

Water Right Number 1128-1

1. Considered 3-23, 1977
2. Name of Applicant DENNIS W. CHOWEN
3. Post Office Address NEWELL
4. Amount of Water claimed .71
5. Source of Water supply BELLE FOURCHE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 50
7. Water to be diverted and used in BUTTE County
about 2E, 4LS miles of NEWELL
8. Proof of Publication Received HSF 3-17-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application 

10. Remarks:

Map No. 939-1 Water Division No. 1 BELLE FOURCHE RIVER District 1
(Blanks to be Filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant DEANIS W. CHOWEN
Postoffice address Nevel State S. D. 57769

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor3. Name of diversion work CHOWEN #14. Amount of water claimed (cubic feet per second) .75. Source of water supply Waste water from Belle Fourche Irrigation District6. Location of point of diversion Drawn on map that is sent
A POINT IN THE NW & SW SECTION 10, T8N, R6ECounty Butte7. Annual period or periods during which water is to be used May through Nov as needed8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation of Dry land9. For irrigation use, Total number of acres to be irrigated 50

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.			
Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Township 8 North Range			
6 East Section 10	50 Acres		
North half et S.W. Quarter			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 months years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of newspaper for Notice of Intent to Appropriately Water publication Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. N/A Water is waste water that flows into my dam on my propertyB. Works proposed to transport water to place of use. 1500' 6" pipe with 30 Horse power electric motor with 8" intake and 6" out put pump-gravity flow system.C. Works proposed to apply water to beneficial use. gravity flow irrigation to be used - gated pipes and ditches will be utilizedEstimated Total Cost \$ 5,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ButteI, DEANIS W. CHOWEN the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Deanis W. ChowenSubscribed and sworn to before me this 2nd day of Feb 19 77Rita M. Wiegand
Notary Public (or other qualified officer)RITA M. WIEGAND, Notary Public
South Dakota

My Commission Expires 10-4-84

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1128-1

DENNIS W CHOWEN
(Applicant)

NEWELL
(Post Office Address)

SOUTH DAKOTA 57760
(State)

With the following modifications:

Date of first receipt of application FEBRUARY 1, 19 77

Date of return to applicant for correction, amendments or changes required FEBRUARY 1, 19 77

Date of receipt of corrected application FEBRUARY 19, 19 77

Approved MAY 26, 19 77, Recorded in Book 18, Page 138

WATER RIGHT PERMIT NO. 1128-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1128-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 4, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 26, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 26, 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed .71 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before SEPTEMBER 26, 19 77; said water to be used during the following described annual period: MAY THRU NOVEMBER

Witness my hand this 1ST day of JUNE, 19 77

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued March 4, 19 82

Water License Issued March 4, 19 82

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates. - DRAIN

- (1) Surface dimensions 200' by 100', Depth 0-6 Feet

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Water Depth max. 6'

Storage Area 200' by 100'

Waste water runs into this dam on a daily basis of a stream 8" deep and 27" wide. This dam overflows daily into Horse Creek.

Dennis M. Proven
Signature of Applicant

WATER LICENSE NO. 1128-1

(1) WHEREAS, On the 4th day of February A. D. 19 77
Dennis W. Chover

made Water Right Application No. 1128-1 for a permit to use .71 cubic feet per second of the waters of waste waters from the Belle Fourche Irrigation Project

County of Butte State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 26th day of May A. D. 19 77
 Permit No. 1128-1 with a date of priority of February 4, 1977

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 26th day of September A. D. 19 77 and for the application to beneficial use of said water on or before the 26th day of September A. D. 19 77

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .69 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land in Section 10, T-8N, R-6E

NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----26 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----22 acres

TOTAL 48 ACRES

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dennis W. Chowen

_____ of Newell, South Dakota

the holder _____ and owner _____ of said permit No. 1128-1 a water right, dating from February 4, 1977

_____ to use of .69 cubic feet per second of the waters of waste waters from the Belle Fourche Irrigation Project

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at Point #1, 700' South and 550' East of the W¹ Corner

Section 10, and Point #2 1100' South and 400' East of the W¹ Corner of Section 10,

T-8N, R-6E

and conducted to and upon portions of Section 10, T-8N, R-6E more fully described
on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1128-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 4th day of March A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 1128-2

Water Diversion No. 1 Belle Fourche River Water District

10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dennis W. Chowen

the holder of

Permit No. 1128-1, issued upon Application No. 1128-1, bearing date of priority of

February 4, 1977 authorizing the diversion of .71 cu. ft. per second of the waste waters from the Belle Fourche Irrigation Project

County of Butte, State of South Dakota at

Point #1 - 700' South and 550' East of the W $\frac{1}{2}$ Corner Section 10 and

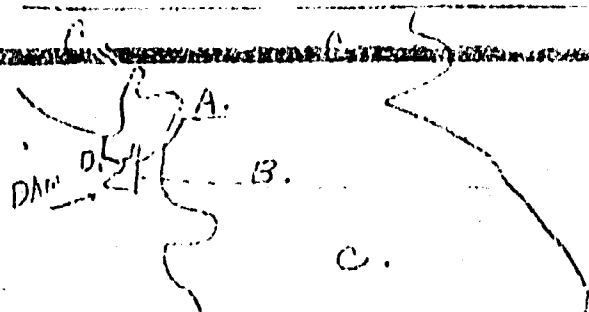
Point #2 1100' S and 400' East of the W $\frac{1}{2}$ Corner of Section 10, T8N, R6E

for Irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.22 cu. ft. per second of water.

Date March 4, 1982

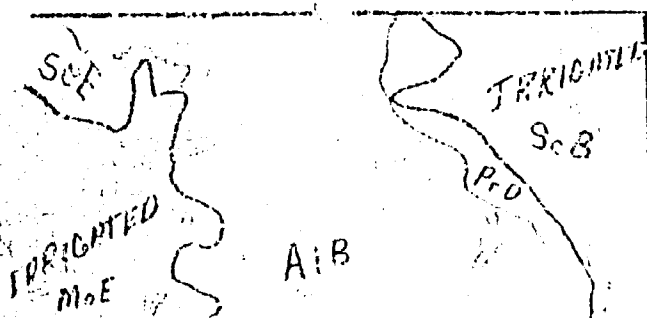
John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division



A = 30' pipe with 30 H.P. pump
 B = 1500' 6" pipe gravity flow
 Irrigation intended 2-4 1/2 s/yr
 D = Waste water enters dows
 C = 50 acres of dry land

BOGT
 MS

Soil Type



ScB: Sitanta loam

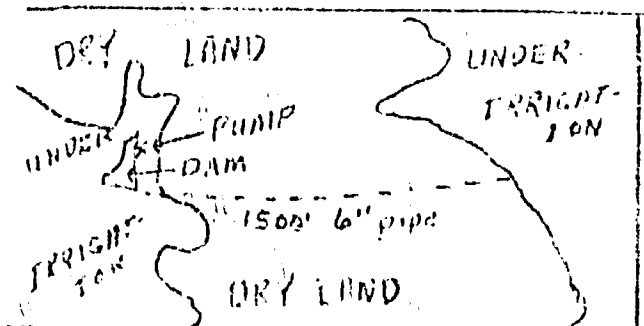
P.D: Pierre Clay

AIB: Alvan loam

MoE: Midway Silty Clay loam

SEE: Schamber loam

Land Location



Township 8 N. Range 6 E.

Section 10

North half of Sec.
 Quarter.

UNDER
 IRRIGATION

Form 6 - Notice of Intent to Appropriate Water

No. 1128-1

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1977

Notice is hereby given that Dennis W. Chowen

whose post office address is Newell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use wastewater of Belle

0.71 cubic feet of water per second of time from Fourche Irr. District through the

Chowen # 1, the point of diversion of which is to be located in the

NW 1/4 SW 1/4
of Section 10, Twp. 8N, Range 6E. Said water to be used for the purpose
of providing irrigation on the following described land:

NW 1/4 SW 1/4, Section 10, T8N, R6E

This application No. 1128-1 will be considered by the Water Rights Commission at their office at Pierre upon the 23rd day of March, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFI/bw

cc: Dennis W. Chowen, Newell, SD 57760

Affidavit of Publication

STATE OF SOUTH DAKOTA

55.

County of Pennington

I, Robert D. Swanson, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week

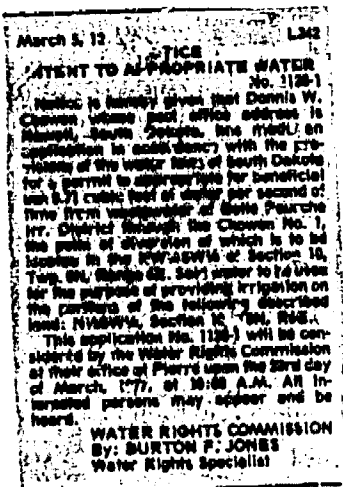
for two successive weeks, the first publication thereof being on the 5th day of March, 1977, that the fees charged for the publication thereof are Fifteen Dollars and forty cents.

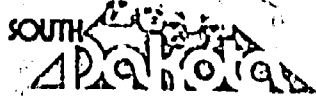
Robert D. Swanson

Subscribed and sworn to before me this 15th day of

March, 1977

Margaret Schick
Notary Public.





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

May 20, 1977

TO: Persons Concerned With Water Right Application No. 1128-1,
Dennis W. Chowen, Newell, South Dakota 57760

FROM: John Hatch, Chief Engineer, Water Rights Commission.

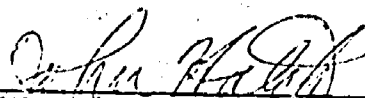
SUBJECT: Notice of Reconsideration Hearing on Application No. 1128-1.

The Water Rights Commission will reconsider Water Right Application No. 1128-1 at 1:30 P.M., May 26, 1977 in the South Dakota Education Association Auditorium, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application No. 1128-1 was deferred by the Water Rights Commission March 23, 1977 pending Staff investigation.

After reconsideration of Application No. 1128-1 the Commission can approve, defer, or deny Application No. 1128-1.


JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

REPORT ON DENNIS W. CHOWEN

WATER RIGHT APPLICATION NO. 1128-1

May 20, 1977

The Water Rights Commission deferred action at the March 23, 1977 meeting on the Dennis W. Chownen water right application No. 1128-1 pending an investigation by the Commission Staff. An investigation was conducted in the Butte County area on May 17, 1977.

Proposed Project

The application proposes to divert 0.7 c.f.s. of water onto 50 acres of dry land that is not included in the Belle Fourche Project. The water is to come from a canal from the project that has a waste water outlet box and concrete chute on the Chownen property. This box diverts the excess water down the chute into a dam and this overflows into a second lower dam and which overflows into Horse Creek approximately 1200 feet downstream. Mr. Chownen proposes to divert primarily from the upper dam, but in emergency he desires to pump from the lower dam.

Objection

There were no objections to the application. The Commission deferred the application when it was determined that the water supply was waste water from the Belle Fourche project. The Commission wanted the Staff to conduct an investigation of the project to clarify some points in question so they could better appraise the application before they made their decision.

Persons Contacted

The applicant Dennis Chownen and a neighbor Mr. Van Sickle were contacted.

Discussion

Mr. Chownen stated that the land he wants to irrigate is above the elevation of the project canals and is not in the project. He said there is one farmer below him that irrigates approximately 30 acres from this canal. When this farmer needs water he changes the boards in the waste water outlet box so water will continue to his property. When he obtains all of the water he needs he then comes back and changes the boards so the water will divert back into Chownen's dams. The canal on the eastern portion of Chownen's property is a different canal than the one Chownen proposes to obtain water from. (See attached map)

The waste water outlet box is the point at which waste water in this canal is diverted down to Horse Creek. It is water not used in this canal and must be disposed of properly so as not to cause erosion. Chownen wants to pump this water from his dams up onto some land not now irrigated. The outlet box was discharging water at the rate of about 5.0 c.f.s. Mr. Chownen says that it usually runs at this rate during the irrigation season. The Chownen project was discussed with a Mr. Van Sickle a neighbor. He did not know what Chownen had in mind but he did confirm Chownen's remarks regarding the waste water and the outlet box.

Conclusions and Recommendations

Based upon the investigation this waste water is unappropriated water and Mr. Chowen would like to put it to beneficial use.

The Commission Staff recommends that the Dennis W. Chowen Application No. 1128-1 be approved.

LE ROY J. MLERNAUGH
Water Resources Engineer I

Return the map to Map Cabinet

NOT TO SCALE

MAP NO 939-1 (APP NO 1128-1)



De mms

1754

May 10 - Sat.

Mo3p 10 286 TIVA 2-13 50W 121

70 Sp. 1763.44.

John

George B. B. B.

11

4/10/61 9:57 P.M.

304

71

B. 7740 256

Aug Dec 1962

1911

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8705

PIERRE, February 8, 1932

RECEIVED OF Dennis W. Chovan, Nevel, SD 57760

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1128-1</u>		
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1128-1</u>	50	00
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
 Chief Engineer, Executive Officer
 JOHN HATCH

Permit No. 1128-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Dennis W. Chouen of Newell, S. Dak. 57760 holder of Permit No. 1128-1, bearing date of priority of February 4, 1977 authorizing the diversion of .71 cu. ft. per second of the waters of Waste Water from Belle Fourche Irrigation Project for Irrigation purposes, in Butte County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Motor - Marathon Elec., Model FF 286 TTDR 7373 CCW P1.
30 HP - 1765 RPM.

Pump - Berkeley, Model B6JPBM, Ser # 7740258, Typ. 10.562"
Pumping est 1000 gpm

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

8" Aluminum pipe to Fields

C. Works used to apply water to beneficial use.

Gated Pipe for Flood + Furrow Irrigation

The system is in the following condition, GoodThe point of diversion is located Point #1 = 700' S and 550' E of NW 1/4 Cor Sec 10.Point #2 = 1100' S and 400' E of the NW 1/4 Cor of Sec 10, T8N R6EThe works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in Sec. 10, T8N R6E. NW 1/4 SW 1/4 - 2.2 Ac.
NE 1/4 SW 1/4 - 2.2 Ac.

comprising a total of 4.8 acres of land.

.69
License for 4.8 ac.

Date September 23, 1981

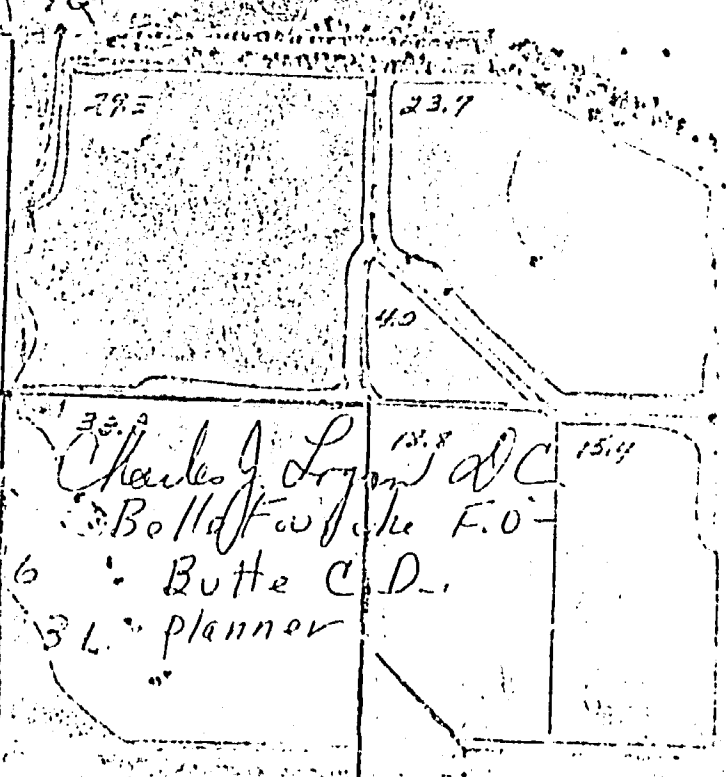
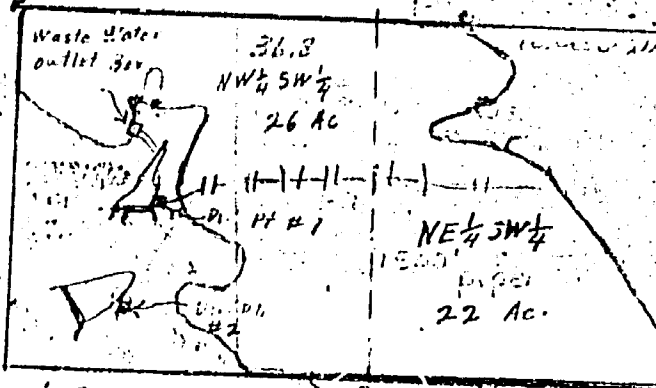
DeRoy J. McLaughlin
(Signature)

NOT TO SCALE

Diversion point #1 = 700' S and 550' E of
W $\frac{1}{4}$ corner of Section 10, T8E, R6N

Diversion point #2 = 1100' S. and 400' E
of the W $\frac{1}{4}$ corner of Section 10, T8N, R6E

W $\frac{1}{4}$ corner



1-3011-51 1-3011-51 1-3011-51

1128-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

January 20, 1993

1128-1

Dennis W Chowen
5415C Sever Avenue
Ft. Dix, NJ 09640-5521

Dear Mr. Chowen:

Enclosed is your 1992 irrigation questionnaire. The questionnaire was originally mailed to Newell and then returned to us by the post office. I obtained your new address from the Butte County Assessor.

Please complete the questionnaire as accurately as possible and return it to our office by February 19, 1993. If you have the land leased or operated by someone else, please make a notation at the bottom of the questionnaire. Future questionnaires can be directed to an operator or leasor without affecting ownership of your water right.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures: 1992 irrigation questionnaire and a postage paid envelope

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back, if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: 1128-1
LTC. DENNIS W CHOWEN
5415C SEVER AVE
FT DIX NJ 08640-5521

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number: 987 642 531

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

23 Feb 94

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

1128-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 13, 1994

LTC. DENNIS W CHOWEN
5415C SEVER AVE
FT DIX NJ 08640-5521

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1128-1. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1128-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

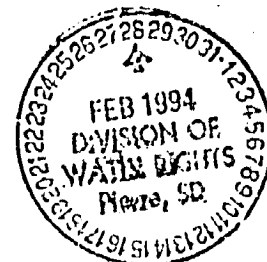
Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

1128-1

DENNIS W. CHOWEN
5415 C SEVER AVE
FORT DIX NEW JERSEY 08640

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



24 FEB 94

SUBJECT: VIOLATION OF REQUIREMENT TO SUBMIT 1993 IRRIGATION
QUESTIONNAIRE

1. Per subject as above, I want to comply with regulations set forth in the attached letter from your office dated 16 Feb 94.
2. I thought that I had mailed this questionnaire back to your office soon after being received, but evidently did not. Please notice that I do not have the current form that you sent to me, so will use one from previous years with figures on the form. For your convenience and reference the figures used in RED will indicate use for the 93 crop season.
3. Thanks for granting me another chance to keep my pumping permit current. Without the use of this water on the 50 acres of dry land this farm is fruitless. I really appreciate your office being so liberal to notify me to get my operation together. Thanks again.

Sincerely Yours

Dennis W. Chowen
Dennis W. Chowen

*Thanks again for favorable
consideration with this action.*



1128-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 2, 1994

1123-1

Dennis W Chowen
5415 C Sever Ave
Fort Dix, NJ 08640-5521

Dear Mr. Chowen:

I am writing to thank you for your letter of February 24th and to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



1128-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 29, 1995

1128-1

Stephen E & Connie K Sulzbach
RR #1 Box 65
Newell, SD 57760

Dear Mr. & Mrs. Sulzbach:

I am contacting you in regard to ownership of land described under Water Right No. 1128-1. The water right is currently listed in the name of Dennis W Chowen. It is my understanding that you now own the land.

Enclosed is a partially completed transfer form for use in filing an ownership change on Water Right No. 1128-1. Please review the form for accuracy and complete the portion titled "to be transferred to..". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1128-1

Date: 2-5-96



I/We request that Water Right No. 1128-1

formerly owned by: Dennis W Chowen

be transferred to: (name & address) Stephen E. + Connie K. Sulzbach

RR 1, Box 45 Newell, SD 57760

Telephone No. 605-456-2463

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

48 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10, T8N, R6E

I/We understand that the validity of Water Right No. 1128-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Meade)

I/We Stephen E. + Connie K. Sulzbach being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Stephen E. Sulzbach Connie K. Sulzbach
(Signed)

Subscribed and sworn to before me this 5th day of February, 1996.

GAYLE ROTH
NOTARY PUBLIC
MY COMMISSION EXPIRES AUGUST 17, 1996

Gayle Roth
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414780

Pierre, February 7, 1996

RECEIVED OF Stephen & Connie Sulzbach, RR 1, Box 65, Newell, SD 57760
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1128-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

1128-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 14, 1996

No. 1128-1

Stephen E. & Connie K. Sulzbach
RR 1, Box 65
Newell, SD 57760

Dear Mr. and Mrs. Sulzbach:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1128-1.

Our records now show you as the owner of Water Right No. 1128-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



IN REPLY REFER TO:
DK-4000
PRJ-8.10

United States Department of the Interior
BUREAU OF RECLAMATION

Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, SD 57701

NOV 18 2010



RECEIVED

NOV 22 2010

WATER RIGHTS
PROGRAM

Mr. Clint Pitts
Manager
Belle Fourche Irrigation District
P.O. Box 225
Newell, SD 57760

Subject: Townsite C Lateral, Belle Fourche Irrigation District - Pick Sloan, Belle Fourche Unit
- South Dakota

Dear Mr. Pitts:

Mr. Steven Sulzbach, a private landowner on the Belle Fourche Irrigation District (District), proposes to install a center pivot on his private land and the electrical service for the pivot would cross under Townsite C lateral. The project area is located in the N ½ SW ¼ Township 8 North, Range 6 East, Section 10.

Mr. Sulzbach has a water right from the State of South Dakota (No. 1128-1) that allows him to use excess water from the Townsite C wasteway. The wastewater is diverted through an outlet structure and a concrete chute into a dam, which overflows into a second lower dam, which overflows into Horse Creek approximately 1,200 feet downstream. The proposed pivot will pump water from the upper dam to private land that is not classified but is within the District boundary. At this time, these acres could not be included in the District since the District is at full development considering their existing water right. In emergency situations, water could be pumped from the lower dam.

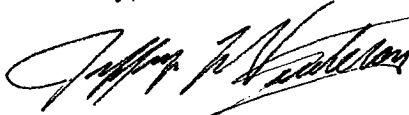
Reclamation consulted with Mr. Mark Rath in the Water Rights Department of the South Dakota Department of Environment and Natural Resources regarding Mr. Sulzbach's water right. Mr. Rath said that everything was in order with the water permit and provided us with the following documents: the original 1982 water right given to Dennis W. Chowen and the 1996 Notice of Transfer of Ownership to Mr. Sulzbach.

The District will have the responsibility to ensure that no water that has been stored in Belle Fourche Dam under Reclamation's water right is used to irrigate this land. This land can only be irrigated with water that is under water right No. 1128-1. Mr. Sulzbach cannot order water for his irrigable land and move it to the dam to be used for irrigation on the land under water right No. 1128-1.

Reclamation will send a Letter of Consent document to Mr. Sulzbach concerning the electrical service crossing at Townsite C Lateral.

If you have any questions, please contact Ginger Wessels at 605-394-9757 extension 3016.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. Nettleton". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey L. Nettleton
Chief, Facility O&M and Engineering Services

cc: Mr. Mark Rath
DENR Water Rights
523 E Capitol – Foss Bldg.
Pierre, SD 57501

Mr. Steven Sulzbach
13240 Lewis Road
Newell, SD 57760



IN REPLY REFER TO:
DK-4000
WTR 4.10

United States Department of the Interior
BUREAU OF RECLAMATION

Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, SD 57701
DEC - 6 2010



RECEIVED

DEC - 7 2010

WATER RIGHTS
PROGRAM

Mr. Clint Pitts
Manager
Belle Fourche Irrigation District
P.O. Box 225
Newell, SD 57760

Subject: Townsite C Lateral, Belle Fourche Irrigation District - Pick Sloan, Belle Fourche Unit
- South Dakota

Dear Mr. Pitts:

This letter amends the letter on this subject dated November 18, 2010. The fourth paragraph of that letter states:

"The District will have the responsibility to ensure no water that has been stored in Belle Fourche Dam, under Reclamation's water right, is used to irrigate this land. This land can only be irrigated with water that is under water right No. 1128-1. Mr. Sulzbach can not order water for his irrigable land and move it to the dam to be used for irrigation on the land under water right No. 1128-1."

By this letter, this paragraph is amended as follows:

"The District will have the responsibility to ensure that only waste water that results from normal operation of the District's distribution system, or as a by-product of normal irrigation of other authorized irrigable acreage, is used to irrigate the acreage proposed under water right No. 1128-1. Mr. Sulzbach cannot order, over order, intentionally divert or otherwise allow water ordered for authorized irrigable acres to be diverted to the private dam for subsequent use under water right No. 1128-1."

If you have any questions, please feel free to contact Ginger Wessels at 605-394-9757 extension 3016.

Sincerely,

Jeffrey L. Nettleton
Chief, Facility O&M and Engineering Services

cc: Mr. Mark Rath
DENR Water Rights
523 E Capitol - Foss Bldg.
Pierre, SD 57501

Mr. Steven Sulzbach
13240 Lewis Road
Newell, SD 57760



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
Rapid City Field Office
515 Ninth Street, Room 101
Rapid City, SD 57701



DK-4000
2.2.4.22

July 7, 2021

Mr. Tristan Clements
Manager
Belle Fourche Irrigation District
P.O. Box 225
Newell, South Dakota 57760

Subject: Townsite C Lateral, Belle Fourche Irrigation District, Pick-Sloan Missouri Basin Program, Cheyenne Division, Belle Fourche Unit, South Dakota

Dear Tristan:

We received a Preliminary Project Description form from Mr. Steven Sulzbach, a private landowner on the Belle Fourche Irrigation District (District). The project area is in the SW1/4 Section 10, Township 8 North, Range 6 East. He would like to install a pivot to irrigate a total of approximately 77 acres.

The northern one-third of the pivot will cover land that isn't classified but is included within the District boundary. It originally was shown as high unclassified ground on the District classification maps. Mr. Sulzbach has a water right from the State of South Dakota (No. 1128-1) that allows him to use excess water from the Townsite C wasteway. The wastewater is diverted through an outlet structure and a concrete chute which flows into a dam, which overflows into Horse Creek approximately 1,200 feet downstream. Wastewater will flow into the dam and the proposed pivot will pump water from the dam.

The southern two-thirds of the pivot will cover land that is classified as Class 3 and 4 irrigable acres, although 14.1 acres under the pivot were designated as Class 6 and high unclassified ground. The District Board has approved exclusion of 14.1 acres from Serials 804 and 805 and has approved inclusion of 14.1 acres in Serial 805 under the pivot. These exclusions/inclusions will be finalized in Fall 2021.

Mr. Sulzbach can only order water for delivery to the dam for 46.8 irrigable acres under the pivot that are assessed in Serial 805. The water order will be based on the irrigation allotment assigned each year by the Board. Once the total annual allotment for 46.8 irrigable acres has been delivered to the dam, Mr. Sulzbach will need to rely on his water rights he has obtained from the State of South Dakota. Mr. Sulzbach has obtained an additional water right from the State of South Dakota (No. 2004-1) which allows use of wastewater to water acres in the S1/2 of SW1/4.

Reclamation consulted with Mr. Mark Rath in the Water Rights Department of the South Dakota Department of Environment and Natural Resources regarding Mr. Sulzbach's water rights. Mr. Rath said that everything was in order with the water permits and provided us with the following documents: No. 1128-1 water right given to Dennis W. Chowen, the No. 1128-1 water right Notice of Transfer of Ownership to Mr. Sulzbach and the No. 2004-1 water right.

INTERIOR REGION 5 • MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA

* PARTIAL

The District will have the responsibility to ensure that only wastewater that results from normal operation of the District's distribution system, or as a by-product of normal irrigation of other authorized irrigable acreage, is used to irrigate the acreage proposed under water rights No. 1128-1 and No. 2004-1.

Reclamation will send a Letter of Consent document to Mr. Sulzbach concerning crossings under Townsite C Lateral by the electrical service and private pipeline to the pivot, and for pivot bridges required for crossing Townsite C Lateral.

If you have any questions, please contact Ginger Wessels at 605-519-5547.

Sincerely,

CRYSTAL
LESMEISTER

Digitally signed by
CRYSTAL LESMEISTER
Date: 2021.07.07
10:47:51 -06'00'

Crystal K. Lesmeister
Deputy Manager, Facilities & Engineering

cc: Mr. Mark Rath
DANR Water Rights
523 E Capitol – Foss Bldg.
Pierre, SD 57501

Mr. Steven Sulzbach
13240 Lewis Road
Newell, SD 57760