

Considered: _____

WATER PERMIT NO. 1383-1

MAP No. same

Name of Applicant Black Hills State College c/o Art Jones

Post Office Address P.O. Box 9513, Spearfish SD 57783

Amount of Water Claimed 0.55 cfs Total Acres 38.75

Source of Water Supply ground water 1 well (Madison Formation)

Water to be used for irrigation County Lawrence

About _____ miles _____ of in 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 Jan. 28, 1987 Fee none Remarks state

1/28/87 agency is not required to pay application fees

Corrected Application Received March 18, 1987 Period of Annual Use Apr 1 - Nov 30

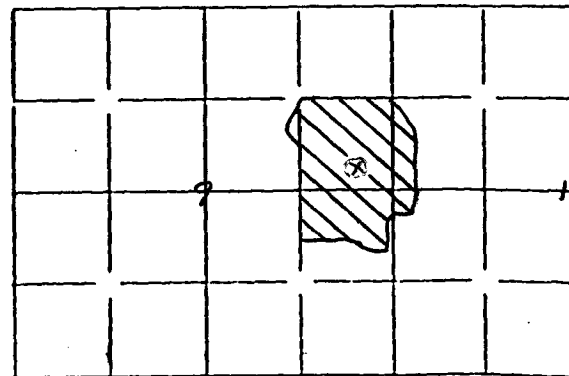
WATER QUALITY APPROVAL RECEIVED ☒ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point well: SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 9-

T6N-R2E

Land to be Irrigated SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
section 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 10; all
in T6N-R2E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Black Hills State
Ron Duwall Reviewed and the Number
assigned on March 11, 1987 By Ron Duwall

No. 1383-1 Hydrologic Unit 10120203
Map No. same Basin Belle Fourche R.
Newspaper Queen City Mail, Box 7, Spearfish (and)**Application For Permit To Appropriate Water Within The State Of South Dakota**

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☒ Application to: ☒ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Black Hills State College Phone No. 642-6244
c/o Art Jones, Dir. Physical Plant, College Station
Post Office Address P.O. Box 9513, Spearfish State SD 57783
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s) 0.55 Total acres irrigated 38.753. Source of Water supply Madison Formation 1 Well4. Location of point of diversion SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 9, T6N, R2ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used Irrigation Season (TURF) April 1 - November 30

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

Land Description	No. Acres Irr.
SE $\frac{1}{4}$, NE $\frac{1}{4}$, SEC. 9, T6N, R2E	19.05
NE $\frac{1}{4}$, SE $\frac{1}{4}$, SEC. 9, T6N, R2E	15.10
NW $\frac{1}{4}$, SW $\frac{1}{4}$, SEC. 10, T6N, R2E	0.65
SW $\frac{1}{4}$, NW $\frac{1}{4}$, SEC. 10, T6N, R2E	3.20

Land Description	No. Acres Irr.
SW $\frac{1}{4}$, NE $\frac{1}{4}$, SEC. 9, T6N, R2E	0.75
TOTAL	38.75

Attach sheet if more space is needed

8. 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)

Project will consist of a well and a buried P.V.C. pipe distribution system and an automatic underground sprinkler system for the irrigation of the campus turf areas.

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 _____)

I, Art Jones 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 Art JonesSubscribed and sworn to before me this 26 day of January 19 87

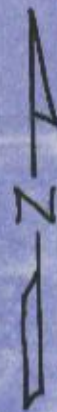
TGN R2E

SEC. 4

SEC. 3

SEC. 9

SEC. 10



BLACK
HILLS
STATE
COLLEGE
CAMPUS AREA

Actual
location
RD
100/101

PROPOSED
WELL LOCATION

NE 1/4
SEC. 9

NW 1/4
SEC. 10

SE 1/4
SEC. 9

SW 1/4
SEC. 10

BOUNDARY OF TURF
AREA TO BE IRRIGATED

Don Duvall
Natural Resources Engineer
3/11/87

Appl. No. 1383-1

14527

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1383-1
Black Hills State College P.O. Box 9513, Spearfish
(Applicant) (Post Office Address)

SD 57783 With the following qualifications.

1. The casing of the well to be constructed under Permit No. 1383-1 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04. 2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. 3. 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. 4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application January 28, 1987.

Date of return to applicant for correction, amendments or changes required February 23, 1987.

Date of receipt of corrected application March 18, 1987. Approved May 6, 1987.

The Water Management Board hereby approves this Water Permit No. 1383-1 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 January 28, 1987.
2. One-fifth of the work is to be completed on or before October 6, 1989.
3. The whole of said work is to be completed on or before May 6, 1992.
4. The time limit for proof of beneficial use of water is May 6, 1996.
5. The water appropriated shall be used for the purpose of irrigation.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.55 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. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth ($1/70$) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before May 6, 1996; said water to be used during the following described annual period: Apr 1 - Nov 30.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

JUL 16 1987, 1987

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth APPROX. 800 FT.
- b) Casing Type 2 1/2" 40 STEEL Diameter 10" Thickness _____
- c) Screen Type OPEN HOLE 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 _____ On property owned by others _____

X Dugout Information Estimates

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

X 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

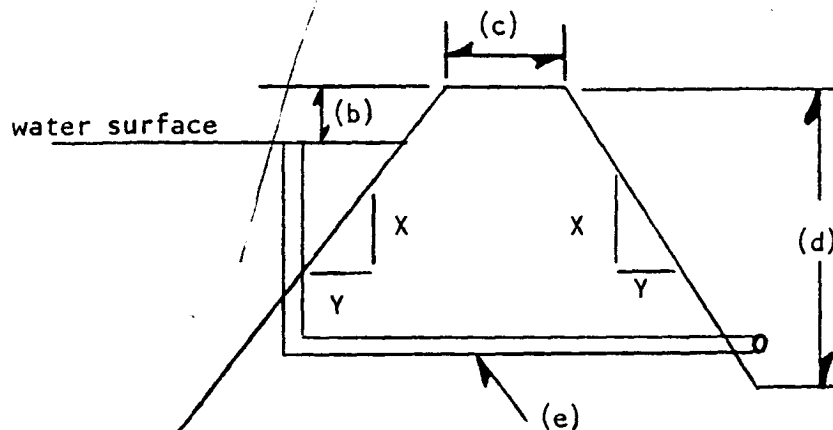
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Art Jones, Director of Phy. Plant, B HSC

Division of Conservation

WR#

OWNERS NAME: _____

OWNERS ADDRESS:

COUNTY LAND LOCATED IN: CLATSOP COUNTY

PHONE: 622-2222

TENANT'S NAME AND ADDRESS: Director of Housing, Dallas

Act 1, 1952

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

1. WELL LOCATION SE 1/4, NW 1/4, SECTION 3, T6S, R1E, S44N, E10E

Depth Recessed Countdown (yet to be ordered)

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SEC. 9, T4N, R2E	19.20	SW $\frac{1}{4}$, NE $\frac{1}{4}$, SEC. 1, T4N, R2E	19.20
NE $\frac{1}{4}$, SW $\frac{1}{4}$, SEC. 9N T6N R2E	15.10	POTENTIAL	30.70
NE $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 10, T6N, R2E	15.10		
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SEC. 10, T6N, R2E	15.20		

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

LEGAL DESCRIPTION:

IN WHAT NAME:

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

OTHER: 53

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

6. CROPS TO BE IRRIGATED: Campus Turf Areas

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

7. WATER SAMPLE NUMBER:1 _____

10. ADJUSTED (SAR):

8. SALINITY (EC X 10⁶): _____

11. PERCENT SODIUM

9. SODIUM (SAR): _____

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19_____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature of Water Sampler _____

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF _____, 19____.

(NOTARY PUBLIC)

My Commission Expires
September 5, 1968

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date _____

APPROVED

REQUIREMENTS

DISAPPROVED

WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



CONSERVATION COMMISSION MEETING

DATE: January 28, 1987

Page 1 - APPROVED

NAME: Art Jones

Water Quality: D124
Madison Formation
Well not drilled

ADDRESS: PO Box 9513, 1200 University

SALINITY:

ADDRESS: Spearfish SD 57783-1797

SAR:

SODIUM:

COUNTY: Lawrence

ADJ SAR:

LEGAL DESCRIPTION: SE1/4 NE1/4 9; NE1/4 SE1/4 9; NW1/2 SW1/4 10;
SW1/4 NW1/4 10; SW1/4 NE1/4 9-6-2 = 38.75 acres (Campus Turf Areas)

APPLICATION #: 4193

TYPE OF IRRIGATION: Solid Set Sprinklers

WATER SOURCE: Ground Water

MANAGEMENT RECOMMENDATIONS:

We recommend that areas of concentrated foot traffic not be irrigated and that these areas be modified to accomodate that traffic or eliminate foot traffic. If left unaddressed these areas may create a dust and runoff problem.

TYPE OF PERMIT GRANTED AND REASON:

The Approved recommendation is based on the concensus that with good water management and proper lawn care no long term problems are evident.

SOUTH Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

August 13, 1986

Aaron Swan & Associates
301 W. Capitol
Pierre, South Dakota 57501

ATTENTION: Jim Kienholz

Dear Sir:

This letter is in response to a request from Jim Kienholz for information on the status of water rights for Black Hills State College on August 12, 1986.

The College currently has the following water rights:

1. Future Use Permit No. 969-1 has reserved .22 cfs from the Minnelusa formation for future water use by the College. The permit has a priority date of July 28, 1972 and is subject to a seven year review by the Water Management Board on July 11, 1991. A permit application needs to be submitted to develop all or any part of the water reserved by Future Use Permit No. 969-1.
2. Vested Right No. 970-1 authorizes a water appropriation of .11 cfs from one well located 1500 feet South and 700 feet West from the Northeast corner of section 9-T6N-R2E. The water is for institutional use by the college and has a priority date of 1921.

SDCL 46-5-36 and 46-5-37 require that appropriated water be put to beneficial use at least once every three years if water is available. Appropriated water that is not put to beneficial use is considered abandoned due to nonuse and reverts to public waters. Therefore, Vested Right No. 970-1 may or may not be a valid water right. Continuous use of the water as defined by SDCL 46-5-36 and 46-5-37 would determine whether or not the water right is still a valid water right. The Water Management Board can be petitioned to make a declaratory ruling on the validity of Vested Right No. 970-1.

3. The Walton Ditch from Spearfish Creek has an authorized diversion rate of 8.5 cfs with a March 20, 1877 priority date. The diversion rate and priority date were both determined by the Cook vs. Evans court case.

Equal Opportunity Employer

Aaron Swan & Assoc.
August 13, 1986
Page 2

The authorized diversion rate of 8.5 cfs is also subject to the principal of beneficial use. For example, if due to development of surrounding areas 8.5 cfs could not be diverted for beneficial use then the amount of water not used would revert to the public. The same statutes mentioned in No. 2 also apply to the Walton Ditch. Therefore, continuous use of the water is needed to maintain the water right and a declaratory ruling can be requested from the Water Management Board to determine if a valid water right exists.

The Ditch Company is responsible for regulating water use by the ditch users. The number of acres irrigated and diversion rate allowed for each user is determined by the Company within the confines of the Court decision. Gary Adam, President of the Walton Ditch Company, may be able to clarify the exact acreage and diversion rate authorized to the College.

Please contact us if you have any further questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms



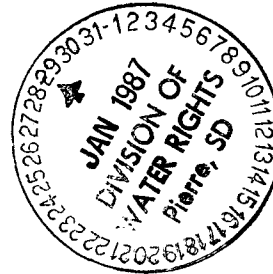
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building • Pierre, South Dakota 57501
Phone 605/773-3258

January 28, 1987

Art Jones
Physical Plant
College Station
PO Box 9513, 1200 University
Spearfish, SD 57783-1797



Dear Mr. Jones:

In reviewing your soil and water compatibility application for the SE1/4 NE1/4 9; NE1/4 SE1/4 9; NW1/2 SW1/4 10; SW1/4 NW1/4 10; SW1/4 NE1/4 9-6-2 = 38.75 acres the irrigation staff is recommending Approval of your application to the State Conservation Commission at their March 16, 1987 meeting. The Approved recommendation is based on the consensus that with good water management and proper lawn care no long term problems are evident.

The Management Recommendations are as follows:

MANAGMENT RECOMMENDATIONS:

We recommend that areas of concentrated foot traffic not be irrigated and that these areas be modified to accomodate that traffic or eliminate foot traffic. If left unaddressed these areas may create a dust and runoff problem.

Sincerely,

Jim Stukel
Land Management Supervisor

cf

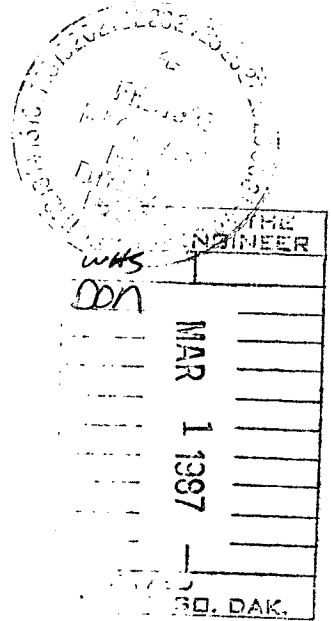


Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 23, 1987



Art Jones
Black Hills State College
P.O. Box 9513
Spearfish, South Dakota 57783

Dear Mr. Jones:

This letter is in response to the Black Hills State water permit application received on January 28, 1987. The following information is needed before the permit application can be processed:

1. The enclosed Form 2A needs to be completed. A well driller's test log must also accompany the application or an estimate of the proposed well construction and formations to be encountered (see instruction sheet).

Please complete and return the enclosed forms and well log information. The permit application can be processed only when the application is complete. Contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

RON - I CAN WRITE
THE REPORT BASED UPON
THE ESTIMATES GIVEN ON
THE FORM 2A -
J.A.G.

REPORT ON APPLICATION NO. 1383-1
BLACK HILLS STATE COLLEGE
March 17, 1987

Permit Application No. 1383-1 proposes to appropriate 0.55 cubic feet of water per second from one well approximately 800 feet deep to irrigate 38.8 acres of campus turf area. The well is to be located in the SE 1/4 NE 1/4 Section 9, T6N, R2E. The turf area to be irrigated is located in the S 1/2 NE 1/4, NE 1/4 SE 1/4 Section 9; NW 1/4 SW 1/4, SW 1/4 NW 1/4 Section 10; all in T6N, R2E.

Aquifer - Madison Limestone

Geologic and Hydrologic Characteristics

The Madison (Pahasapa) limestone is a massive, fine to medium crystalline, cavernous limestone and dolomite, 300 to 600 feet thick (Darton, 1925). The top of the Madison Limestone is estimated to be approximately 750 feet below the land surface in this area (Division of Water Rights, 1987). The Madison Limestone underlies approximately 314,880 acres of Lawrence County, and contains an estimated 9,446,400 acre-feet of recoverable water in the county (Allen, 1984). The importance of the Madison as an aquifer is largely due to well developed zones of secondary porosity and permeability formed by weathering of exposed surfaces and ground water solution. The average porosity of the Madison is estimated to be 11% and the effective porosity is estimated to be 5% (Rahn, 1979).

Recharge to the Madison is accomplished primarily through infiltration of precipitation falling on the outcrop area and streamflow losses. The actual quantity of water that recharges the aquifer is unknown and a controversial subject. Rahn (1979) stated that the Madison recharge rate "must be fairly low", because water from the Madison was determined to be about 30,000 years old at Midland and Philip SD. The water presumably took 30,000 years to migrate from the recharge area the Black Hills. In a report prepared for the BLM by Woodward-Clyde Consultants (1981). The upper and lower bounds of average annual recharge are 400,000 acre-feet per year and 140,000 acre-feet per year respectively.

There is no aquifer test information available from the Madison aquifer in the Spearfish area, therefore, the transmissivity and the storage coefficient of the aquifer are unknown. Estimates from regional studies of the aquifer indicate that transmissivity may range from 86 to 25,000 ft²/d; the storage coefficient may range from 1×10^{-6} to 1×10^{-4} (Peter, 1985). Reported specific capacity values from Madison wells in the area range from 0.019 gpm/ft to 0.03 gpm/ft (Rahn, 1979). The Madison is under artesian conditions in this area and the well is expected to flow at this location.

The Minnelusa Formation is possibly hydrologically connected with the Madison Limestone. Allowing natural discharge of the Madison. Natural discharge also occurs along numerous springs which have incised the potentiometric surface of the Madison.

The Division of Water Rights does not monitor any Madison aquifer observation wells in this area, and there is no historical data (water level measurements available).

The Division of Water Rights has record of at least 43 domestic wells within approximately 2 miles of the applicant's well. The majority of the domestic wells depend on shallower aquifers for water supplies; however, at least two wells obtain water from the Madison limestone.

Review of Existing Permits

There are 22 existing water permits appropriating ground water within approximately 2 miles of the applicants well, they include:

Permit No.	Owner	Location	Source	Rate (cfs)
0418-1	Juliet Congill	SE 1/4 10, 6N, 2E	spring	all
52A-1	Bur. of Fisheries	SE 1/4 15, 6N, 2E	springs	0.33
150-1	City of Spearfish	SE 1/4 9, 6N, 2E	springs	1.00
579-1	City of Spearfish	NW 1/4 15, 6N, 2E	Madison	2.22
640-1	City of Spearfish	SE 1/4 10, 6N, 2E	Minnelusa	1.33
925-1	Warren N Golliher	NW 1/4 17, 6N, 2E	springs	0.73
952-1	William McGuigan	NE 1/4 5, 6N, 2E	Minnekahta	0.70
967-1	Travis S Roberts	SW 1/4 15, 6N, 2E	Alluvium	1.11
969-1	(BHSC) James McGibney	NE 1/4 & SE 1/4 9, 6N, 2E	Minnelusa	0.22 (future use)
970-1	Black Hills State Col.	NE 1/4 9, 6N, 2E	Minnelusa	0.11
978-1	Valley View Water Sys.	NE 1/4 4, 6N, 2E	Alluvium	0.11
1003-1	City of Spearfish	NE 1/4 15, 6N, 2E	Madison (Minnelusa?)	1.50
1118-1	Kenneth Ellingson	SE 1/4 4, 6N, 2E	Minnekahta	0.67
1129-1	Carl Deranleau	SE 1/4 4, 6N, 2E	Alluvium	0.10
1141-1	Robert P Schneider	NW 1/4 10, 6N, 2E	Alluvium	0.22
1184-1	Raymond Nordstrom	NW 1/4 4, 6N, 2E	Minnekahta	0.10
1212-1	Neil & Margaret Mutchler	NE 1/4 4, 6N, 2E	Minnekahta	0.06
1227-1	Valley View Water Sys.	NE 1/4 4, 6N, 2E	Alluvium	0.11
1265-1	Neil & Margaret Mutchler	NE 1/4 4, 6N, 2E	Minnekahta	0.39
1359-1	City of Spearfish	NE 1/4 16, 6N, 2E	Madison	2.00
1356-1	Stanley D Ainsworth	NW 1/4 3, 6N, 2E	Alluvium	0.022
1369-1	Frank L. Matson	NE 1/4 9, 6N, 2E	Minnelusa	0.11

Conclusions

1. Water is available for appropriation from the Madison Formation.
2. Interference is likely; however, this should not significantly affect adequately constructed Madison wells.
3. It is impossible to determine either the potential effects from the proposed well upon springflow or wells into the Minnelusa Formation.
4. The water is to be put to a beneficial use.
5. The well must be constructed according to South Dakota Well Construction Standards and if the well flows at the surface, the well must be valved and capable of being completely shut in.



KENT BUHLER
Natural Resources Engineer

References

- Darton, N.H., Paige, S., 1925, Geologic Atlas of the United States, Central Black Hills Folio, South Dakota; USGS, Folio No. 219.
- Allen, J.C., Illes, D., Petres, A., 1984, Analysis of Ground Water and Streamflow Data, Western Dakotas Region of South Dakota: DWNr, Division of Geological 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.
- Woodward-Clyde Consultants, 1981, Well Field Hydrology, Bureau of Land Management, Final Technical Report.
- Peter, K.D., 1985, Availability and Quality of Water from Bedrock Aquifers in the Rapid City Area, South Dakota, US Geological Survey Water Resources Investigations Report 85-4022.
- Division of Water Rights, 1987, "Domestic Well Log and Water Permit Files", DWNr, Water Rights Division, Foss Building, Pierre SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1383-1

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. 1383-1, Black Hills State College, PO Box 9513, Spearfish SD.

The Chief Engineer is recommending APPROVAL of Application No. 1383-1 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 casing of the well to be constructed under Permit No. 1383-1 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request.
3. 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.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 19, 1987

No. 1383-1

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. 1383-1 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Black Hills State College whose mailing address is P.O. Box 9513, Spearfish, South Dakota has made an application for a permit

to appropriate 0.55 cubic feet of water per second from one well (Madison Formation) approximately 800 feet deep to irrigate 38.8 acres of campus turf area. The well is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9-T6N-R2E. The turf area to be irrigated is located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10; all in T6N-R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1383-1 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, 1987 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 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 April 24, 1987.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE } SS.

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

NOTICE OF HEARING on Application No. 1382-1 to

Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive and consecutive weeks, the first publication being made on the 8th day of April, 19 87, and the last publication on the 15th day of April, 19 87, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 43.38, inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 15th day of April, 19 87

Vicky L. Hart
NOTARY PUBLIC LAWRENCE COUNTY, SOUTH DAKOTA

My commission expires

My Commission Expires
September 12, 1992



NOTICE OF HEARING on Application No. 1383-1

to Appropriate Water

Notice is hereby given that **Black**

Hills State College whose mailing address is **P.O. Box 9513, Spearfish, South Dakota** has made an application for a permit to appropriate 0.55 cubic feet of water per second from one well (Madison Formation) approximately 800 feet deep to irrigate 38.8 acres of campus turf area. The well is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9-T6N-R2E. The turf area to be irrigated is located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10; all in T6N-R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 1383-1 because 1) unappropriate 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 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 application need not file a petition.

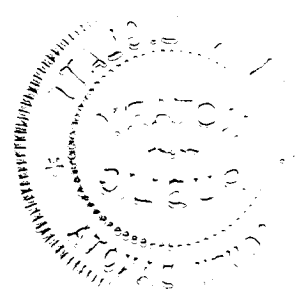
This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 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.

94 lines x .2564 = \$24.10
94 lines x .2051 = 19.28
TOTAL \$43.38

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.

April 8, and 15





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

JUL 16 1987

Art Jones
Black Hills State College
P.O. Box 9513
Spearfish, South Dakota 57783

Dear Sir:

Enclosed herewith is your Water Permit No. 1383-1 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. 1383-1.

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".

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

APR 23 1998

1452-1

Black Hills State University
Randy Culver, Manager
P.O. Box 9513
Spearfish, SD 57799-9513

Dear Mr. Culver:

Enclosed is Water License No. 1452-1. This is the final water right document completing your process of obtaining a Water Right.

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. 1452-1, 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 Water Permit No. 1383-1 have been incorporated in Water License No. 1452-1.