

1. Considered: APRIL 7, 1982

Water Right No. 1244-1

2. Name of Applicant HAIAR ENTERPRISES, INC.

3. Post Office Address RR 2 Box 209 SPEARFISH 57783

4. Amount of Water Claimed 1.82 (0.20 ADD'L) maximum acre feet

5. Source of Water Supply 406' & 402' WELLS (ONE EXISTING)

6. Water to be used for IRR acres to be irrigated 138 (14 add'l)

7. County LAWRENCE about 2N, 9W miles of SPEARFISH

8. PROOF OF PUBLICATION: Received (14) Not Received

APPLICATION: Approved Subject to

Not Approved Action Deferred

Dated Received 1-6-82 Application complete-yes no FEE 150⁰⁰

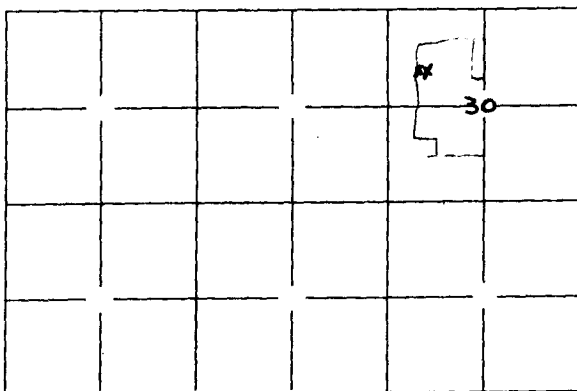
Remarks Will incorporate 253-1 - add'l acreage & H₂O on U/R

Corrected Application received 3-8-82 Period of Annual Use MAR THRU OCT.

Received yes 3/8/82 no (APPROVED) (Circle one) CONDITIONAL

WI-1 Description same as application-yes no Remarks for the additional lands

Disapproved Returned



Diversion Point
SW⁴ NW⁴ 30-7N-1E

Land to be irrigated
NW⁴ & N² SW⁴ 30-7N-1E

WELL LOG

Driller Licensed - yes no

Depth 406' new 402' existing

Remarks unknown - has diagram of well and Leroy Mernaugh has inspected this appl.

MAP Map No. 1051-1 Map located in Water Right X Map file _____
 Type of Map Drawn Prepared by Mernough

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

3/8/82

Betty Westlund
 (Signed)

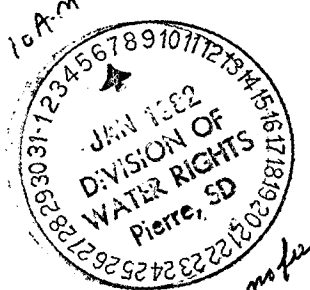
+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1244-1Map No. 1051-1 Water Division No. 1 Belle Fourche River District

Above for Office Use

10120203

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☒ on 253-1Change in Acreage ☐ Additional Acreage ☒1. Name of Applicant Haiar Enterprises, Inc. Phone No. 605 643-2279Post Office Address RR #1, Box 209 Spearfish State SD 57783
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Haiar Enterprises Irrigation Project4. Amount of water claimed (cubic feet per second) 1.97 (0.35 additional) 1.825. Source of water supply two wells6. Location of point of diversion Well #1 - 1830'S and 2140'E of the NW corner, Section 30, T7N, R1E.
Well #2 - 1830'S and 2090'E of the NW corner, Section 30, T7N, R1ECounty Lawrence7. Annual period or periods during which water is to be used March thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 128 138 (24 add'l)

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.
NW 1/4 NW 1/4 T7N, R1E	5
NE 1/4 NW 1/4 T7N, R1E	<u>10 16</u>
SW 1/4 NW 1/4 T7N, R1E	22
SE 1/4 NW 1/4 T7N, R1E	<u>32 36</u>

SECTION 30

Attach sheet if more space is needed

Land Description	No. Acres Irr.
NW 1/4 SW 1/4 T7N, R1E	21
NE 1/4 SW 1/4 T7N, R1E	38
<u>Sec 30</u>	

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water QUEEN CITY MAIL
Spearfish SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pumps & motors

NOTE: The applicable portions of Water Permit No. 253-1 will be incorporated into this Water Permit.

B. Works proposed to transport water to place of use.

8" PVC pipes

C. Works proposed to apply water to beneficial use.

side roll sprinkler system

Estimated Total Cost \$ _____

Attachments: 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 Lawrence) ss.I, Leroy Haiar 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 construction.Signed Leroy HaiarSubscribed and sworn to before me this 5th day of January, 1982

Notary Public (or other qualified officer)

My Commission expires 2-23-89
WNR-802-7/79

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1244-1

HAIAR ENTERPRISES

(Applicant)

RR 2-Box 209, SPEARFISH

(Post Office Address)

SOUTH DAKOTA 57783

(State)

With the following qualifications.

THE APPLICABLE PORTIONS OF PERMIT NO 253-1 HAVE BEEN INCORPORATED INTO THIS PERMIT

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used (directly or for storage purposes). 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 board, upon request. If this well is abandoned or the Permit cancelled, it must be plugged in accordance with specifications of the Water Management Board. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application JANUARY 6, 1982

Date of return to applicant for correction, amendments or changes required JANUARY 11, 1982

Date of receipt of corrected application MARCH 8, 1982

Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1244-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1244-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1.62 CFS FROM MARCH 22, 1953
20 CFS FROM JANUARY 6, 1982
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ 10%
3. The whole of said work is ~~to be completed on or before~~ 10%
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 10%
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 1.82 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 irrigation purposes said appropriation must be limited to not more than 2 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 ^{WAS} actually and beneficially applied

for irrigation on or before THIS DATE, 1982; said water to be used during the following described annual period: MARCH THRU OCTOBER

Witness my hand this 9TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John Hatfield
Chief Engineer, Water Rights

Certificate of Construction Issued June 11, 1982

Water License Issued June 11, 1982

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1244-1 FOR IRRIGATION

Date of Receipt of Claim January 6, 1982.

Date of Validation May 26, 1992.

The Water Management Board validated Vested Water Right Claim No. 1244-1 for irrigation purposes for Haiar Enterprise, Inc., RR 1 Box 209, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1244-1 appropriate 1.62 cubic feet of water per second from two wells located in the SW 1/4 NW 1/4 Section 30 to irrigate 127 acres located in the NW 1/4, N 1/2 SW 1/4 Section 30; all in T7N-R1E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: March 1 - October 31.
3. The priority date of the Vested Water Right is March 24, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The applicable portions of No. 253-1 have been incorporated into this Water Right.

The wells authorized by this Water Right shall be valved and the flow reduced to a minimum when not being used (directly or for storage purposes). The wells shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the board, upon request. If this well is abandoned or the Permit canceled, it must be plugged in accordance with the specifications of the Water Management Board.

This Water Right is subject to the irrigation questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998

date



Note: The reissued water license identifies the 56.5 acres of the 127 acres that qualify for a priority date of March 24, 1953.

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1244-1

(1) Haiar Enterprises, Inc., RR 1 Box 209, Spearfish SD 57783 was issued Water License No. 1244-1, June 11, 1982 for a right to appropriate 1.56 cubic feet of water per second from groundwater (two wells), Lawrence County, South Dakota for irrigation purposes. Permit No. 1244-1, with priority dates of March 4, 1953 and January 6, 1982 was issued to the Haiar Enterprises for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

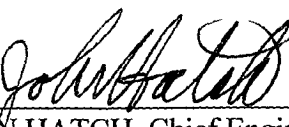
On May 26, 1992 the Water Management Board validated the vested right portion of No. 1244-1.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 1,830 feet south and 2,140 feet east (SE 1/4 NW 1/4) and Well #2 - 1,830 feet south and 2,090 feet east (SE 1/4 NW 1/4); both from the northwest corner of Section 30-T7N-R1E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 30-T7N-R1E	March 24, 1953 priority date	January 6, 1982 priority date
NW 1/4 NW 1/4 (Lot 1)	0.9 acres	4.1 acres
NE 1/4 NW 1/4	10.0 acres	-----
SW 1/4 NW 1/4 (Lot 2)	3.9 acres	18.1 acres
SE 1/4 NW 1/4	32.0 acres	-----
NW 1/4 SW 1/4 (Lot 3)	-----	20.0 acres
NE 1/4 SW 1/4	9.7 acres	28.3 acres
Sub Totals	56.5 acres	70.5 acres
Total 127 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Haiar Enterprise, Rr 1 Box 209, Spearfish SD 57783 the holder and/or owner of Reissued Water License No. 1244-1 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater (two wells) with priority dates of March 24, 1953 and January 6, 1982 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1244-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998

date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1244-1

(1) WHEREAS, On the 6th day of January A. D. 1982
Halar Enterprises, Inc.

made Water Right Application No. 1244-1 for a permit to use 1.82 cubic feet per second of the waters of groundwater (two wells)

County of Lawrence, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 7th day of April A. D. 1982
Permit No. 1244-1, with a date of priority of 1.62 cfs from March 4, 1953 & .20 cfs from Jan 6, 1982
was issued to said applicant for the diversion of said water, and recognized for the completion of construction of the water supply system therein described and for the application to beneficial use of said water on

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 1.56 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 all in Section 30, T7N, R1E

NW¼ NW¼	5 acres (BB)
NE¼ NW¼	10 acres (BA)
SW¼ NW¼	22 acres (BC)
SE¼ NW¼	32 acres (BD)
NW¼ SW¼	20 acres (CB)
NE¼ SW¼	38 acres (CA)
TOTAL	127 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 Halar Enterprises, Inc.

_____ of Spearfish SD

the holder _____ and owner _____ of said permit No. 1244-1 a water right, dating from March 4, 1953 and

January 6, 1982 to use of 1.56 cubic feet per second of the waters

of groundwater (two wells)

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

purposes hereinbelow mentioned, to be diverted at Well #1 - 1830'S and 2140'E of NW corner, Section

30, T7N, R1E; Well #2 - 1830'S and 2090'E of the NW corner of Section 30,

T7N, R1E

and conducted to and upon portions of Section 30, T7N, R1E more fully described on

the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1244-1 and subject to the laws of the State of South Dakota.

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

this 11th day of June A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

WELL #1 - EAST

D Well Information Artesian Flow

- (1) Drill Hole, Diameter _____, Depth 406 feet
- (2) Casing, Type Steel, Diameter 8", Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 138

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

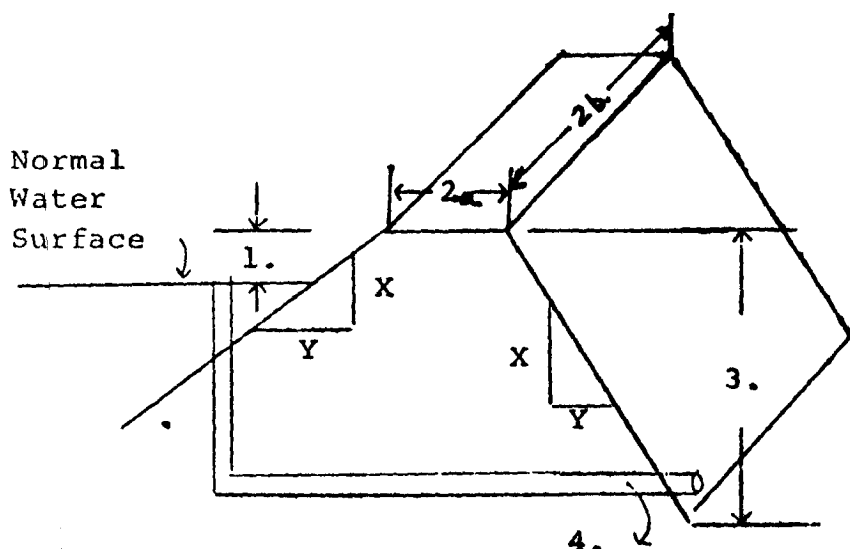
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 75 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

Haier & Co. Inc.
by Leo Haier
Signature of Applicant

WELL #2 - WEST

D Well Information Artesian flow

- (1) Drill Hole, Diameter _____, Depth 402
- (2) Casing, Type STEEL, Diameter 8', Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness 356' of 8" casing is cemented in, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

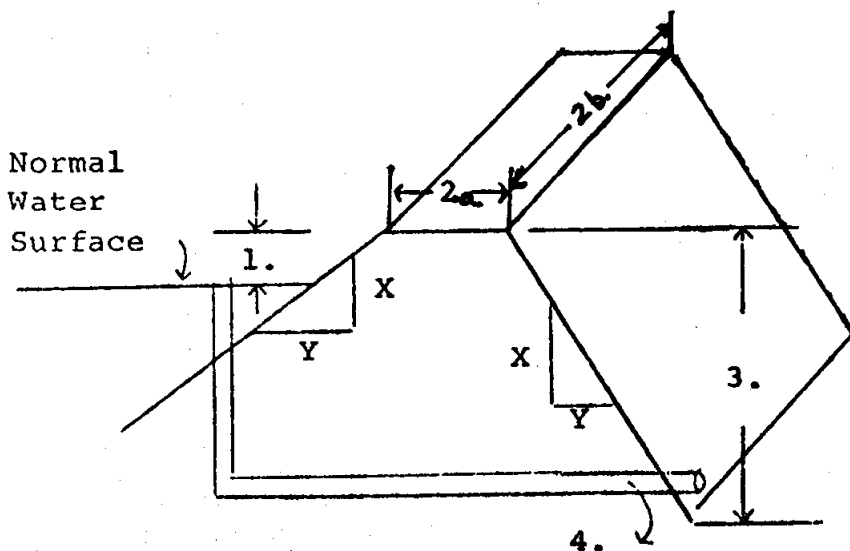
- Depth to top of water bearing material 362
- Depth to bottom of water bearing material 384
- Depth to water (ground surface to water level) artesian

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

- On same owner's property 25 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Haias Ent. Inc.
by Terry Haias
Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Halar Enterprises Inc. OWNERS ADDRESS: RR #2 Box 209

Spearfish, SD 57783

COUNTY LAND LOCATED IN: Lawrence PHONE: 307-643-2279

TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: SW 1/4 NW 1/4 Sec 30 T7N R1E

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 SW 1/4 Sec 30 T7N R1E</u>	<u>10</u>		
<u>NW 1/4 SW 1/4 Sec 30 T7N R1E</u>	<u>20</u>	<u>1</u>	
<u>SW 1/4 NW 1/4 Sec 30 T7N R1E</u>	<u>32</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: Mark

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: Sideroll (Specify)

6. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-651

8. SALINITY (EC X 10⁶): 1004

9. SODIUM (SAR): 0.05

10. ADJUSTED (SAR): 0.15



I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on Aug 18, 1980, at the following location: SE 1/4, Sec 30, T7N, R1E by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

19 DAY OF January, 1982.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

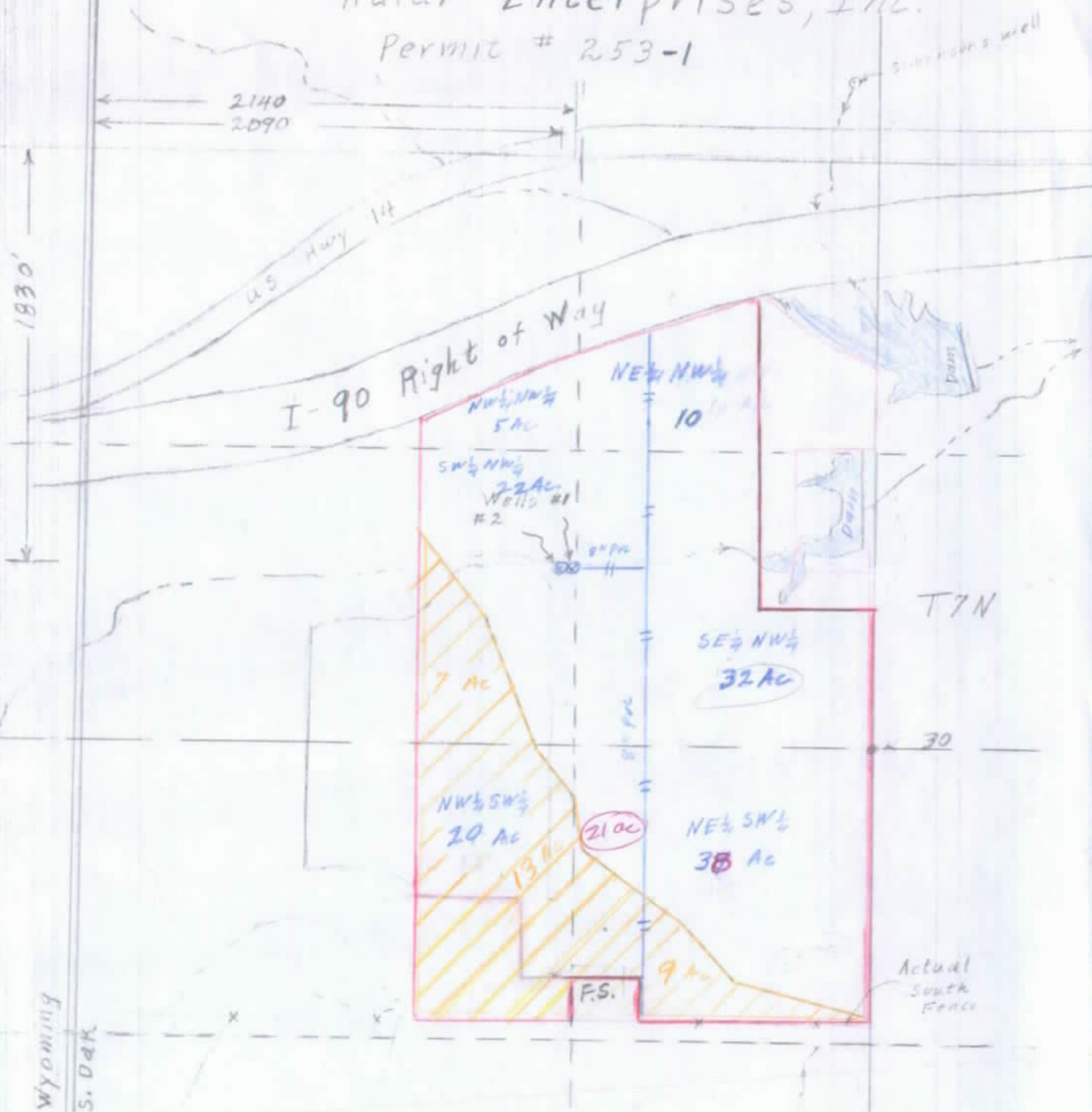
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

X APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

Haar Enterprises, Inc. Permit # 253-1

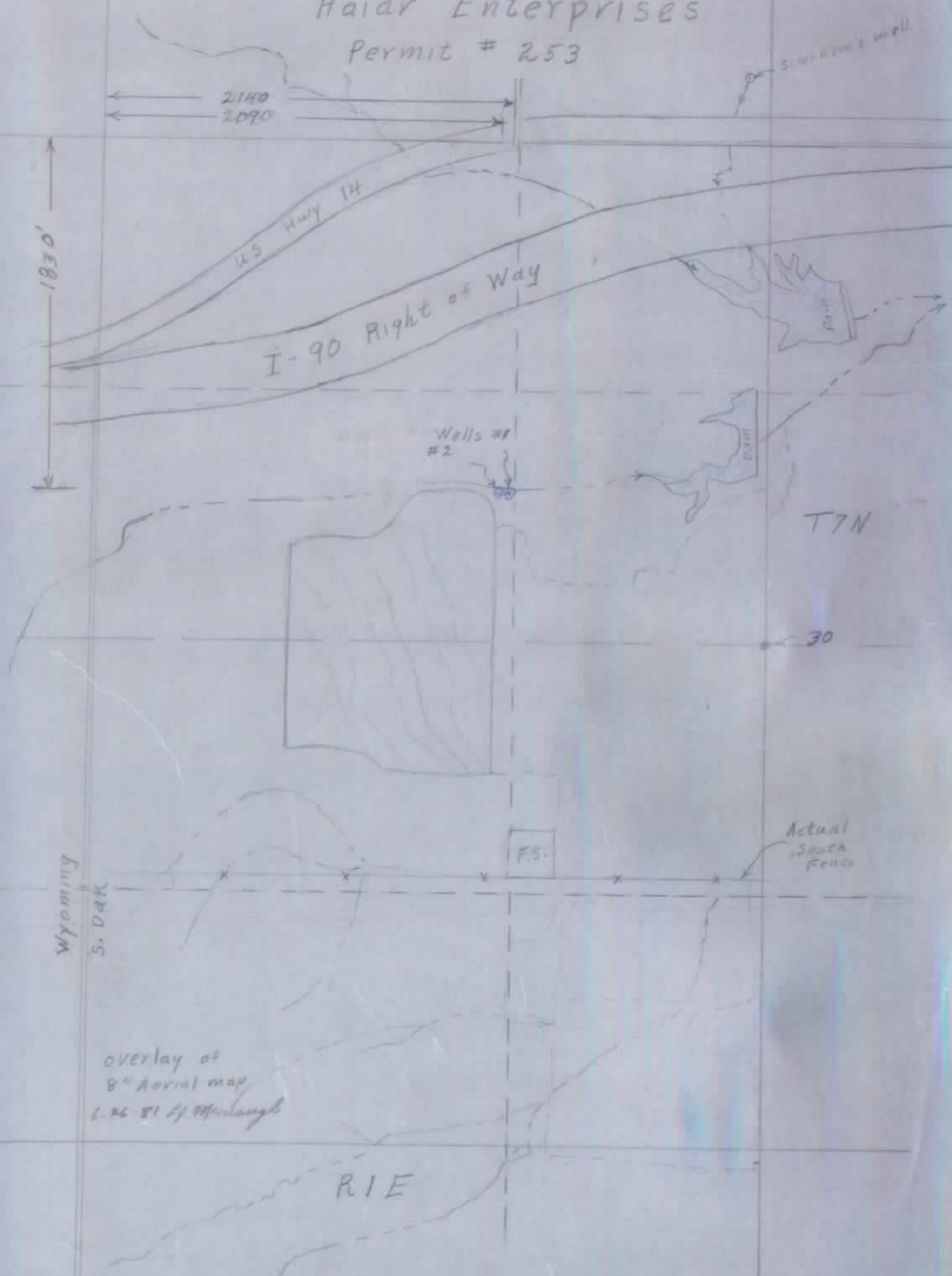


overlay of
8" Aerial map
6-26-81 by M. J. M. M.

R.I.E.

Map # 1051-1
(Appl 1244-1)
(253-1)

Haiar Enterprises Permit # 253



overlay of
8" Aerial map
6-26-81 by M. M. M. M.

APPROVED

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Haiar Enterprises

NE 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4 all in Section 7 1 = 1/2 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8760

PIERRE, March 8, 19 82

Route #1, Box 209 Spearfish, SD 57783

RECEIVED OF Leroy Haier, Haier Enterprise, Inc. ~~Beulah, Wyoming 52712~~

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

Fee for Application for Permit to Appropriate Water No. 1244-1 (examination, processing, recording and filing) -----	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
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	150	00

WATER RIGHTS COMMISSION

By *John Haier*
Chief Engineer, Executive Officer

JOHN HAIER

RECEIVED

Form No. 3
MAY 19 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

DRILLER'S FINAL REPORT

OFFICE OF STATE ENGINEER
Pierre, South Dakota

Well No. 41-4
(do not fill in)

Lawrence COUNTY

Location Lot 2 Section 30 Twp. 7 Range 1

Owner Harry H. Kiltner Address Beulah, Wyo.

Depth 402 Drawdown _____ Type Rig Used Cable tool

Flow (gpm) 800 Pressure 9 lb Date Measured May 13, 1952

Grd. Elev. 3575 Water Level Below Ground Surface flow

Temperature 51 Character Water (soft, medium, hard)

Date Commenced March 6-1952 Date Completed May-13-1952

Lot 2	

Section _____

CASING DETAIL

Type	Size	Length	Depth
steel	8"	351'	402'
steel	10"	50'	50'

PERFORATIONS

Type	Size	Length	Depth
None			

SCREEN

Type	Size	Length	Depth
None			

Is there a seal between different size pipes? What kind? Pemant
not to bottom

WATER BEARING SANDS

From 358 To 395

SOURCE OF INFORMATION

G. H. Holwell & Son's

DRILLER'S LOG

From	To	
0	34	red surface. Wash
34	359	red shale gypsum. Hatched
359	399	Lime, murex abt. d
399	402	G. Specie

Bonded Driller G. H. Holwell & Son's
(Signature)

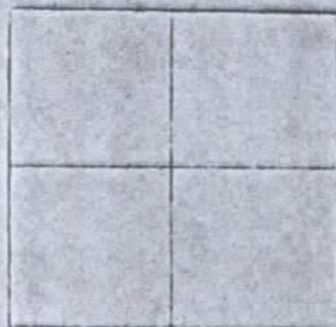
Address Beulah Wyo.

DRILLER'S FINAL REPORT

OFFICE OF STATE ENGINEER
Pierre, South DakotaWell No. 41-1
(do not fill in)Lawrence COUNTYLocation: NW $\frac{1}{4}$ Section 30 Twp. 7N Range 1EOwner Giltner Brothers Address Beulah, WyomingDepth 406 Drawdown _____ Type Rig Used cable toolFlow (gpm) 1900 Pressure _____ Date Measured when completed

Grd. Elev. _____ Water Level Below Ground Surface _____

Temperature _____ Character Water (soft, medium, hard)

Date Commenced April 1, 1951 Date Completed May 1, 1951

Section _____

CASING DETAIL

Type	Size	Length	Depth
	8"	361	361

(open hole 361-406)

PERFORATIONS

Type	Size	Length	Depth

SCREEN

Type	Size	Length	Depth

Is there a seal between different size pipes? _____ What kind? _____

WATER BEARING SANDS

From 365 To 406

SOURCE OF INFORMATION

owner

DRILLER'S LOG

From	To	
0	365	red beds

365	406	limestone
-----	-----	-----------

A break developed in the casing at 222'. This break was sealed off with concrete with the bottom 45' of the hole being filled with gravel. The well was wasting water into the red beds just above the limestone prior to sealing of the break. That waste flow is now stopped and the well is all right for abandonment. The Giltner Brothers wish to drill another well in place of this one.

Employed Driller Howell Brothers
(Signature)Address Osage, Wyoming

Well Number -2- East Well
→ 15 ft of cement at top of well
360 ft red bed
40 ft of lime
4 ft of red bed
10 ft to $\frac{1}{4}$ inch

(wcp)

→ 222 ft of casing from top to the break

→ Cave in along side of casing from break to the top

10 ft of cement block above the break

→ 4 ft spread at break

→ 138 ft of casing from break to top of lime

16 ft of gravel above the lime

→ bottom of casing on top of lime

60 ft of gravel in well

→ 40 ft of lime

→ 4 ft of red bed

Dear Mr. McLaughlin,

The area I cross hatched in pencil on the map is not irrigated. North of the dam is all sour ground, I only roll half my line past the dam. The SW corner is a hill. I am sure this will bring it close to the 113.62 acres.

Sincerely,
Lee Hain

Surprise, Inc.

253-1



Water Rights Division
605 773-3352

September 4, 1981

Haiar Enterprises, Inc.
RR #2, Bx 209
Spearfish SD 57783

Dear Sir:

On May 28, 1981 in the process of inspecting your Water Right Permit No. 253-1 I found that you were irrigating from two wells whereas your permit only calls for one. Also you are irrigating 138 acres whereas your permit called for 113.62 acres. In order to comply with the South Dakota Water Laws it will be necessary for you to submit an application to cover the additional diversion point (well) and the additional acreage.

Enclosed are two copies of a completed Form 2, "Application for Permit" for the additional acreage and the additional point of diversion (well). Also enclosed are two blank forms for each well that you need to fill out. The enclosed map shows the area now irrigated. The cross hatched area indicates that area not covered under Permit No. 253-1. Please check over all of the forms, the map, make any correction necessary, sign the forms, have them notarized and return to this office with a check for \$150 to cover the cost of the filing fees. A signed drillers log should be returned with the application, also. If there are no correction on the map you may keep it for your use. If there are corrections to the map, return it with the forms in order for this office to correct their records.

Water Quality approval for the additional land will be required. This is the cross hatched area shown on the map. An instruction sheet is enclosed (see No. 5).

If you have any questions regarding the matter please feel free to contact this office. The necessary action to place all lands irrigated should be completed before the 1982 irrigation season.

Sincerely,

LEROY J MERNAUGH
Water Resources Engineer

LJM:kw

cc: Martin Gertsonson
State Conservation Comm.



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

June 18, 1982

Haier Enterprises,
RR #2, Box 209
Spearfish SD 57783

Dear Sirs:

Enclosed herewith are, Water License No. 1244-1 and Certificate of Construction.

Water License No. 1244-1 is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH_{ks}

enclosures

NOTE: Permit No. 253-1 has been incorporated into this License No. 1244-1

Publish first publication, on or before March 17, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1982

Notice is hereby given **Haiar Enterprises, Inc.** whose post office

address is RR #2, Box 209, Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-38, (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA)~~ ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

(b) add cubic feet of water per second of time from groundwater (2 wells-1 existing)

through the Haiar Enterprises Irri. Proj,, the points(s) of diversion which
to add an additional XXXX XXXX XXXXX

~~located on the land located in the~~ on an existing permit both wells are to be located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 30, Twp. 7N, Range 1E. Said water to be used for purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T7N, R1E (portions of these lands are covered under
an existing water right)

This Application No. 1244-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

No. 1244-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Laurens) ss.

I, Oliver J. Hammann hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Laurens City Mail

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Laurens City Mail of Spearfish

County of Laurens and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

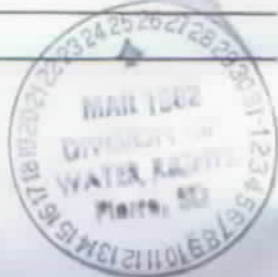
March 17-24, 1982

Oliver J. Hammann
(Signature)

Bookkeeper
(Title)

March 24, '82
(Date Signed)

Cost of Printing: \$23.54



No. 1244-1
NOTICE OF HEARING ON
APPLICATION
TO APPROPRIATE WATER

Pierre, South Dakota 57501
March 9, 1982

Notice is hereby given Halar Enterprises, Inc. whose post office address is RR #2, Box 209, Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41, 46-6-3 thru 46-6-5, 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, for a permit to appropriate for beneficial use (1.82 0.20 add'l) cubic feet of water per second of time from groundwater (2 wells-1 existing) through the Halar Enterprises Irr. Proj. to add an additional point of diversion on an existing permit both wells are to be located in the SW 1/4 NW 1/4 of Section 30, Twp. 7N, Range 1E. Said water to be used for purpose of providing irrigation on portions of the following described land: NW 1/4 and N 1/2 SW 1/4, Section 30, T7N, R1E (portions of these lands are covered under an existing water right).

This Application No. 1244-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
BETTY WESTLUND,
Water Rights Specialist
(11-2tc, 64 lines)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8851

PIERRE, May 31, 1982

RECEIVED OF Haiar Enterprises, RR#2, Box 209, Spearfish, SD 57783

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. 1244-1	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1244-1		
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. 1244-1Water Division 1 - Belle Fourche River Water District

**REPORT 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 Haiar
Enterprise, Inc. of RR #1, Box 209 Spearfish, S.D. 57783 holder 1.82 CFS From March 4, 1953
of Permit No. 1244-1, bearing date of priority of 120 CFS from January 6, 1982
authorizing the diversion of 1.82 cu. ft. per second of the waters of Two wells.
for Irrigation purposes, in Lawrence 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 - Baldor, 40 H.P. 3575 RPM.
pump - Berkeley, Model B4E PBL 700 gpm

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

8" PVC Pipe

C. Works used to apply water to beneficial use.

Two side Rolls, 1000 ft long, each

The system is in the following condition: Good

The point of diversion is located Well #1 = 1830' S and 2140' E of NW cor Sec. 30, T7N R1E,
Well #2 = 1830' S and 2090' E of the NW cor Sec. 30, T7N R1E

The works are capable of diverting and conveying to the place of use 1.56
cu. 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. 30, T7N, R1E,
NW 1/4 NW 1/4 - 5 Ac. NE 1/4 NW 1/4 - 10 Ac. SW 1/4 NW 1/4 - 22 Ac.,
SE 1/4 NW 1/4 - 32 Ac. NW 1/4 SW 1/4 - 20 Ac. NE 1/4 SW 1/4 - 38 Ac.

comprising a total of 127 acres of land.

Well #1 - East.
Artesian Flow
700 gpm
Has shut-off Valve
Depth 406 ft.

Wells are 50 ft apart.

West Well.
Artesian Flow
700 gpm.
Has shut off Valve
Depth 402 ft.

$127 \div 70 = 1.81$ Pump Capacity
 $700 \div 450 = 1.56$ License for 1.56 CFS Pump Capacity

Date May 28, 1981
LeRoy J. Menaugh
(Signature)

1244-1 Haiar Enterprises

No well logs in office file. Only one that Haiar sent in.

Haiar Irrigates 127 acres. The permit calls for 128 acres. Haiar sent in a map knocking off an area N of the dam and W of the F.S. However he was doing this to get the acreage down to 113.6 acres in hopes of not having to submit a new application. Being he had two wells etc. he did submit this to cover the extra well and acreage not covered under Permit No. 253-1. He was irrigating the area W of the F.S. when I inspected it so I included it on the license as it had been approved with this area included.

The wells can be shut off and he does shut them off completely when not in use.

253-1 Haiar Enterprises Inc.
Motor Balor - 40 HP

5-28-81 RPM 3523
Pump Berkeley Sep #8052244, Model 13⁴EPBL, 700 gpm

Side Roll system disgned for 550 gpm artesian wells
Wells 2 - West 402 E 406 50' apard. Has valves to shut completely down.
Both wells have been checked to 700 gpm
Two side rolls - each 1000' long
East well drilled and broke out - then cemented in and the West well
dug and then two years later they reopened the East well

Started using side rolls - 1981. Used ditches and flood previously.

LEROY MERNAUGH
Water Resources Engineer

Permit No. 1244-1

Water Diversion No. 1 Belle Fourche River Water District
10120203

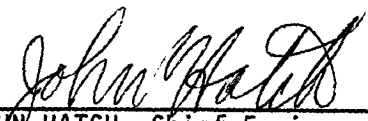
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Halar Enterprises Inc.

_____ the holder _____ of
Permit No. 1244-1, issued upon Application No. 1244-1, bearing date of priority of March 4, 1953
& January 6, 1982 authorizing the diversion of 1.82 cu. ft. per second of the waters of _____
groundwater (2 wells) County of Lawrence, State of South Dakota at _____
Well #1 - 1930'S and 2140'E of NW corner Section 30, T7N, R1E (BC) Well #2-
1830'S and 2090'E of the NW corner Section 30, T7N, R1E (BC)
_____, for irrigation

purposes, ha 5 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 1.56 cu. ft. per second of water.

Date June 11, 1981



JOHN HATCH, Chief Engineer
Water Rights Division

FILE DOCUMENTATION

No. 1244-1

No. 253-1

NAME: Haiar Enterprises

ADDRESS: RR 1, Box 209, Spearfish SD 57783

DATE: February 7, 1994

RE: Validation of Vested Portions of No. 1244-1

Water Permit Application No. 253-1 was filed on March 24, 1953, and was approved on December 12, 1957, for 1.62 cfs to irrigate 113.62 acres. Prior to approval, a Proof of Application of Water to Beneficial Use was filed on March 15, 1957, listing the water and acreage qualifying for a vested right. According to the Proof of Application to Beneficial Use, the vested portion of No. 253-1 is irrigation of 70.5 acres with a diversion rate of 1.63 cfs from one well.

Water Permit Application No. 1244-1 was filed on January 6, 1982, in response to an inspection by Leroy Mernaugh, staff engineer. The inspection found that an additional well was being used and that additional acreage was being irrigated. A water license was issued for No. 1244-1, incorporating No. 253-1, on June 11, 1982, for 1.56 cfs from 2 wells to irrigate 127 acres. The license assigned priority dates to diversion rates but did not identify the acreage by vested and nonvested areas.

Comparison of acreages on Application No. 253-1, Proof of Application to..., and License No. 1244-1 -- All in section 30-T7N-R1E:

	Appl No. 253-1	Proof of Appl	Lic No. 1244-1
NWNW (Lot 1)	8.94	0.9	5
NENW	19.41	18.1	10
SWNW (Lot 2)	15.29	3.9	22
SEnw	39.28	37.9	32
NWSW (Lot 3)	0.76	--	20
NESW	<u>29.94</u>	<u>9.7</u>	<u>38</u>
Acreage Totals	113.62	70.5	127

On June 15 and 22, 1988, No. 1244-1 was published for validation pursuant to SDCL 46-2A-16. The claim was published for 1.62 cfs from ground water to irrigate 127 acres with a March 24, 1953, priority date. No one opposed the claim, including the Water Rights Division, and on May 26, 1992, the Water Management Board validated the claim as published.

PROPOSED ACTION

Issuance of a validated vested right for 1.62 cfs to irrigate 127 acres is not supported based on the inspection results (1.56 cfs) and the number of acres (70.5) listed on the Proof of Application of Water to Beneficial Use. The correct vested acreage should be the vested acreage (Proof of Application...) still being irrigated (Lic. No. 1244-1). By comparing the last two acreage columns (use smallest acreage), the vested acreage total is $0.9 + 10 + 3.9 + 32 + 9.7 = 56.5$ acres. The other vested acreage was

Haiar Enterprises
February 7, 1994
Nos. 1244-1 & 253-1

apparently dropped since it was not suitable for irrigation according to a note written by Lee Haiar to Leroy Mernaugh. According to the note, the acreage no longer irrigated is outlined in pencil on a map located in the file for No. 1244-1.

I believe we could issue the validation for 1.56 cfs for irrigation of 56.5 acres provided Mr. Haiar agrees with our assessment of the number of vested acres. If Mr. Haiar does not agree, we would need to readvertise the claim to correct what we consider to be errors in the original publication. Another option is to issue the validation as originally published and then reissue the license to reflect the actual vested and nonvested acreage. The license probably should be reissued to reflect what acreage is vested even if Mr. Haiar agrees to issuance of a vested right for 1.56 cfs to irrigate 56.5 acres.



Ron Duvall, Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

LeRoy Haiar
Haiar Enterprise, Inc.
159 Homestake Rd
Beulah WY 82712

Dear Mr. Haiar:

The Water Management Board has validated the enclosed Vested Water Right No. 1244-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct priority date and diversion rate.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

ks

1244-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

OCT 09 2007

1244-1
1833-1

Leroy Haiar
Haiar Enterprise Inc
159 Homestake Rd
Spearfish SD 57783

Dear Mr. Haiar:

Enclosed is your Water License No. 1833-1. This is the final water right document completing your process of obtaining a Water Right. Also included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1833-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, reading 'Garland Erbele'.

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

enclosures

Note: The applicable portions of Partial Vested Water Right No. 1244-1 were incorporated into Water License No. 1833-1.