

Considered: _____

WATER PERMIT NO. 1318-1

MAP No. 1318-1

Name of Applicant Gerald M Baldwin

Post Office Address Box 527, Custer, $\frac{1}{2}$ South Dakota 57730

Amount of Water Claimed 0.10 Total Acres _____

Source of Water Supply 600' well Minnelusa Formation (Log states 545')

Water to be used for COM County MD

About _____ miles NW of City of Sturgis

PROOF OF PUBLICATION: Received 10-29-84 Not Received _____

APPLICATION: Approved 12-5-84 Subject to _____

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

PRIORITY 9/25/84 Date Received 9/25/84 Fee 50.00 Remarks _____

Map
Corrected Application Received 10/9/84 Period of Annual Use 1/1 to 12/31

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

WI-1 Description same as Application YES _____ NO _____ REMARKS not applicable

Diversion Point _____

Lot B, SE $\frac{1}{4}$, Section 5-T5N-T5E

Land to be Irrigated _____

Well Log: Driller Graf Drilling Licensed YES x NO _____

Depth of Well 545' according to Log REMARKS _____

Type of Map drawn PREPARED BY Norman Hale Land Surveyor Reviewed and the Number _____

assigned on 10/9/84 By Betty Westlund

Betty Westlund, NRA III

cc Nelson

No. 1318-1	Hydrologic Unit	10120202
Map No. 1318-1	Basin	BF
Newspaper	Meade Co. Times,	Sturgis, SD

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant GERALD M. BALDWIN Phone No. 673-2622Post Office Address Box 527 Custer State SD Zip Code 57730
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 10,000 GAL MONTH 0.10 cfs3. Source of water supply WELL4. Location of point of diversion W Hwy 16A Sturgis - INTERSECTION
OF I 90 + 16 Lot B SE $\frac{1}{4}$ Section 5, T5N, R5ECounty Meade5. Counties where water will be used Meade6. Annual period during which water is to be used January 1 to December 31

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

WELL FOR WATER SUPPLY TO CONVENIENCE
STORE AT STURGIS - MOSTLY RESTROOM USE.

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

STATE OF SOUTH DAKOTA)
County of CUSTER)^{ss}I, GERALD M. BALDWIN the applicant, certify that I have read the foregoing application, 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 [Signature]Subscribed and sworn to before me this 24th day of September 1984[Signature]
Notary Public (or other qualified officer)

Commission exp. 4-21-90



$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

at the time of the investigation, the respondent was not aware of any other persons who had been involved in the same type of activity.

1. *Chlorophyll a* (Chl *a*)



Score = 20
October 1982

located portion of North
Street & Union Street
is recorded in Misc. Book 391
Pages 112, 150 & 451. Register
of Deeds Office, Meade Co., ID

at the request of the owners and purchaser, I have surveyed Lot A, B and C of 132' 2" North of W. 1st St. and the plat is a true and correct representation of the survey.

On this 6 day of October, 1911, before me, a Notary Public, personally appeared Herman H. Hale, known to me to be the person described in the foregoing certificate and acknowledged to me that he executed the same.

Registration expires: June 14, 1986

I, _____, do hereby certify that I am the owner of lots A & B of Lot 44 as shown and described herein and do hereby join in and approve the within plat.

DEPARTMENT OF COMMERCE
BUREAU OF MINES
WASHINGTON, D. C.

On this _____ day of _____, 1942, before me, a Notary Public, personally appeared Duane Barker, personally known to me to be the person described in the foregoing certificate and acknowledged to me that he executed the same.

11. The option expires: 12/31/2007

STATE OF NEW YORK

I hereby certify that the Chicago and Northwestern Transportation Company, a corporation, is the owner of Lot C of Lot 2-B as shown and described herein; that said Lot C of Lot 2-B as shown and described herein is being purchased by Gerald M. Baldwin of Custer, South Dakota; and the within plat is being made at the request of said purchaser and to his specifications.

PERCENTAGE OF OWNERS

On this _____ day of _____, 1970, before me, a Notary Public, personally appeared _____,
an officer of the _____ Transportation Company, who is the owner of the land described in the foregoing certificate.

1. *Chlorophyll a* (Chl *a*)

CONSTITUTION OF PROTEST

NAME: _____
 GRADE: _____

CHICAGO AERONAUTICAL INFORMATION CO.
 PRODUCED BY *[Signature]*
 EDWARD W. BALDWIN

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

A/M # 1318-1

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1318-1
Gerald Baldwin Box 527 Custer
(Applicant) (Post Office Address)
S.D. 57730 With the following qualifications.
(State) (Zip Code)

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Date of first receipt of application September 25, 1984.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved December 5, 1984.

The Water Management Board hereby approves this Water Permit No. 1318-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 25, 1984.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before JUNE 5, 1987.
3. The whole of said work is to be completed on or before December 5, 1989.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 5, 1993.
5. The water appropriated shall be used for the purpose of Commercial use
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.10 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 to which water is actually and beneficially applied for Commercial Use on or before December 5, 1993; said water to be used during the following described annual period: Jan. 1 To Dec. 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights **JOHN HATCH**
 Dept. of Water and Natural Resources
 January 3rd, 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 600'
- b) Casing Type Steel Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 500'
- f) Depth of Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well: 100 yds
- On applicants property _____ On property owned by others X

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

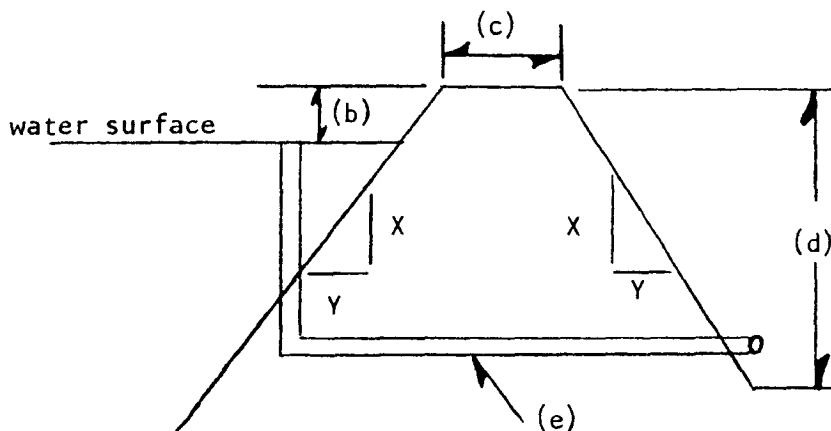
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9762 -

South Dakota Department of Water and Natural Resources

Pierre, September 25, 19 84

RECEIVED OF Gerald M. Baldwin, Box 527, Custer, SD 57730

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

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

By John Hatch
Chief Engineer JOHN HATCH (ms)

Location 1 1 Sec 5 Twp 5 Rg 5

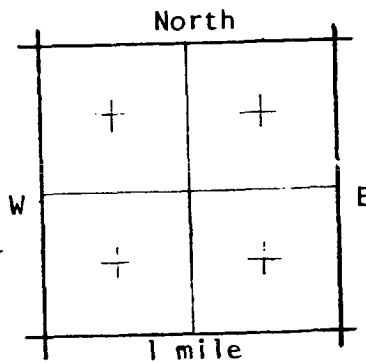
County

Meade

Please mark well location with an "X"

OTS BYC OF LOT

2-B

Well Completion Date 7/27/84

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

FORWARD ROTARY

WELL CONSTRUCTION:

Diameter of hole 7 7/8 inches Depth 545 feetCasing: ☒ Steel ☐ Plastic ☐ Other
Specify _____

Pipe Weight	Diameter	From	To
<u>15.50 lb/ft</u>	<u>5</u> inches	<u>0</u> feet	<u>540</u> feet
<u>25</u> lb/ft	<u>4 1/2</u> inches	<u>55</u> feet	<u>Surface</u> feet

Was a well screen used? ☐ Yes ☒ NoIf Not Specify Pressure Grouted 545

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☒ Yes ☐ NoWas a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure PRESSUREGROUTED

To what depth? _____ Feet

What was grouting material? CEMENTIf cement, how many sacks? 20 sacksLocation of packer(s) and screen or perforated pipe Drilled out 4 1/2 545-580WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner:

Name

Jerry Bolwin

Address

430 Mount Rushmore Road

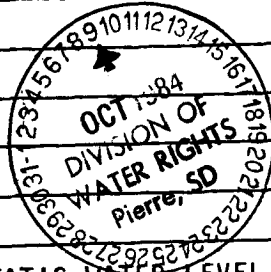
Well Log:

Box 527 Custer SDDepth 57730

Formation

From

To

GRAVEL055RED BLOS55330LIME STONE330370OPACHE370510MINNIED SA510580STATIC WATER LEVEL 160 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ Other

Describe: _____

Pumping Level Below Land Surface

250 ft. After 1 Hrs. pumped 20 GPM250 ft. After 12 Hrs. pumped 10 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

1 1/2 LP 20 stage Sub.
557250' on 1" 160# P.P.

This well was drilled under license # 328

and this report is true and accurate.

Graft Drilling

Drilling Firm

Signed by

7-27-84

Date

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 1318-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1318-1, Gerald M. Baldwin, Box 527, Custer, South Dakota.

The Chief Engineer is recommending APPROVAL of the Application No. 1318-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use. 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 17, 1984

REPORT ON APPLICATION NO. 1318-1

GERALD M. BALDWIN

October 15, 1984

Application No. 1318-1 proposes to divert .10 cfs from one well 545 feet deep to be used for commercial purposes. The point of diversion is located in SE $\frac{1}{4}$ Section 5, T5N R5E BHM.

Aquifer - Minnelusa

Geology and Aquifer Characteristics - The Minnelusa is a varied assemblage of sandstone, limestone, dolomite and shale (Rahn, 1979). The Minnelusa is approximately 500 feet thick in the Sturgis area and for the whole of Meade County there is 81.48 million acre-feet of recoverable water in the Minnelusa (Allen, 1984).

The Driller's Log submitted by Graf Drilling indicates the well is capable of producing the amount of water requested. The Minnelusa is under artesian conditions in this area. The well is completed satisfactorily, that is, pressure grouted from 545 feet to the surface.

The Water Rights Division does not monitor any observation wells in this area.

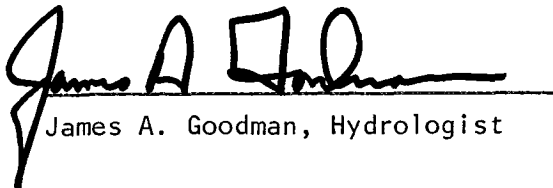
Review of Existing Water Permits

441-1	Sturgis	2) 900' and 1100'	Minnelusa and Madison
780-1	Sturgis	1) 1000'	Minnelusa and Madison
1062-1	Sturgis	1) 430'	Minnelusa
1287-1	Sturgis	1) 1500'	Minnelusa and Madison

Most of the wells constructed for Sturgis were drilled into the Madison and obtain water from both the Minnelusa and Madison Formations. There have been no reported interference problems.

Conclusions

- 1) Water is available from the Minnelusa Formation.
- 2) The well is adequately constructed.
- 3) Because the amount of water requested is minimal there will be no significant impact on water levels in the aquifer.


James A. Goodman, Hydrologist

Bibliography

Allen, J.C., D. Illes, A. Petre~~s~~, 1984, Draft Final Ground Water Resource Inventory, for U.S. Army Corps of Engineers, D~~W~~NR, SDGS, Vermillion, SD 57069.

Rahn, P.H., 1979, Ground Water Resources of Western, SD, for U.S. Army Corps of Engineers, SDSM&T Project No. 2533, Rapid City, SD 57701

Water Rights Division, Water Rights Permit Files, D~~W~~NR, Water Rights, Joe Foss Building, Pierre, SD 57501.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Jackie Ellison hereby

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

Water was taken from the Minnehaha County Times

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

City of Sioux Falls

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

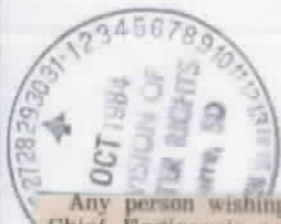
October 24, 1984

October 31, 1984

Jackie Ellison
(Signature)

Belling Chief
(Title)

October 24, 1984
(Date Signed)



Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

Publ Oct 24 & 31, 1984
Times-Tribune

NOTICE OF HEARING ON
APPLICATION NO. 1318-1 TO
APPROPRIATE WATER

Notice is hereby given that Gerald M. Baldwin whose mailing address is Box 527, Custer, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second of water from one well 545 feet deep in the Minnelusa Formation. The well is located in Lot B, SE 1/4, Section 5-T5N-R5E. The water is used for commercial purposes in a convenience store.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 1318-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E. Capitol, Pierre, South Dakota on December 5, 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with both the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-

2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01.01 thru 74:02:01.15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Instruction to Newspaper - Publish first publication of the following Notice on or before **October 24, 1984** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1318-1 to Appropriate Water
and/or to Amend Water Permit or Water Rights No. _____

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Box 527, Custer, South Dakota has made an application for a permit

to appropriate 0.10 cubic feet per second of water from one well 545 feet deep in the Minnelusa Formation. The well is located in Lot B, SE $\frac{1}{4}$, Section 5-T5N-R5E. The water is used for commercial purposes in a convenience store.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 1318-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E. Capitol, Pierre, South Dakota on December 5 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) ~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

1318-1

January 3, 1985

Gerald Baldwin
Box 527
Custer, South Dakota 57730

Dear Mr. Baldwin:

Enclosed herewith is your Water Permit No. 1318-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1318-3.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

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

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

WNR-809-5/83



Department of Water & Natural Resources

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

June 21, 1990

1318-1

Gerald Baldwin
Box 527
Custer, SD 57730

Dear Mr. Baldwin:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1318-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412306

Pierre, July 6, 19 90

RECEIVED OF Trailside General Store Box 667, Centerville, UT 84014-0667

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1318-1 (Gerald Brunton)</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Gerald Baldwin
_____ of Box 527, Custer, SD 57730 holder of
Permit No. 1318-1, bearing the priority of September 25 1984 authorizing
the diversion of 0.1 cu. ft. per second of the waters of groundwater-Minnelusa Formation
for commercial purposes, in Meade County.

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

A. Works used to divert the water:

A submersible pump, 20 gallons per minute capacity
A submersible motor, 1½ horse power.

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

20 feet of 2 inch steel pipe.

C. Works used to apply water to beneficial use:

Water is used for sanitary purposes.

The system is in the following condition very good

The point of diversion is located approximately 1386 feet west, 555 feet north from the southeast
corner of Section 5, T5N-R5E (SW¼ SE¼)

The works are capable of diverting and conveying to the place of use 0.045
cu. ft. per second of water which is to be used for commercial purposes

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

Water is used for sanitary and domestic use in a gas station and store.

comprising a total of NA acres of land and the license should be issued for 0.045 cfsApplicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date 9/14/88

(signature)

MR Hadi

LICENSE FOR PERMIT NUMBER 1318-1

1. Legal location of well: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T5N-R5E

dams & structures: NA

2. Well Information: Well Drilling Firm Graf Drilling

Completion Report Yes X No No. of Wells 1 Depth 580 feet

Casing a) diameter 8 inch from 0-55 feet Screen a) type None used

b) length 5 inch from 0-540 feet b) length

c) type Steel Static Water Level 160 feet

Pump a) make Submersible Motor a) make Submersible

b) model b) model No.

c) size c) horsepower rating 1 $\frac{1}{2}$

d) capacity 20 gpm

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 2 inches

b) type Steel

c) length 20 feet

4. Dam Information:

a) height to crest m) Outlet tubes:

b) height to primary spillway 1) diameter

c) height to secondary spillway 2) type

d) crest width 3) valved (Y/N)

e) crest length 4) valve type

f) spillway length 5) location on structure

g) spillway width

h) approx. storage n) Category of Dam

i) approx. storage to crest

j) date constructed

k) inspection sheet completed (Y/N)

l) Name of Contractor

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

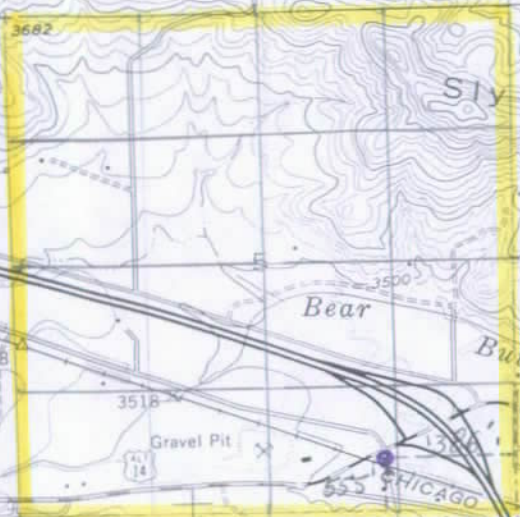
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	NA ___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
___	NA ___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u> ___	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Sturgis Quadrangle
P-5



well location

MR. Hadi
Natural Resources Engineer
11/15/88

R5E



STATE OF SOUTH DAKOTA

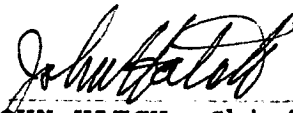
WATER LICENSE NO. 1318-1

(1) Gerald Baldwin of Box 527, Custer, SD 57730-0527 made Application No. 1318-1, September 25, 1984 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial purposes. Permit No. 1318-1 with a priority date of September 25, 1984 was approved December 5, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 5, 1989 and for the application to beneficial use of said water on or before December 5, 1993 .

(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 0.045 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 1386 feet west and 555 feet north of the SE corner, section 5, T5N, R5E (SW1/4 SE1/4).

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

(4) Pursuant to Section 46-5-30.1 Gerald Baldwin of Box 527, Custer, SD 57730-0527 the holder(s) and/or owner(s) of Water Permit No. 1318-1 is issued a license to appropriate water, the right to use 0.045 cubic feet of water per second from groundwater (one well) with a priority date of September 25, 1984 from the location specified in (2) of this license. The water is used for commercial purposes in the operation of a gas station and convenience store. This license is subject to any limitations or qualifications listed in Water Permit No. 1318-1 and subject to South Dakota State Law.

 JUL 10 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources



Department of Water & Natural Resources

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

JUL 10 1990

1318-1

Gerald Baldwin
Box 527
Custer, SD 57730-0527

Dear Mr. Baldwin:

Enclosed is Water License No. 1318-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412306 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1318-1, 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures