

WATER PERMIT NO. 1213C-1

Name of Applicant: **Michael R Even**

Address: **8918 Rogers Rd, Longmont CO 80503**

Phone: **303 589-5249**

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

Total Acres: **no add'l**

Source of Water Supply: **Belle Fourche River**

Water to be used for: **irrigation**

County: **Butte**

Type of Waste Disposal System:

Location: **7 miles southeast of Newell**

PRIORITY

Date Received: **11-13-12**

Application/License Fee: **\$ 300**

Corrected Application Received:

Period of Annual Use: **May 1 – August 31**

Remarks: **Transferring acreage and point of diversion**

Diversion Point: **NE 1/4 NE 1/4 Sec 20-T8N-R7E**

Land to be Irrigated: **N 1/2 NW 1/4 Sec 21 and N**

1/2 NE 1/4 Sec 20; all in T8N-R7E

Depth of Well: **NA**

Well Driller:

Remarks:

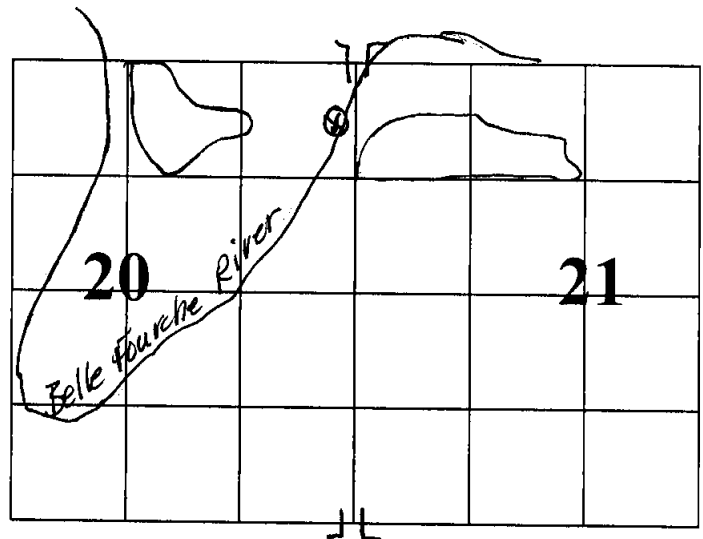
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-14-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1213C-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	<u>605-892-2528</u>
	Newspaper <u>Butte Co. Post 614 State St. Belle Fourche SD 57717</u>	<u>605-642-2761</u>
	<u>Black Hills Pioneer Box 7 Spearfish 57783</u>	

RECEIVED
NOV 13 2012
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1213A-1
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Change Diversion Points & acreage

1. Name to Appear on Irrigation Permit Michael R Even
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 8918 Rogers Rd Longmont Colo 80503
(Address) (City) (State) (Zip Code)
Home Phone 303-772-0229 Cell 303-589-5549 Email NA

2. Amount of water claimed 1.02 *CFS or no addl **GPM ***AF Total Acreage 71
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Belle Fourche River

4. Location of point of diver NE 1/4 NE 1/4 Sec 20-T8N-R7E

(example - 3 wells in SW 1/4 NE 1/4 section 12-T1N-R10E)

5. County or counties where water will be used Butte

6. Annual period during which water is to be used May 1 - Oct. 1

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	Acres	Land Description	Acres
<u>N 1/2 NW 1/4 Sec 21</u>	<u>20</u>		
<u>N 1/2 NE 1/4 Sec 20</u>	<u>51</u>		

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

Transfer Perm. & Down River To my other Property Approx 1/2 mile

I, Michael R Even, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA WATER PERMIT NO. 1213C-1

Date of first receipt of application November 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1213C-1 to Michael R Even, 8918 Rogers Rd, Longmont CO 80503 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. 1213C-1 amends Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 Section 18 for irrigation of 71 acres located in the SE 1/4 Section 18; all in T8N-R7E. This permit moves the irrigation system 1 mile east with the Belle Fourche River diversion point located in the NE 1/4 NE 1/4 Section 20 to irrigate 71 acres located in the N 1/2 NE 1/4 Section 20 and N 1/2 NW 1/4 Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 1.
3. The date from which applicant may claim right is February 18, 1981.
4. The date of approval of Permit No. 1213C-1 is February 11, 2013.
5. One-fifth of the construction is to be completed on or before August 11, 2015.
6. All construction is to be completed on or before February 11, 2018.
7. Water is to be put to beneficial use on or before February 11, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

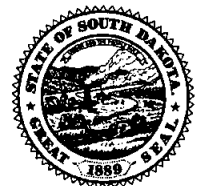
1. Diversion of water is contingent upon supplies being available to the prior water right holders on the Belle Fourche River.
2. This water right does not authorize diversions of water from the Belle Fourche River after August 15th of each calendar year, nor at any time when the flow of the river is obviously low unless written orders have been so issued by the Water Management Board or its legally appointed representative. Diversion under this water right shall be in accordance with any written orders by the Board or its representative.
3. This water right is subject to the irrigation water use questionnaire being submitted each year.
4. Water Right No. 1213A-1 is incorporated into Water Permit No. 1213C-1.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 28 2013
date



Sec 7
T008N
R07E

Sec 8
T008N
R07E

Sec 9
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Sec 10
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Sec 18
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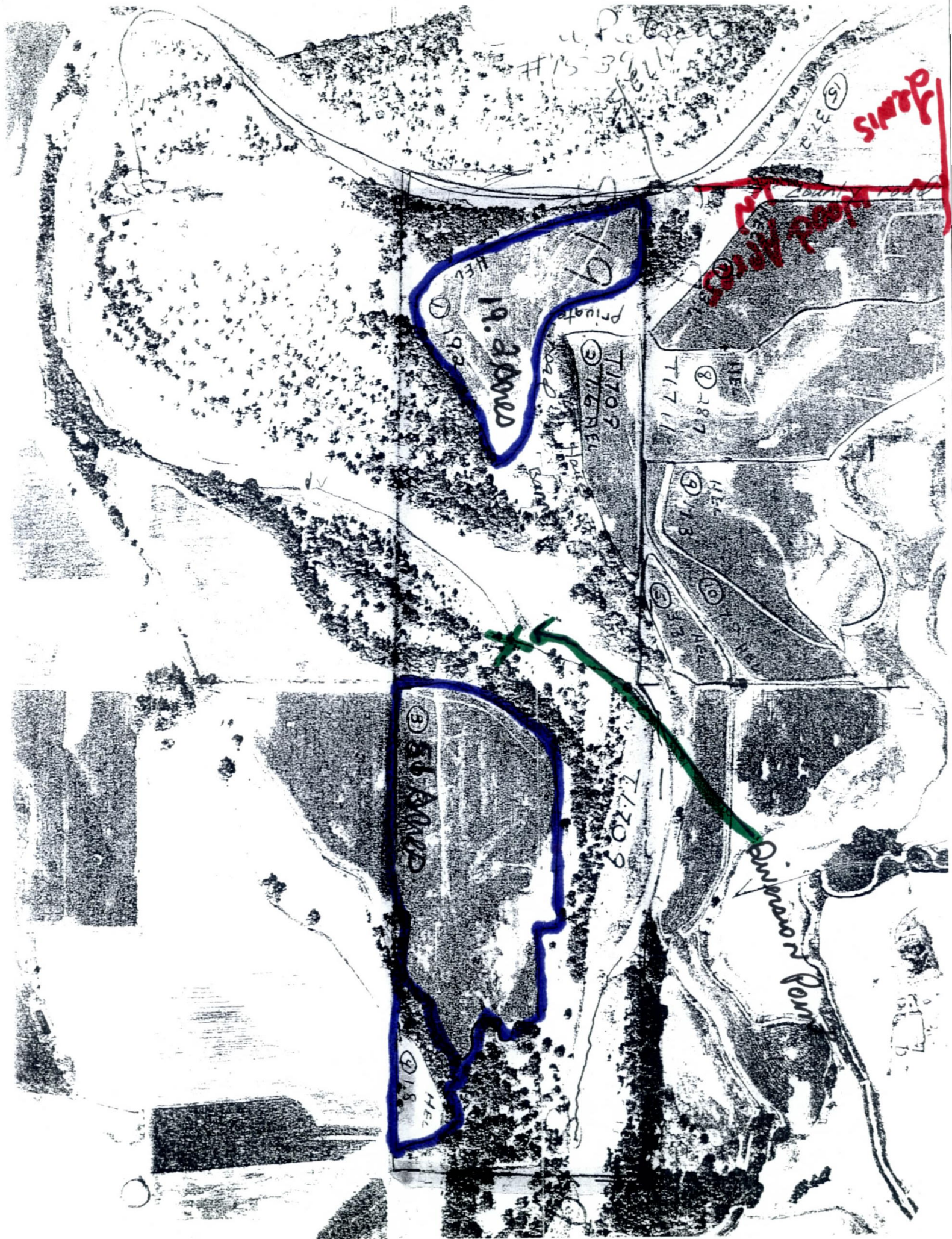
Sec 27
T008N
R07E

Sec 31
T008N
R07E

Sec 32
T008N
R07E

Sec 33
T008N
R07E

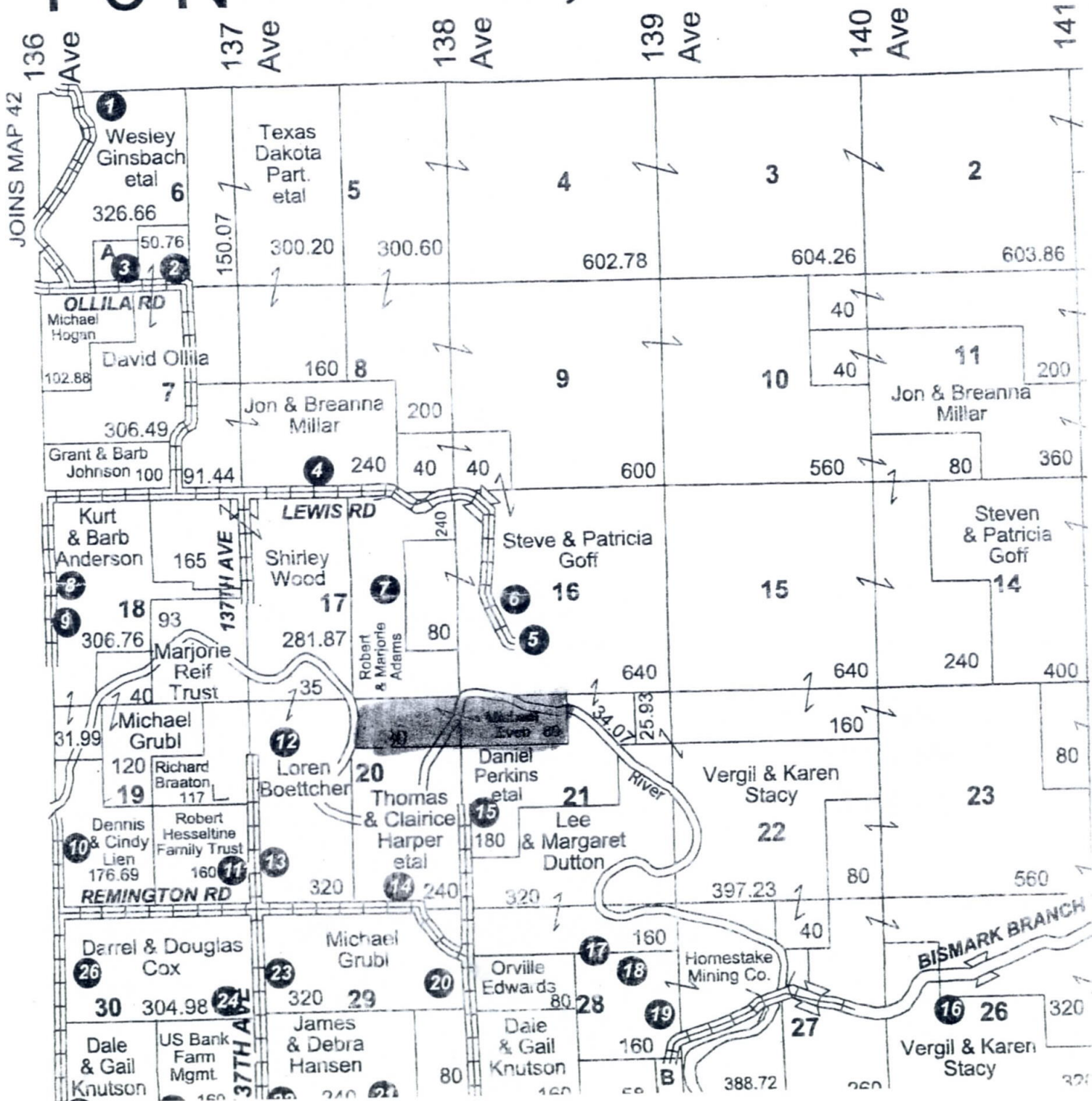
Sec 34
T008N
R07E



MAP 43

T 8 N

19012 Wood Aero Lane
Newell, South Dakota



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 11/14, 20 12

RECEIVED OF Michael R Even 8918 Rogers Rd Longmont CO 80503

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

Fee for Application for Permit No. <u>1213C-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>1213C-1</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. **05687**

By *Sal O'Neil*
Chief Engineer

Water Rights Program - File Documentation

NAME: Michael Even

ADDRESS: Longmont CO

DATE: 11-14-12 **COUNTY:** BU **TELEPHONE:** 605 589-5249

RE: Pending application

COMMENTS:

Called Michael Even who indicated his reason for moving the irrigation system was due to a terrible grasshopper infestation on the current land. He felt it would be a more beneficial and profitable use of water irrigating different acreage.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1213C-1, Michael R Even**

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. 1213C-1, Michael R Even, 8918 Rogers Road, Longmont CO 80503.

The Chief Engineer is recommending APPROVAL of Application No. 1213C-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Diversion of water is contingent upon supplies being available to the prior water right holders on the Belle Fourche River.
2. This water right does not authorize diversions of water from the Belle Fourche River after August 15th of each calendar year, nor at any time when the flow of the river is obviously low unless written orders have been so issued by the Water Management Board or its legally appointed representative. Diversion under this water right shall be in accordance with any written orders by the Board or its representative.
3. This water right is subject to the irrigation water use questionnaire being submitted each year.
4. Water Right No. 1213A-1 is incorporated into Water Permit No. 1213C-1.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 15, 2013

REPORT ON WATER PERMIT APPLICATION NO. 1213C-1

Michael R. Even

January 8, 2013

Application No. 1213C-1 proposes to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 which holds a priority date of February 18, 1981 currently appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE¼ Section 18 for irrigation of 71 acres located in the SE¼ Section 18; all in T8N-R7E. This application proposes to move the irrigation system approximately 1 mile east with the Belle Fourche River diversion point relocated to the NE¼ NE¼ Section 20 and the 71 irrigated acres relocated to the N½ NE¼ Section 20 and N½ NW¼ Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this application. This application if approved will retain the priority date of February 18, 1981 established by Water Right No. 1213A-1.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Even indicates an insect infestation on the land currently authorized for irrigation by Water Right No. 1213A-1. This application if approved will be a better use of water and economically beneficial to change acreage to the proposed location.

Review of the Water Source – Belle Fourche River

The water source for this proposed project is the Belle Fourche River in the NE¼ NE¼ Section 20, T8N-R7E in Butte County. The Belle Fourche River rises in the northeast Wyoming and flows northeast around the northern edge of the Black Hills then east to the Cheyenne River confluence north of Wasta, SD, for a total of 290 river miles. Included in this stretch is the Belle Fourche Reservoir which is part of the U.S. Department of the Interior, Bureau of Reclamation, Belle Fourche Project completed in 1914 that includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres located in southern Butte County in western South Dakota.

Since 1945 the United States Geological Survey (USGS) has maintained a stream flow gaging station on the Belle Fourche River near Sturgis, SD located approximately 24 miles downstream of this proposed project. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 236 to 231 cfs or greater for the months May through September during any given year. There is a 75 percent probability the median flow rate could range from 77 to 211 cfs or greater for this same period of time. (Table 1)

Table 1. Belle Fourche River near Sturgis, SD Median Flow Percentiles in cfs.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	9	15	30	42	49	94	142	142	78	38	37	20
75%	19	25	52	56	77	172	211	208	167	56	47	28
50%	28	39	98	133	236	281	266	270	248	65	56	36
25%	40	90	408	473	650	659	364	330	299	88	77	50
10%	89	300	942	927	1372	1555	556	427	345	174	149	90

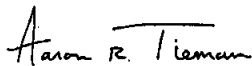
A portion of the water in the river is return flows from the Belle Fourche Irrigation District. This would be reflected in the flows increasing during the summer months as shown in Table 1 corresponding to irrigation return flows coming from the District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

Review of the Project and Existing Water Rights

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 37 existing water rights appropriating 102.9 cfs. A review of irrigation questionnaires for this project indicates water at the original project site has been consistently used. Based upon historic flow data and water use, the existing water rights downstream of this project would have a high probability that they will not be adversely affected if this application is approved.

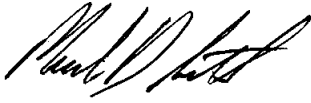
Conclusions

1. Water Permit Application No. 1213C-1 proposes to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land.
2. State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land.
3. This application if approved will retain the priority date of February 18, 1981 established by Water Right No. 1213A-1.
4. No increase in the diversion rate or number of acres irrigated is authorized by this application.
5. Approval of this request would not be expected to adversely affect existing water rights.



Aaron R. Tieman
Natural Resource Engineer II

Approved by



Mark D. Rath
Natural Resources Engineer III

Bibliography

USGS National NWISWeb Water Information System 2013, Historical Stream Flow for South Dakota.

Water Right, 2013, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

RECEIVED
FEB - 4 2013
WATER RIGHTS
PROGRAM

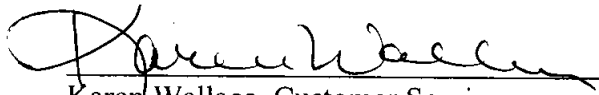
Affidavit of Publication

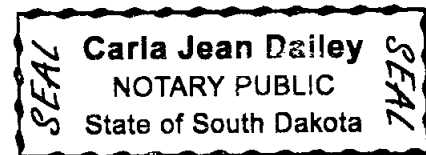
State of South Dakota
County of Butte

Karen L. Wallace, being duly sworn, says: That the *Butte County Post* is, and during all times hereafter mentioned, was a legal newspaper as deemed in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, By *Rapid City Journal*; that affidavit is and, during all of said times, was employed by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following date(s):

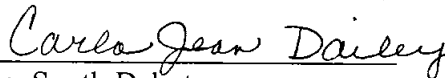
Wed., Jan. 30, 2013

That the full amount of the fee charged for publishing the same, to with, that of \$30.46 insures solely to the benefit of the publisher of said newspaper that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.


Karen Wallace, Customer Service



Subscribed and sworn to before me this 1st day of February, 2013.


Notary Public, South Dakota

My commission expires May 24, 2018

NOTICE OF APPLICATION NO. 1213C-1

Notice is given that Michael R Even, 8918 Rogers Rd, Longmont CO 80503 has filed Application No. 1213C-1 which requests to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 Section 18 for irrigation of 71 acres located in the SE 1/4 Section 18; all in T8N-R7E. This application proposes to move the irrigation system 1 mile east with the Belle Fourche River diversion point located in the NE 1/4 NE 1/4 Section 20 to irrigate 71 acres located in the N 1/2 NE 1/4 Section 20 and N 1/2 NW 1/4 Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Even indicates an insect infestation on the land currently authorized for irrigation. It will be a better use of water and economically beneficial to change acreage to the proposed location.

Pursuant to SDCL 46-2A-

2, the Chief Engineer recommends APPROVAL of Application No. 1213C-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 11, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary

Department of Environment and Natural Resources.

Published once at the total approximate cost of \$30.46.

Published Wed., Jan. 30,
2013

Butte County Post

RECEIVED

JAN 25 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:
COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Application
No. 1213C-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 23rd day of Jan, 2013, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 30.30, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Letitia Lister
Subscribed and sworn to before me this 23rd day of Jan, 2013

Deborah Richards
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2016

Notice is given that Michael R. Even, 8918 Rogers Rd., Longmont, CO 80503 has filed Application No. 1213C-1 which requests to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 Section 18 for irrigation of 71 acres located in the SE 1/4 Section 18; all in T8N-R7E. This application proposes to move the irrigation system 1 mile east with the Belle Fourche River diversion point located in the NE 1/4 NE 1/4 Section 20 to irrigate 71 acres located in the N 1/2 NE 1/4 Section 20 and N 1/2 NW 1/4 Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1213C-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless

a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner
Secretary, Department of
Environment and Natural
Resources

Published once at the
total approximate cost of
\$30.29.

#388
Jan. 23



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 16, 2013

Butte County Post
614 State St
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1213C-1 to Appropriate Water. Please publish the notice once on January 23, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Michael R Even, 8918 Rogers Rd., Longmont CO 80503 (Ph # 303-772-0229).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 16, 2013

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

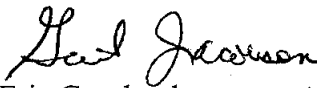
Enclosed is a Notice on Application No. 1213C-1 to Appropriate Water. Please publish the notice once on January 23, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,


Eric Gronlund *for*
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

January 16, 2013

Michael R Even
8918 Rogers Rd
Longmont CO 80503

Dear Mr. Even:

Water Permit Application No. 1213C-1 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 Butte County Post printed at Belle Fourche SD (Ph # 605-892-2528) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on January 23, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1213C-1

Notice is given that Michael R Even, 8918 Rogers Rd, Longmont CO 80503 has filed Application No. 1213C-1 which requests to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 Section 18 for irrigation of 71 acres located in the SE 1/4 Section 18; all in T8N-R7E. This application proposes to move the irrigation system 1 mile east with the Belle Fourche River diversion point located in the NE 1/4 NE 1/4 Section 20 to irrigate 71 acres located in the N 1/2 NE 1/4 Section 20 and N 1/2 NW 1/4 Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Even indicates an insect infestation on the land currently authorized for irrigation. It will be a better use of water and economically beneficial to change acreage to the proposed location.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1213C-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.

NOTICE OF APPLICATION NO. 1213C-1

Notice is given that Michael R Even, 8918 Rogers Rd, Longmont CO 80503 has filed Application No. 1213C-1 which requests to amend Water Right No. 1213A-1 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 1213A-1 appropriates 1.02 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 Section 18 for irrigation of 71 acres located in the SE 1/4 Section 18; all in T8N-R7E. This application proposes to move the irrigation system 1 mile east with the Belle Fourche River diversion point located in the NE 1/4 NE 1/4 Section 20 to irrigate 71 acres located in the N 1/2 NE 1/4 Section 20 and N 1/2 NW 1/4 Section 21; all in T8N-R7E. No increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows for an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Even indicates an insect infestation on the land currently authorized for irrigation. It will be a better use of water and economically beneficial to change acreage to the proposed location.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1213C-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 11, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 28 2013

Michael R Even
8918 Rogers Rd
Longmont CO 80503

Dear Mr. Even:

Enclosed is Water Permit No. 1213A-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbe, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures