

Considered: _____

WATER PERMIT NO. 1379-1

MAP No. same

Name of Applicant Wayne Lindstad

Post Office Address 827 9th Ave, Belle Fourche SD 57717

Amount of Water Claimed 0.16 cfs Total Acres NA

Source of Water Supply 2 wells, 1 dam & 1 dugout

Water to be used for fish hatchery, domestic & wildlife purposes County Lawrence

About 1 miles E of Spearfish

PROOF OF PUBLICATION: Received ☒ Not Received ☐

APPLICATION: Approved 5/6/87 Subject to _____

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

PRIORITY _____ Date Received Dec 9, 1986 Fee 150.00 Remarks _____

12/9/86

Corrected Application Received Jan 20, 1987 Period of Annual Use Jan 1 - Dec 31

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

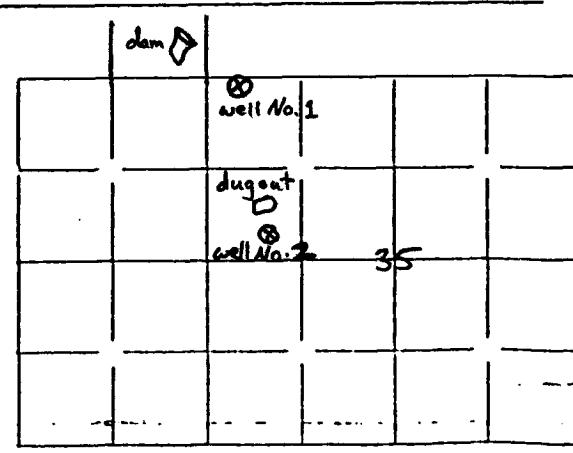
WI-1 Description same as Application YES ☐ NO ☐ REMARKS _____

Diversion Point well No. 1: NW 1/4 NW 1/4 section 35;

well No. 2: SW 1/4 NW 1/4 section 35; both in T7N-R2E

dam: SE 1/4 SE 1/4 section 27-T7N-R2E; dugout: SW 1/4 NW 1/4

section 35-T7N-R2E
Land to be Irrigated NA



Well Log: Driller No. 1 Sullivan Drilling Licensed YES ☒ NO ☐

Depth of Well No. 1 828 feet
No. 2 760 feet REMARKS _____

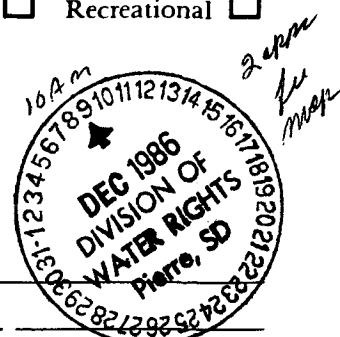
Type of Map Aerial Photo PREPARED BY Jaques Lamphere Reviewed and the Number assigned on February 24, 1987 By Ron D. Small

No. 1379-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R
 Newspaper Queen City Mail, Box 7, Spearfish (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 ☒ trout Hatchery

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 WAYNE LINDSTAD Phone No. 892-4256Post Office Address 827 9th ave State SD 57217
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 48.16 cfs Wet #1 Plus 2.5 gpm Wet #2 130 gpm
dam: 8.9 ac ft3. Source of water supply 2 Flowing Wells dugout: 2.2 ac ft4. Location of point of diversion Well head Well No. 1: NW $\frac{1}{4}$ NW $\frac{1}{4}$; Well No. 2SW $\frac{1}{4}$ NW $\frac{1}{4}$; both in Section 35-T7N-R2E; Dam: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; Dugout: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35;both in T7N-R2E County LAWRENCE5. Counties where water will be used LAWRENCE6. Annual period during which water is to be used ALL YEAR January 1 - 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)

Water is connected to 1 house, 1 Pole Barn for fish
Hatchery & 1 dam for wildlife & livestock

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 BUTTE)^{ss}

I, WAYNE LINDSTAD 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 Wayne Lindstad

Subscribed and sworn to before me this 8TH day of DECEMBER 1986

[Signature]
 Notary Public (or other qualified officer)

Jacque Samphe
ASCS
11-18-86



11-18-86 Jacque Samphe
ASCS

NOT TO SCALE



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1379-1

Wayne Lindstad (Applicant) 827 9th Avenue, Belle Fourche (Post Office Address)

SD (State) 57717 (Zip Code) With the following qualifications.

The wells approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The wells shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such record shall be available to the chief engineer upon request. If these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules Chapter 74:02:04.

The wells 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 December 9, 19 86.

Date of return to applicant for correction, amendments or changes required December 18, 19 86.

Date of receipt of corrected application Jan. 20, 19 87. Approved May 6, 19 87.

The Water Management Board hereby approves this Water Permit No. 1379-1 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 December 9, 19 86.

2. The equivalent of at least one-fifth of the specified work is to be completed on or before October 6, 19 89.

3. The whole of said work is to be completed on or before May 6, 19 92.

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 6, 19 96.

5. The water appropriated shall be used for the purpose of domestic use and for supplying a fish hatchery and wildlife purposes

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 11.1 acre-feet of storage 0.16 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 DOM and FWP on or before May 6, 19 96; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hatch

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUL 17 1987

, 19

Chuck Burdian

B.L.M.

Bill Frouke

From section corner common to Sections 2+3 of Township 6 North, Range 2 East, Black Hills Meridian and Sections 34 and 35, Township 7 North, Range 2 East, Black Hills Meridian Well #2 is located approximately 2970' north on the section line of section 34 and 35 and 990' east

Well #1 is located approximately 5230' north on the section line of section 34 and 35 and 660' east

Supplemental Information

(type or print in ink)

Well #1

Dams #1

ref to well logs

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property ~~20'~~ 1/2 mile On property owned by others 1 mile

2. Dugout Information Estimates

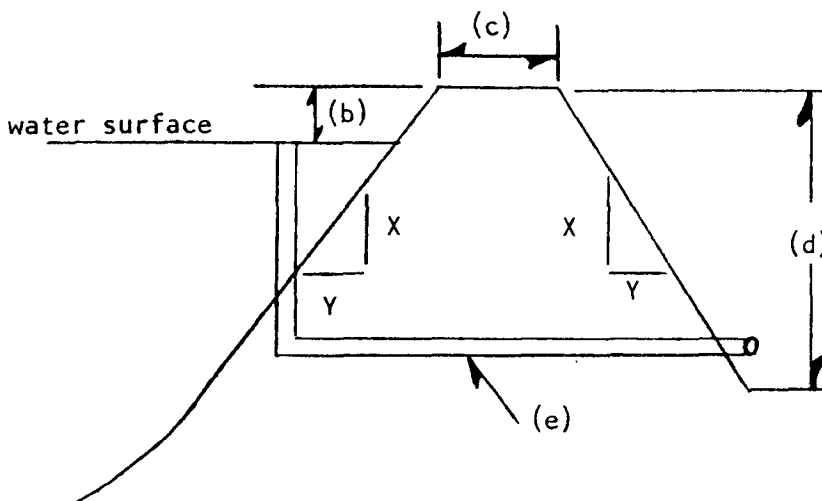
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

Dam - SE¹/₄ SE¹/₄, SEC 27, T1N-R2E

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 4'c) Crest Width 12'Crest Length 170'd) Height 24.5'e) Outlet Dimensions:
Pipe diameter N/ASpillway width 25'f) X & Y Slope
Upstream X=1.0 Y=3.8Downstream X=1.0 Y=1.8Surface Area of Impoundment 1.4 acStorage 8.9 acre feetDrainage area above dam 89 ac

Wayne Lundberg

Signature of Applicant

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction *2 Wells (Refer to Well logs.)*
- Drill Hole Diameter _____ Depth _____
 - Casing Type _____ Diameter _____ Thickness _____
 - Screen Type _____ Diameter _____ Thickness _____
 - Gravel Pack Thickness _____ Length of Gravel Pack _____
 - Depth to Top of Water Bearing Material _____
 - Depth of Water (ground surface to water level) _____
 - Distance to nearest existing domestic well:
On applicants property *50' (10' deep)* On property owned by others *1 mile*

2. Dugout Information Estimates

- Surface Dimensions _____ Depth _____
- 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.

- 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 _____

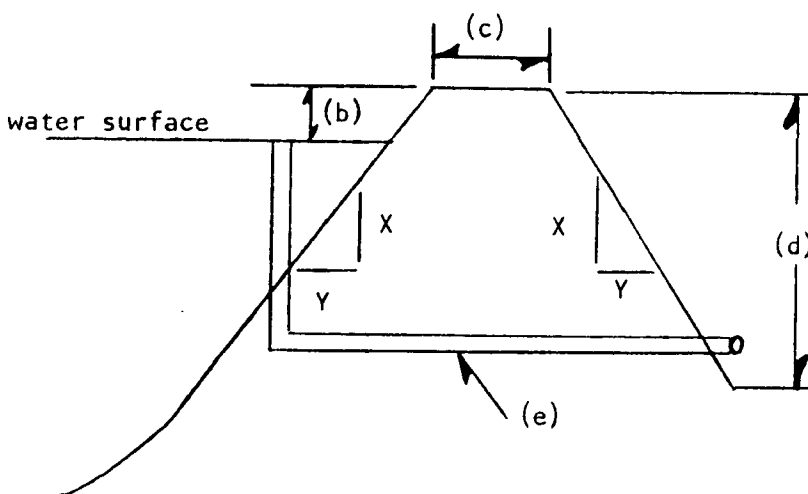
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

X *W. Lynn Lundquist*

Supplemental Information

(type or print in ink)

Well # 2 Dam # 2

1. Well Information - Proposed construction SW¹/₄ NW¹/₄, SEC 35, T7N-R2E (Refer to Well logs)

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 50' On property owned by others 1 mile

2. Dugout Information Estimates

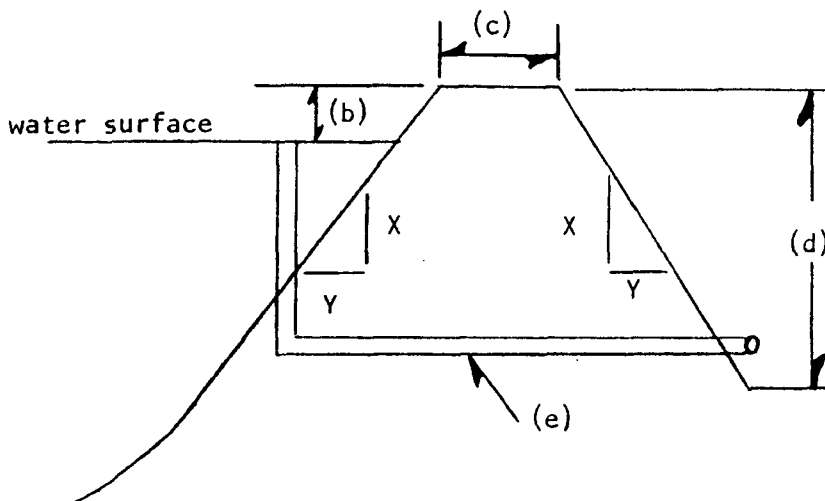
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

Dam/Dugout: SW¹/₄ NW¹/₄, SEC 35, T7N-R2E

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 3.5c) Crest Width 10'Crest Length 150'd) Height 13.2'e) Outlet Dimensions:
Pipe diameter N/ASpillway width 10'f) X & Y Slope
Upstream X=1.0 Y=3.3Downstream X=1.0 Y=1.4Surface Area of Impoundment .33Storage 2.2 acre feetDrainage area above dam 1.0

Wayne Lindstedt

Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410642

Pierre, December 9, 1986, 19

RECEIVED OF Wayne Linstad 827 9th Avenue, Belle Fourche, SD 57717

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

Fee for Application for Permit No. <u>137981</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By _____

Chief Engineer JOHN HATCH

ms

Well # 2

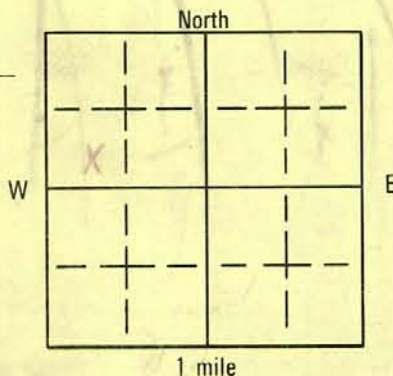
1379-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NW 1/4 Sec 35 Twp 7 Rg 2County LAWRENCE

Please mark well location with an "X"

Well Completion Date Oct 31, 1986

PROPOSED USE:

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

Method of Drilling:

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
Sch-40 LB/FT	4 IN	0 FT	105 FT	6" IN
Sch-40 LB/FT	3 IN	105 FT	741 FT	5 3/8 IN
LB/FT	IN	FT	FT	IN
Sch-40 LB/FT	6 IN	0 FT	120 FT	8 3/4 IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? 50Describe grouting procedure Pumped cementthrough 1" pipe from 740'to surfaceWhat was grout weight? 17 sacks per yard LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Steel and neopreneDescribe packer(s) and location? at 740' wellwas between 704" from5 3/8" and a reduced borepacker was usedWas well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☒ YES ☐ NOLaboratory sent to Montana Mining Co.

Well Owner:

Name Wayne LindstadAddress Belle fourche

Well Log:

Depth

Formation

From

To

red sand clay	0	38
Gravel/red sand	38	44
Blue shale	44	78
Gypsum Bed	78	110
red bed	110	740
Minnesota limestone	740	760

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 26 through 4 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

0-120- 6" surface casing
80 ft - 40 gal per min - Gypsum bed
78 grain Hard

This well was drilled under license # 581

And this report is true and accurate.

Drilling firm Sullivan Drilling

Signature of License Representative:

Charlie Sullivan

Signature of Well Owner:

Wayne LindstadDate Nov-2-1986

1020 #1

1379-1

DRILLER'S LOG OF WELL

Location of Well: N.W. 1/4, N.W. 1/4, Section 35, Township 2, Range 2
Well to be drilled for: WATER (Name) SP. FISH SL (Address)
Owner of land (if other than above) (Name) (Address)
Date well drilling started OCT-5-1956 finished NOV-24-1956
Purpose of well DOMESTIC
(domestic, irrigation, municipal, industrial, other)

Diameter	inches	Ground Surface Elevation: (If Available)
0-48 Feet	RED CLAY	Kind and thickness of casing to be installed: 4" STEEL
48-54 Feet	GRAVEL	Size of casing to be installed: 805-3 feet of 4 inches diameter 55 feet of 8 inches diameter SURFACE CASING
54-82 Feet	SAND ROCK	Type of seal between casing sizes:
82-106 Feet	GYPSUM BEDS	Kind of perforated screen to be installed: Material (steel, wood, concrete, etc.) Size of screen: Diameter inches Length feet Size openings inches
106-820 Feet	SP. FISH FM OR RED BEDS	Depth below ground surface to which water rises
820-828 Feet	MINNESOTA LIMESTONE	in well FLOW feet. 48 gal per min

Believed to be drilled by
Wm. Dilling of Union City.
Now drilled

75-150

SOUTH Dakota Department of
Water & Natural Resources

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

December 18, 1986



Wayne Lindstad
827 9th Ave
Belle Fourche SD 57717

Dear Mr. Lindstad:

This letter is in response to your permit application received on December 9, 1986. The following information is needed before the permit application can be processed:

1. The dam located in the SE 1/4 SE 1/4 Section 27, T7N, R2E needs to be included on the permit application. Enclosed are the Form 2A's you returned with the permit application. I have also enclosed a copy of the location notice filed for the dam on October 30, 1964. The information on the Location Notice will be helpful in completing Question No. 3 on the Form 2A's.

Please complete the information and return the forms in order to begin the processing of your application.

Sincerely,

Ron Duvall /KS

RON DUVALL
Natural Resources Engineer

RD:ks

enclosure

*Ran
I just dug a new dam (#2) by #1 well
I will send Dry Draw Location Notice as soon
as I get it notarized & Filed in Lawrence Co.
And you
Wayne Lindstad*

LOCATION NOTICE-DRY DRAW

Lawrence
County

32372
Dry Draw No.

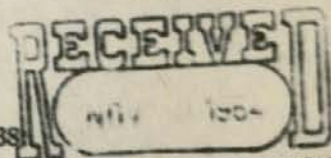
I, E. A. Lindstedt, of
Name

Bill Fouch S.D. Barto
Address Town County

W. A. and E. A. Lindstedt, of the following described land, do hereby notify the Water Resources owner or operator

Commission of the State of South Dakota and all others concerned that I am exercising my right under Section 61.0138 of Chapter 430 of the Session Laws of 1955 for construction of a Dry Draw dam for the purpose of storing flood waters for (storing, diverting, or both) livestock purposes. (livestock, irrigation or both)

The following data is presented in compliance with Section 61.0138



(1) Dates of

(a) This application 10-1-57

(b) Posting at construction site 10-1-57

(2) Legal description of the land upon which the dam is located. SE 1/4 of the SE 1/4 of Section 27, Township 7N, Range 2E. The dam is located 45 rods 77 and 18 rods W of the SE corner of said Section (N.S.E.W.) (N.S.E.W.) (NW, NE, SE, SW) in the County of Lawrence

The owner of the land is W. A. and E. A. Lindstedt
Name Address

(3) Amount of water claimed for all purposes each year 10.0 acre feet.

(4) Storage capacity of reservoir 10.0 acre feet.

(5) Surface area of reservoir 1.5 acres.

(6) Size of watershed above dam 1 acres.

(Over)

Bill Fouch
1

Enclosed herewith is one dollar (\$1.00). The Water Resources Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of Lawrence County and has been posted at the structure site in accordance with Section 61.0138 of the Water Laws.

W. A. Lindstad
Owner

by E. A. Lindstad
Locator

STATE OF SOUTH DAKOTA }
County of Butte } ss.

On this 30th day of October, 1964, before me
P. S. Voyles, a Notary Public
(Notary Public or other Official having a seal)
in and for the County and State aforesaid, personally appeared E. A. Lindstad
to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

P. S. Voyles
Name

(SEAL)

Notary Public
Title
Comm expires 23 July 1965

REPORT ON APPLICATION NO. 1379-1
WAYNE LINDSTAD
March 16, 1987

Application No. 1379-1 proposes to appropriate 0.16 cubic feet of water per second from two wells 760 and 828 feet deep located in the W 1/2 NW 1/4 Section 35, T7N, R2E. The water is to be used to supply one dam (8.9 ac-ft of storage) and one dugout (2.2 ac-ft of storage) for domestic to supply a fish hatchery and for wildlife purposes. The dam is located in the SE 1/4 SE 1/4 Section 27 and the dugout is located in the SW 1/4 NW 1/4 Section 35 both in T7N, R2E.

Aquifer - Minnekahta Limestone

Geologic and Hydrologic Characteristics:

The Minnekahta limestone is a relatively pure, gray or pink limestone 35-40 feet thick, that underlies approximately 126,080 acres of Lawrence County (Allen, 1984). The total porosity of the Minnekahta is estimated to be 8% and the effective porosity is assumed to be 5% (Rahne, 1979). The limestone contains approximately 315,200 acre-feet of recoverable water in storage in Lawrence County (Allen, 1984). The Minnekahta is under artesian conditions in this area, with the static water level above the land surface. The shut-in pressure of Minnekahta wells in this area has not been determined, but the well information supplied with this application indicates the Minnekahta will flow in this area with rates up to 48 gpm.

Recharge to the aquifer occurs through infiltration of precipitation falling on the outcrop and streamflow. Rates of recharge and natural discharge have not been quantified.

The Division of Water Rights monitors one observation well in the Minnekahta limestone approximately 4 miles west of the applicant's well.

The observation well was installed in the summer of 1986, so water level data is limited. The water level of the observation well has fluctuated 13.2 feet since installation, possibly in response to an increase discharge from the aquifer created during the drilling of a nearby high capacity well (Gene Johnson well) or possibly indicating seasonal fluctuations of the potentiometric surface.

The Division of Water Rights has record of six domestic wells within approximately 1 1/2 miles of the applicant's well. Two of these wells depend on the Minnekahta limestone for a water source.

There is no indication on the driller's log of the applicant's number 1 well, that the well can be completely shut-in.

Review of Existing Permits

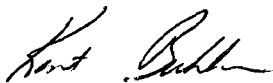
There are two existing water permits within approximately 1 1/2 miles of the applicant's wells. They include:

Permit

<u>No.</u>	<u>Owner</u>	<u>Location</u>	<u>Rate</u>	<u>Source</u>
673-1	Denny Brengle	NW 1/4 26, T7N, R2E	1.74	Minnekahta
1356-1	Stanley D. Ainsworth	NW 1/4 3, T6N, R2E	0.22	Alluvium

Conclusions

1. Water is available for appropriation from the Minnekahta Limestone in this area.
2. Interference should not be a problem. The standard well interference qualification should be included on this permit.
3. The use of water applied for is a beneficial use.
4. The well log does not indicate that the well number 1 can be completed shut-in. The flow of the well must be controlled when the water is not used as intended by this permit, pursuant to SDCL 46-6-14.
5. The information provided on this application indicates artesian pressure is used as a means of diversion. The applicant should be aware that artesian pressure as a means of diversion is not protected by South Dakota Water Rights Law.



KENT BUHLER
Natural Resources Engineer

References

Allen, J.C.; Iles, D., Petres, A., 1984; Analysis of Ground Water and Stream Flow Data, Western Dakotas Region of South Dakota; Tasks 3 & 4; Groundwater Resources Inventory: DWNr, Division of Geologic Survey, Vermillion SD 57069; US Army Corps of Engineers Contract No. DAWC 45-82-C-0151.

Rahn, P.H., 1979, Groundwater Resources of Western South Dakota, US Army Corps of Engineers, SDSM & T, Project #2533, Rapid City SD.

Division of Water Rights, 1987, "Domestic Well Log, Observation Well, and Water Permit Files", DWNr, Joe Foss Building, Pierre SD.

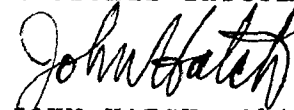
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1379-1

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. 1379-1, Wayne Lindstad, 827 9th Ave, Belle Fourche SD.

The Chief Engineer is recommending APPROVAL of Application No. 1379-1 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:

1. The wells approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. 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 chief engineer upon request. If these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules Chapter 74:02:04.
2. The wells 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 the attached report for additional information.



JOHN HATCH, Chief Engineer
March 17, 1987

Instruction to Newspaper - Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1379-1 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Wayne Lindstad whose mailing address is 827 9th Ave., Belle Fourche,, South Dakota has made an application for a permit to appropriate 0.16 cubic feet of water per second from 2 wells (Minnekahta Limestone) 760 and 828 feet deep located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35-T7N-R2E. Water is used to supply one dam (8.9 acre-feet of storage) and one dugout (2.2 acre-feet of storage) for domestic, to supply a fish hatchery, and for wildlife purposes. The dam is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27 and the dugout is located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35 both in T7N-R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1379-1 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, SD, May 6, 19 87 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 April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's 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 April 24, 1987.

No. 137

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Lawrence) ss.

I, William B. Kemper hereby

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

Water was taken from the Queen 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 _____

City of Spearfish

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

April 8th, 1987

April 15th, 1987

William B. Kemper
(Signature)

Publisher

(Title)

April 8th, 1987

(Date Signed)



Cost of Printing:

100 lines x .2564 = \$25.64

100 lines x .2051 = 20.51

TOTAL \$46.15

NOTICE OF HEARING
on Application No. 1379-1
to Appropriate Water

Notice is hereby given that **Wayne Lindstad** whose mailing address is **827 9th Ave., Belle Fourche, South Dakota** has made an application for a permit to appropriate 0.16 cubic feet of water per second from 2 wells (Minnekahta Limestone) 760 and 828 feet deep located in the W1/4N1/4 Section 35-T7N-R2E. Water is used to supply one dam (8.9 acre-feet of storage) and one dugout (2.2 acre-feet of storage) for domestic, to supply a fish hatchery, and for wildlife purposes. The dam is located in the SE1/4SE1/4 Section 27 and the dugout is located in SW1/4NW1/4 Section 35 both in T7N-R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. **1379-1** because 1) inappropriate 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, SD, May 6, 1987 at 10:00 a.m.**

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 **April 24, 1987**. 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 application 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, 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.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUL 17 1987

Wayne Linstad
827 9th Avenue
Belle Fourche, South Dakota 57717

Dear Mr. Linstad:

Enclosed herewith is your Water Permit No. 1379-1 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. 1379-1.

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 dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with a large, stylized "H" and "A".

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 29 1998

1636-1

Wayne Lindstad
RR 2, Box 393H
Spearfish, SD 57783

Dear Mr. Lindstad:

Enclosed is Water License No. 1636-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415773 in the amount of \$50.00 which you paid for the investigation 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. 1636-1, 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,

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

ks
enclosures

NOTE: The applicable portions of Permit No. 1379-1 have been incorporated into Water License No. 1636-1.