

Considered: July 1, 1986

WATER PERMIT NO. 1353-1

MAP No. same

Name of Applicant Timothy Earl Traversie

Post Office Address Box 601, Faith SD 57626

Amount of Water Claimed .10 cfs Total Acres NA

Source of Water Supply Durkee Lake

Water to be used for domestic, Commercial County Meade

About 3 miles S of Faith

PROOF OF PUBLICATION: Received June 10, 1986 Not Received \_\_\_\_\_

APPLICATION: Approved July 1, 1986 Subject to \_\_\_\_\_

F.F.& C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received April 21, 1986 Fee \$50.00 Remarks \_\_\_\_\_

April 21, 1986

Corrected Application Received \_\_\_\_\_ Period of Annual Use Jan 1 - Dec 31

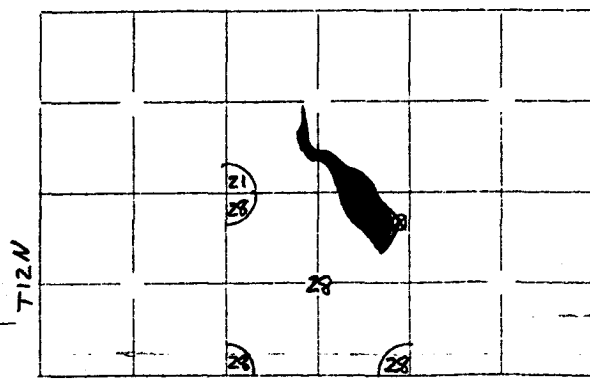
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_ NO \_\_\_ REMARKS \_\_\_\_\_

Diversion Point Durkee Lake: NE 1/4 NE 1/4, sec 28-

T12N-R17E

Land to be Irrigated NA



Well Log: Driller NA Licensed YES \_\_\_ NO \_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

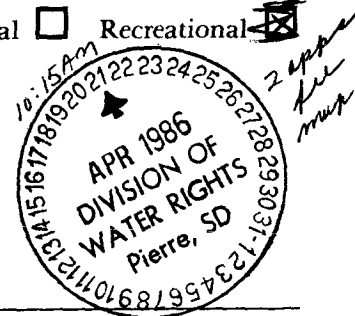
Type of Map plat PREPARED BY T.A. Lolley Reviewed and the Number

assigned on April 22, 1986 By Ren Duvall

No. 1353-1 Hydrologic Unit 10120113  
Map No. same Basin Lower Cheyenne  
Newspaper Faith Independent, Box 38 Wed.

### 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 retained  
Change 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. \_\_\_\_\_

Work 964-6910  
967-2312

1. Name of Applicant Timothy Earl Traversie Phone No. 967-2312  
Post Office Address Box 601 Faith, S.D. State 57626  
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 45 gal. min. .10 cfs

3. Source of water supply Durkee Lake

4. Location of point of diversion Durkee is 3 mi. South of Faith, the water inlet is at the Northeast corner of the lake, 20-30 ft. from the shoreline. Legal description is on the map. County Meade  
NE 1/4 NE 1/4 Sec. 28-T12N-R17E

5. Counties where water will be used Meade

6. Annual period during which water is to be used Jan 1st - Dec. 31st

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)

*Planned use for water include our house, 12 camper hook-ups, greenhouse, possible food operation, & livestock, All are within 350 ft. of the inlet. The water inlet was formerly used by the city of Faith for their water supply. We will use a submersible pump, chlorinator, & filter system to obtain suitable water*

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 Meade)<sup>ss</sup>

I, Tim Traversie 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 Tim Traversie

Subscribed and sworn to before me this 19 day of April 1986

Treva Fisher  
TREVA FISHER, Notary Public (or other qualified officer)  
My Commission Expires October 29, 1997

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1353-1

Timothy Earl Traversie (Applicant) Box 601, Faith (Post Office Address)

SD (State) 57626 (Zip Code) With the following qualifications.

Date of first receipt of application April 21, 19 86.

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19 \_\_\_\_\_.

Date of receipt of corrected application \_\_\_\_\_, 19 \_\_\_\_\_. Approved July 1, 19 86.

The Water Management Board hereby approves this Water Permit No. 1353-1 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 April 21, 19 86.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before December 1, 19 88.
3. The whole of said work is to be completed on or before July 1, 19 91.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 1, 19 95.
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 .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 July 1, 19 95; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hated  
Chief Engineer

Division of Water Rights  
Dept. of Water and Natural Resources

**AUG 18 1986**

\_\_\_\_\_, 19 \_\_\_\_

Durkee Lake & surrounding lands  
owned by City of Faith.

DURKEE  
LAKE

POINT OF  
DIVERSION

Traversie  
land

Home  
Barn

Greenhouse

camper hook-ups

N.E. corner Section 28 T 12 North R 17 E

Point of diversion is approx.  
1056 ft. south & 30 ft west of  
section corner.

Appl No. 1353-1

Map for Traversie water  
application, Durkee Lake,

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

Date: 4/18/84  
Approved by: [Signature]  
Title:

# RECEIPT

Division of Water Rights

410415

South Dakota Department of Water and Natural Resources

Pierre, April 21, 1936, 19    

RECEIVED OF Timothy E. Traversie, Box 601, Faith, SD 57626

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

Fee for Application for Permit No. <u>1353-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	<b>Total</b>	50 00

By John Hatch  
Chief Engineer **JOHN HATCH** (MS)



Water Rights Division  
605 773-3352

April 22, 1986

Timothy Traversie  
Box 601  
Faith SD 57626

Dear Mr. Traversie:

This letter is in response to your letter dated April 20, 1986.

Domestic use as defined by SDCL 46-1-6(4) does not require obtaining a water permit to appropriate water. SDCL 46-1-5 states that domestic use of water takes precedence over all other appropriative rights.

Please contact us if you have any further questions.

Sincerely,

RON DUVALL  
Natural Resources Engineer

RD:ks

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1353-1, Timothy Earl Traversie

Pursuant to SDCL 46-2-A2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1353-1, Timothy Earl Traversie, Box 601, Faith SD.

The Chief Engineer is recommending APPROVAL of Application No. 1353-1 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 right, 3) the proposed use is a beneficial use and 4) in the public interest.

See the attached report for additional information.



JOHN HATCH, Chief Engineer  
May 1, 1986



REPORT ON APPLICATION NO. 1353-1  
TIMOTHY EARL TRAVERSIE  
April 22, 1986

The application requests 0.1 cfs of water to be used for commercial and domestic purposes. The source of water supply will be Durkee Lake and the diversion point will be located in NE 1/4 NE 1/4 Section 28, T12N, R17E in Meade County. The diversion point is in the same area where the City of Faith used to divert water (now under WR No. 948-1). The Durkee Lake dam has a height of 31 feet and a storage capacity of 1876 acre feet. The lake is located in Sections 21 and 28, T12N, R17E in Meade County. The lake receives runoff water from Spook Creek, a tributary of the Cheyenne River. The drainage area above the dam is approximately 6.4 square miles.

Review of Existing Water Rights

Game, Fish and Parks has the only existing right to the waters of Durkee Lake. The City of Faith no longer uses the Lake for their water supply. Vested Right No. 938-1 for Game, Fish and Parks allows storage of 255 acre feet annually for Durkee Lake with a 1935 priority date.

Conclusion

1. The 0.1 cfs diversion rate will not adversely affect the existing vested right held by Game, Fish and Parks.
2. Unappropriated water is available in Durkee Lake.
3. Approval of this permit is in the public interest.

*Rassool Ahadi/ks*  
RASSOOL AHADI  
Natural Resources Engineer

Reference

Francis-Meador-Gellhaus, Inc; (1979) Phase I Inspection Report, National Dam Safety Program, Durkee Dam, Meade County, South Dakota.

Instruction to Newspaper - Publish first publication of the following Notice on or before May 14, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1353-1 to Appropriate Water  
~~and/or to Amend Water Permit or Water Right No. \_\_\_\_\_~~

Notice is hereby given that Timothy Earl Traversie whose mailing address is Box 601, Faith, South Dakota has made an application for a permit

**to appropriate 0.10 cubic feet of water per second from Durkee Lake, The diversion point is located in the NE1/4 Section 28-T12N-R17E. Water is to be used for commercial purposes.**

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1353-1 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, July 1, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 June 20, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(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 June 20, 1986.



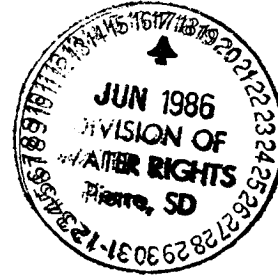
*Carter Law Office*

T. Michael Carter  
Attorney at Law

412 W. Missouri  
Pierre, SD 57501

Phone:  
(605) 224-5920

June 13, 1986



John Hatch, Chief Engineer  
Water Rights Division  
Joe Foss Building  
Pierre, South Dakota 57501

RE: Timothy Earl Traversie - Water Application Number 1353-1

Dear Mr. Hatch:

Please be advised that I am city attorney for the city of Faith. I have been authorized by the city council to petition both the applicant and chief engineer with regard to the above entitled water application.

Please be advised that it is the city of Faith's position at the present time that until further development of the facts with regard to the purpose for which the water is to be used by Mr. Traversie, that (1) the 0.1 cfs diversion rate will adversely affect existing vested rights held by Game, Fish and Parks; (2) unappropriated water is not available in Durkee Lake; and (3) approval of this permit is not in the public interest.

Please be further advised that I will be attending the hearing scheduled for July 1, 1986 at 10:00 A.M. for the purpose of presenting evidence and/or cross-examining witnesses according to SDCL 1-26.

I am also by copy of this letter serving Mr. Timothy Earl Traversie, Box 601, Faith, South Dakota, service intended by mail.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael Carter".

Michael Carter, City Attorney  
412 West Missouri  
Pierre, South Dakota 57501

MC/dm

CC: Timothy Earl Traversie  
Shirley Moelter, Finance Officer  
William Ginter, Mayor



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

AUG 18 1986

Timothy E. Traversie  
Box 601  
Faith, South Dakota 57626

Dear Mr. Traversie:

Enclosed herewith is your Water Permit No. 1353-1 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. 1353-1.

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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive style with a large, prominent "J" and "H".

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:

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.





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 27, 2001

1353-1

Timothy Traversie  
Box 464  
Faith SD 57626

Dear Mr. Traversie:

I am contacting you in regard to your Water Permit No. 1353-1 and your 2000 SD Water Use Questionnaire. The water permit authorizes 45 gallons per minute from Durkee Lake located in the NE ¼ NE ¼ Section 28-T12N-R17E for commercial and domestic use purposes.

On your questionnaire you indicated that you get your water for domestic use from a well and have never pumped water from Durkee Lake for commercial and domestic use. It appears this water permit can be cancelled. In order for a water permit to be cancelled, it must be brought before the Water Management Board for consideration. The next hearing it could be scheduled for would be our May 2001 meeting.

You will be notified of the time, date and place of the hearing once it is scheduled. This is to allow you the opportunity to come to the hearing, however you are not required to attend if you do not want to.

If I have misunderstood your intent towards the water permit and you do not wish to have it cancelled, please get in touch with me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

## **Water Rights Program - File Documentation**

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**NAME:** Timothy Traversie

**ADDRESS:** Faith SD

**DATE:** 3-6-2001      **COUNTY:** MD      **TELEPHONE:** 605 739-3851

**RE:** Cancellation of 1353-1

**COMMENTS:**

Timothy Traversie called regarding my 2-27-2001 letter. Mr. Traversie stated he might still be interested in developing the project. I told him the project needed to be constructed and water put to beneficial use by July 1, 1995. Since that time period has past, the permit is subject to cancellation because of non-construction.

I told Mr. Traversie that he could reapply for a permit in the future. He indicated he was thinking about starting a big garden. I told him if the garden was over an acre, a water permit would be required.

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 20, 2001

**NOTICE OF CANCELLATION**

**TO:** Timothy Traversie, Box 464, Faith, SD 57626

**FROM:** Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

A handwritten signature in black ink, appearing to read "Ron Duvall", is placed to the right of the "FROM:" field.

**SUBJECT:** Cancellation of Water Permit No. 1353-1

Water Permit No. 1353-1 authorized diversion of water from Durkee Lake for commercial purposes. On March 6, 2001, you spoke with Karen Schlaak with our program and indicated the project had not been developed. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1353-1 due to non-construction.

The Water Management Board will consider cancellation of Water Permit No. 1353-1 at 10:00 am, May 2, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD 57501.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1353-1 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, a written petition must be filed with the Chief Engineer by April 20, 2001. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 20, 2001  
Timothy Traversie  
Page 2

These hearings are adversary proceedings. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 20, 2001.

Prior to April 20, 2001, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 8, 2001

1353-1

**NOTICE**

Timothy Traversie  
Box 464  
Faith, SD 57626

Dear Mr. Traversie:

This will notify you that the Water Management Board cancelled your Water Permit No. 1353-1 on May 2, 2001.

This action was taken under the conditions outlined in our notice to you dated March 20, 2001. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER**

**FOR WATER PERMIT NO. 1353-1, TIMOTHY TRAVERSIE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1353-1.

The Chief Engineer is recommending cancellation of the above Water Permit because the project has not been constructed. The time limit for completion of works expired on July 1, 1991.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
March 20, 2001