barker said this is exactly how they plan to operate.

3) I asked if there was a annual volume to the water Butte Meade will utilize. Since it is a uncontrollable flowing well it is continuous use. Also Butte Meade in the future plans on utilizing all 1.88 cfs on a continuous basis.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Tronlund

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1096A-1, Butte-Meade Sanitary District

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1096A-1, Butte-Meade Sanitary District, PO Box 5, Newell SD.

The Chief Engineer is recommending APPROVAL of Application No. 1096A-1 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) 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. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Overflow from the storage dam shall be kept to a minimum.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 21, 1990

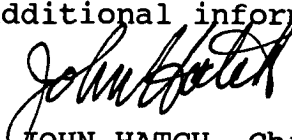
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1096A-1, Butte Meade Sanitary District

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1096A-1, Butte-Meade Sanitary District, PO Box 5, Newell SD.

The Chief Engineer is recommending APPROVAL of Application No. 1096A-1 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) 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. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Overflow from the storage dam shall be kept to a minimum.
4. Approval of Permit No. 1096A-1 authorizes a maximum diversion of 1.33 cfs.

See report on application for additional information.


JOHN HATCH, Chief Engineer
September 21, 1990

REPORT ON APPLICATION NOS. 1096A-1 AND 1496-1
FOR BUTTE MEADE SANITARY WATER DISTRICT
July 17, 1990

Application No. 1096A-1 proposes to add the use of 1.88 cfs by a rural water system to the irrigation use authorized by No. 1096-1. Water Right No. 1096-1 authorizes 1.88 cfs for irrigation of 216 acres and a dam with a storage capacity of 9.6 acre feet.

Application No. 1496-1 proposes to appropriate additional water at a maximum rate of 1.88 cfs for use by the rural water system and to allow water use for the entire year. Both of these applications will divert water from one well 3511 feet deep that is free flowing and located in the SE 1/4 SW 1/4 of section 20, T9N R3E BHM in Butte County. Application No. 1096A-1 will authorize 648 acre feet for the April through September period and the combination of 1496-1 and 1069A-1 will authorize 1361 acre feet per year.

Any excess water will continue to be used for irrigation purposes for the lands authorized by Right No. 1096A-1. The combined usage for the rural water system and irrigation may not exceed 1361 acre feet per year.

AQUIFER - MADISON LIMESTONE (MDSN)

The Madison Limestone is a Mississippian age limestone and dolomitic limestone which is typically cavernous in the upper part and is approximately 700 feet thick in this area (Peter, 1987). The Madison underlies 1.4 million acres and contains an estimated 57.6 million acre feet of recoverable water in Butte County alone (Allen, 1984). Ground water movement is basically towards the north and east from the recharge area in the higher Black Hills. The aquifer is under artesian conditions and does flow at the land surface at this location.

The Division of Water Rights does not monitor any Madison observation wells in Butte County, but does monitor two in Lawrence County. Records for these wells are not sufficiently long enough to make any determination of any trends. Water level records for other observation wells completed into the Madison in the Black Hills area show good correlation with wet and dry climatic conditions, that rising during wet years and declining during dry years. There are no long term adverse trends.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

The nearest existing Madison permits/rights are Nos. 1481A-1 and 1229-1 for the City of Belle Fourche. These are approximately 4 to 5 miles west and south of this existing diversion. Interference is not expected to be a problem. This well has been in use with no apparent problems.

CONCLUSIONS

1. Water is available from the Madison Limestone.
2. Interference is not expected to be a problem. Drawdowns are created by allowing flowing wells to discharge the same as if the wells were pumped. Information is not available to quantify this affect.
3. This well must be valved and controlled to prevent the waste of water. Flows from the well should be limited to the water needed or shut in when the dam is filled to overflow. Any overflow would be a waste of water.
4. The well now reportedly flows 1.33 cfs (600 gpm).
5. According to correspondence in the application any overflow from the well will be used to continue irrigation of the lands authorized by Right No. 1096-1. This Right has been transferred to the Butte Meade Sanitary Water District and apparently there is an agreement between the landowner and the District which spells this out. These new water permit applications will either need to recognize this agreement or supersede it.
6. The original license for 1096-1 is in error. The license is not written up in a manner which complies with the field inspection. At the time of inspection the well was flowing 700 gpm (1.55 cfs) and the system was constructed in a manner which allowed a possible diversion of 2.67 cfs from a holding pond. Instead of licensing for the actual well diversion and also diversions from the pond the license was written up for the maximum of 1.88 cfs as requested on the original application.
7. The well construction data available indicated the well was grouted in a manner consistent with present well construction standards. However, information contained with the application indicates the well cannot be shut in. The Butte Meade Sanitary Water District will need to fix or repair the well in order to control this well.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., 1984, ANALYSIS OF GROUNDWATER AND STREAMFLOW DATA WESTERN DAKOTAS REGION OF SOUTH DAKOTA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Peter, K.D., 1987, GEOHYDROLOGY AND WATER QUALITY OF THE INYAN KARA, MINNELUSA, AND MADISON AQUIFERS OF THE NORTHERN BLACK HILLS, SD AND WYOMING, AND BEAR LODGE MOUNTAINS, WYOMING, USGS WRI 86-4158, USGS, Rapid City, SD, 57701.
- Water Rights, 1990, MADISON OBSERVATION WELL RECORDS FOR THE BLACK HILLS AREA, SD DWR, Div. of Water Rights, Pierre, SD, 57501.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1990

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

Butte - Meade Sanitary Water District
Box 5
Newell, SD 57760

Dear Sir:

Water Permit Application Nos. 1096A-1 and 1496-1 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Daily Post and Faith Independent printed at Belle Fourche and Faith SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendations are also 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 of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

cc: Kenneth E. Barker, attorney

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1990

Belle Fourche Daily Post
Box 400
Belle Fourche SD 57717

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application Nos. 1096A-1 and 1496-1 to be published twice. Please publish the first notice on or before September 6, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Butte - Meade Sanitary District, Box 5, Newell, SD 57760.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1990

Faith Independent
Box 38
Faith SD 57622

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application Nos. 1096-1 and 1496-1 to be published twice. Please publish the first notice on or before September 6, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Butte - Meade Sanitary District, Box 5, Newell, SD 57760.

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605 773-3352

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before September 6, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1096A-1 to Amend
Water Right No. 1096-1 and Application No. 1496-1 to Appropriate Water

Notice is given that Butte - Meade Sanitary Water District, P.O. Box 5, Newell, SD 57760 has filed application Nos. 1096A-1 and 1496-1 for a water permit.

Application No. 1096A-1 is to add the use of 1.88 cubic feet of water per second (cfs) by the Butte - Meade Sanitary Water District, a water distribution system, to the irrigation use authorized by Water Right No. 1096-1. This change will allow the Butte - Meade Sanitary Water District to use water, with any excess water to continue to be used for irrigation of lands authorized by No. 1096-1. Water Right No. 1096-1 appropriates 1.88 cfs to irrigate 216 acres from one existing flowing well, 3511 feet deep, located in the SE1/4 SW1/4 Section 20 and a dam (9.6 acre feet storage capacity) located in the NW1/4 NE1/4 Section 29; all in T9N-R3E. Use of the water for irrigation is to be limited to overflow to the dam from the well. The application rate of water to irrigated acres may not exceed 1 cfs per 70 acres. Also, the combined use of water from the well by the Water District and for irrigation may not exceed 1.88 cfs and 648 acre-feet between April 1 and September 30 of each year. The April 16, 1976 priority date authorized by No. 1096-1 will be retained if this application is approved.

Application No. 1496-1 is for a water permit to increase the annual water volume authorized by Water Right No. 1096-1 and to allow water use during the entire year by the Butte - Meade Sanitary District, a rural water system. Water Right No. 1096-1 authorizes 1.88 cfs for irrigation of 216 acres from one well and a dam as described above. Water Right No. 1096A-1, if approved, will add use by the Butte - Meade Sanitary District (1.88 cfs from one existing well, 3511 feet deep) to the irrigation use authorized by No. 1096-1 with rights retained to use excess water for irrigation of lands authorized by No. 1096-1. Application No. 1496-1 is to increase the annual volume of water that may be diverted for rural water system use from 648 acre feet to 1361 acre feet with no increase in the 1.88 cfs diversion rate.

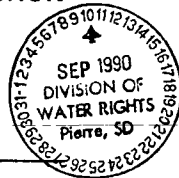
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 1096A-1 and 1496-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-34.1; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.I, Rhonda Schultzcertify that the attached printed Notice was taken
from the Belle Fourche Daily PostA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in theCity Butte of Belle FourcheCounty of Butte and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:August 31, 1990September 7, 1990Rhonda Schultz
(Signature)Boosbeeper
(Title)8-31-90

(Date Signed)

Cost of Printing: \$59.39

5-88

Application No. 1096A-1 is to add the use of 1.88 cubic feet of water per second (cfs) by the Butte-Meade Sanitary Water District, a water distribution system, to the irrigation use authorized by Water Right No. 1096-1. This change will allow the Butte-Meade Sanitary Water District to use water, with any excess water to continue to be used for irrigation of lands authorized by No. 1096-1. Water Right No. 1096-1 appropriate 1.88 cfs to irrigate 218 acres from one existing flowing well, 3511 feet deep, located in the SE1/4 SW1/4 Section 20 and a dam (9.6 acre foot storage capacity) located in the NW1/4 NE1/4 Section 28; all in T9N-R3E. Use of the water for irrigation is to be limited to overflow to the dam from the well. The application rate of water to irrigated acres may not exceed 1 cfs per 70 acres. Also, the combined use of water from the well by the Water District and for irrigation may not exceed 1.88 cfs and 648 acre-feet between April 1 and September 30 of each year. The April 16, 1976, priority date authorized by No. 1096-1 will be retained if this application is approved.

Application No. 1496-1 is for a water permit to increase the annual water volume authorized by Water Right No. 1096-1 and to allow water use during the entire year by the Butte-Meade Sanitary District, a rural water system. Water Right No. 1096-1 authorizes 1.88 cfs for irrigation of 218 acres from one well and a dam as described above. Water Right No. 1096A-1, if approved, will add use by the Butte-Meade Sanitary District (1.88 cfs from one existing well, 3511 feet deep) to the irrigation use authorized by No. 1096-1 with rights retained to use excess water for irrigation, of lands authorized by No. 1096-1. Application No. 1496-1 is to increase the annual volume of water that may be diverted for rural water systems use from 648 acre feet to 1361 acres feet with no increase in the 1.88 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 1096A-1 and 1496-1 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. This application will be considered by the Water Management Board in the Community Room, Butte Co. Court House, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

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2/8/31-97

NOTICE OF HEARING
on Application
No. 1096A-1 to Amend
Water Right No. 1096-1 and
Application No. 1496-1 to
Appropriate Water
Notice is given that Butte-Meade
Sanitary Water District, P.O. Box 6,
Newell, SD 57760 has filed applica-
tion Nos. 1096A-1 and 1496-1 for a
water permit.

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: Ken Barker, Attorney

ADDRESS:

COUNTY: Butte

DATE: 9/18/90

TELEPHONE:

RE: Letter Regarding Butte Meade Sanitary District Permit Nos. 1096A-1 & 1496-1

COMMENTS:

Mr. Ken Barker called this office to discuss the letter sent September 12, 1990 to him from John Hatch regarding permit applications 1096A-1 & 1496-1. The measurement that they had done on the well about one year ago showed the well only producing 600 gpm. They do not have any plans to put a pump in the well to increase its production at this time. This being the case I told him that we would revise the chief engineer's recommendation to reflect the current production from the well which is 600 gallons per minute. Mr. Barker did not have any problem with the recommendation reflecting the current wells production as he is told by his professional.

They also plan to still irrigate 216 acres from the small dam which is supplied water from the well.

Finally, he did not know the maximum pumping rate for the storage dam for irrigation. However, he was going to contact the people who irrigate and find out. If the pumping rate is greater than that out of the dam, a new application will be required for this change.

Mr. Barker was going to write a letter confirming what he stated in our conversation and stating the maximum pump rate from the dam.

File in Permit or ther file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Eric Greenland

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 24, 1990

Ken Barker, Attorney
QUINN, DAY & BARKER
Attorneys At Law
PO Box 370
Belle Fourche, SD 57717

RE: Butte-Meade Sanitary District Water Permit Applications

Dear Mr. Barker:

Enclosed are revised recommendations for Water Permit Application Nos. 1096A-1 and 1496-1. The revisions were made to reflect the diversion rate that the flowing well is currently producing as confirmed by our September 18, 1990 phone conversation.

These applications are scheduled for the October 3, 1990 Water Management Board meeting as published in the notice of hearing.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 9, 1990

Ken Barker
Quinn, Day & Barker
117 5th Ave
P.O. Box 370
Belle Fourche, SD 57717-0370

Re: Water Right No. 1096A-1 - Butte Meade Sanitary Water
District (your file 1591.011)

Dear Mr. Barker:

Your letter on September 18, 1990 pointed out that there is still a discrepancy in Water Right No. 1096A-1.

The water right permits storage of 9.2 acre feet and diversion from a dam which is supplied by the flowing well. The permitted diversion rate for irrigation is 1.88 cfs (850 gpm), however, your letter states the maximum diversion rate from the dam for irrigation to be 3.11 cfs (1400 gpm). Currently, the Water Right does not authorize a diversion rate greater than 1.88 cfs for irrigation. To correct this will require an amendment to the current water right to increase the diversion rate from the storage dam.

I realize that you represent Butte-Meade Sanitary Water District and your main concern is the water supply for the system and not the irrigation. However, this discrepancy in the irrigation portion of the permit needs to be addressed by the permit holder.

I have sent the necessary forms to be completed and returned to this office in order to process a permit for this correction. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 19 1990

Butte-Meade Sanitary Water District
P.O. Box 5
Newell, SD 57760

Dear Sir:

Enclosed are Water Permit Nos. 1496-1 and 1096A-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permits.

Also enclosed are two copies of Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permits within the five year construction period, usually without affecting the priority date provided an application to amend your permits are made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

cc: Kenneth Barker, Esq.

Water Rights Program -- File Documentation

NAME: Butte-Meade Sanitary Water District c/o Dale Knutson, Manager

ADDRESS: PO Box 5, Newell SD 57760

DATE: October 10, 1997 **COUNTY:** Butte **TELEPHONE:** (605) 456-2288

RE: Status of Water Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1

COMMENTS:

On August 12, 1997 I spoke with Dale Knutson concerning the status of Water Right Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1. Mr. Knutson indicated that the flow rate from the well is 550 to 600 gpm when not being diverted into the system. Currently, the flow the water system is approximately 400 gpm with overflow going to the dam. According to Mr. Knutson, there is the possibility that more than 400 gpm will be diverted as system use grows. The time period to place water to beneficial use expires on October 3, 1999 as specified on Permit Nos. 1096A-1 and 1496-1. Mr. Knutson would like to wait with licensing of the permits since the diversion rate may increase to meet future demands on the system.

The irrigated acreage has been split between owners as follows:

Floyd E and Merel Wennberg

SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec 29

Lyndon S and Jane E Kok

SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec 29

The center pivots observed by Leroy Mernaugh, former staff engineer, during his investigation completed on October 10, 1984 are no longer in place. Mr. and Mrs. Wennberg were not available to discuss their portion of the permitted acreage and Lyndon Kok was out of town according to Tim Martin. Mr. Martin was at the site with a spade diverting water from a recently dug ditch. The ditch extended from near the flowing well through an alfalfa field. According to Mr. Martin, Lyndon Kok was experimenting using gravity flow via ditch to do some irrigating. I informed Mr. Martin that a portion of the area that the ditch could irrigate is outside of the permitted acreage and would need to be included on the permit if the ditch was to remain in place. The ditch amounted to furrow that you could create using a plowshare.

RECOMMENDED ACTION:

Based on comments by Mr. Knutson, licensing of the permits for rural water use should wait until the time period to place water to beneficial use expires in October 1999. If the changes made to the irrigation system remain in place, then a change in location of irrigated acreage will be needed.



Ron Duvall, Natural Resources Engineer
Water Rights Program