

Considered: _____

WATER PERMIT NO. 1407-1

HAP No. same

Name of Applicant Richard L. Cundy

Post Office Address Route 1, Box 55, St. Onge SD 57779

Amount of Water Claimed 0.57 cfs Total Acres 40

Source of Water Supply ground water 1 well (Minnelusa)

Water to be used for irrigation County Lawrence

About 3 1/2 miles N of Spearfish.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 7, 1986 Fee \$150⁰⁰ Remarks _____

Corrected Application Received 8/14/87 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 9/16/87 APPROVED CONDITIONAL (Circle one)

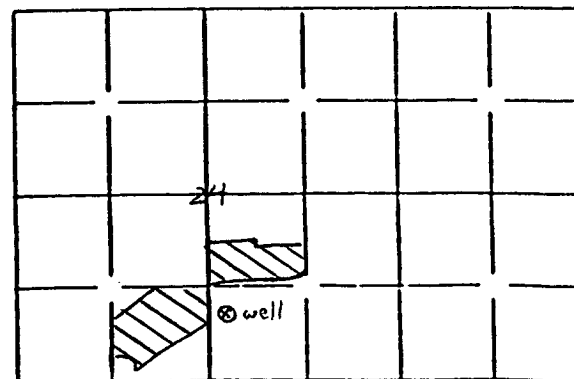
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point well: SW 1/4 SE 1/4 section 24 -

T7N-R2E

Land to be Irrigated NW 1/4 SE 1/4 (16 ac)

SE 1/4 SW 1/4 (24 ac) section 24 - T7N-R2E



Well Log: Driller Taylor Licensed YES ☒ NO _____

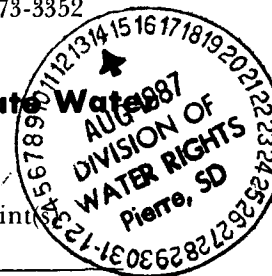
Depth of Well 940 Feet REMARKS _____

Type of Map aerial photo PREPARED BY Rassool Ahadi Reviewed and the Number

assigned on September 21, 1987 By Ron Durrall

(See instructions)

No. 1407-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Queen City Mail, Box 7, Spearfish
(wed)



- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Richard L. Cundy Phone No. 642-3130
Post Office Address Route 1, Box 55, S.t. Onge, South Dakota State 57779
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) .57 Total acres irrigated 40
3. Source of Water supply groundwater - Minnelusa 1 Well
4. Location of point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T7N-R2E
County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used Spring thru fall 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.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T7N, R2E	16.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T7N, R2E	24.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

Flood irrigation - currently alfalfa - well flows approximately 600 gpm

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Lawrence ss

I, Richard Cundy, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Richard L. Cundy

Subscribed and sworn to before me this 13 day of August 1987

Alice Penwood
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 1407-1
to irrigate 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 24-T7N-R2E
(legal description of land)
From one well (Minnelusa Formation) 940 feet deep located in the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 24-T7N-R2E for
(diversion point, source, depth of well, etc.)

Richard L. Cundy Route 1, Box 55
(Applicant) (Street, RR or Box)
St. Onge SD 57779 With the following qualifications.
(City) (State) (Zip Code)

1. 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.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application January 7, 1986.

Date Soil/Water Compatibility Permit received September 16, 1987.

Date of return to applicant for correction, amendments or changes required March 20, 1986.

Date of receipt of corrected application Aug. 14, 1987. Approved December 2, 1987.

The Water Management Board approved this Water Permit No. 1407-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 16, 1987.
2. One-fifth of the work is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, ~~19~~_____.
4. The time limit for proof of beneficial use of water is _____, ~~19~~_____.
5. 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.
6. The amount of the appropriation herein granted shall not exceed 0.57 cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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~~ _____, ~~19~~_____. The water is 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

FEB 9 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12" Depth 940'
- b) Casing Type steel Diameter 8 5/8" Thickness 0-240 feet
steel 5 1/2" 229-940 ft
- c) Screen Type steel 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) Flowing
- g) Distance to nearest existing domestic well:
 On applicants property 1/2 mile On property owned by others 2 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

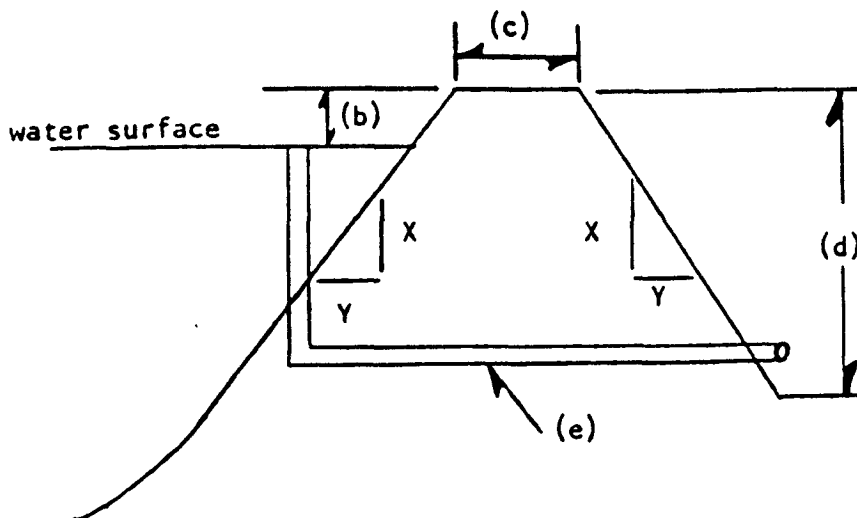
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Richard L. Condy
 Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 10281

Pierre, January 7, 1936

RECEIVED OF Richard L. Cundy, Route #1, Box 56, St. Onge, SD 57779

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

Fee for Application for Permit No. 1407-1 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 John Hatch
Chief Engineer JOHN HATCH/ms

Form No. 4M-72 Photo No. 2BB-140
 Acres 146.5 Cropland 146.5
 Owner R.L. CUNDY Operator SAME
 Sec. S2-NW4, S2-NE4, SW4, SE4, Sec 24, T7-R2
34-6

23.1 X
↓

1966



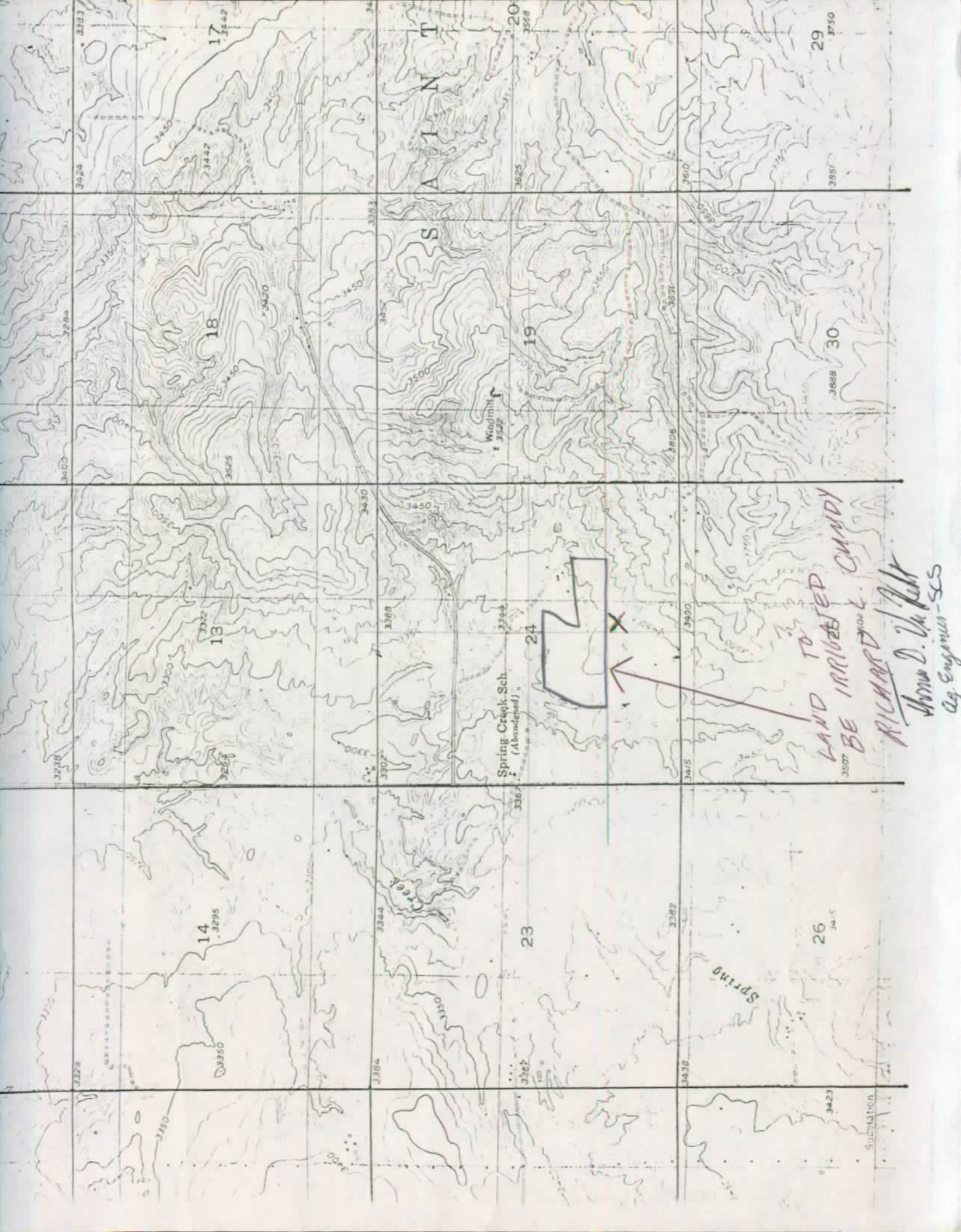
U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Charles J. Logan
SCS

SCS-CPA-16
2-81

CONSERVATION PLAN MAP

Owner R.L. CUNDY Operator _____
 County LAWRENCE State SOUTH DAKOTA Date 7/85
 Approximate acres 40 Approximate scale 8" = 1 mile
 Cooperating with LAWRENCE Conservation District _____
 Plan identification _____ Photo number _____
 Assisted by CHUCK LOGAN USDA Soil Conservation Service



Farm No. 4M-72 Photo No. 2183-140
Acres 146.5
Owner R. L. CUNDY Operator SAME
Sec. S2-NW4, S2-NE4, SW4, SE4, NE24, T7-R2

3N-6

23.1 X
↓

1966



LAND TO BE IRRIGATED
RICHARD L. CUNDY

James D. V. H. H.
Ag. Engineer - SCS

NOT TO SCALE



MTA had
Nat. Res. Eng.
9/2/87

1-9L

Appl. No. 1407-1

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Richard L. Cundy OWNERS ADDRESS: RR. Box 54

SE. Org. SD 5779

COUNTY LAND LOCATED IN: Lawrence PHONE: 692-3130

TENANT'S NAME AND ADDRESS: N/A

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

1. WELL LOCATION: NE 1/4 NW 1/4 SE 1/4 Sec 24 T7N R2E

Depth: 940 feet

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 NW 1/4 Sec 24 T7N R2E</u>	<u>11</u>		
<u>SE 1/4 SW 1/4 Sec 24 T7N R2E</u>	<u>29</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1963

LEGAL DESCRIPTION: portions of NW 1/4, SW 1/4, SE 1/4 of Sec 24, T7N R2E, Lawrence Co. SD

IN WHAT NAME: Richard L. Cundy

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

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

6. CROPS TO BE IRRIGATED: Hay, Alfalfa

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

7. WATER SAMPLE NUMBER: 860036 10. ADJUSTED (SAR): 0.10
8. SALINITY (EC X 10⁶): 1600 11. PERCENT SODIUM: 0.53
9. SODIUM (SAR): 0.04

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.

* Richard L. Cundy
Signature

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

31st DAY OF December, 1985

Walter A. Schmidt
(NOTARY PUBLIC)

* Richard L. Cundy
APPLICANT'S SIGNATURE

Tot M. Pfeiffer
Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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

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



Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Richard Cundy

LEGAL DESCRIPTION: S1/2 NW1/4 SE1/4 24-7-2 = 11
SE1/4 SW1/4 24-7-2 = 29SOIL REQUIREMENTS:

If the land is tilled the drainageway shall be maintained in grass
and/or alfalfa.

RECOMMENDED MANAGEMENT:

The irrigation runs should be designed to provide uniform water coverage and
the applications should be adequate to prevent salt accumulations in the top
foot of the soil.

⊗

Tack M. Felt
SIGNATURE

3-6-91

DATE

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: RICHARD L. CUNDY OWNERS ADDRESS: RR Box 55

COUNTY LAND LOCATED IN: Lawrence PHONE: 642-3130

TENANT'S NAME AND ADDRESS: N/A

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

1. WELL LOCATION NW 1/4 Sec 24, T7N, R2E
Depth 940

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:
Diversion Location

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec 24, T7N, R2E</u>	<u>16.0</u>		
<u>SE 1/4 Sec 24, T7N, R2E</u>	<u>24.0</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 196
LEGAL DESCRIPTION: Portions of NW 1/4, SW 1/4, SE 1/4 of Sec 24, T7N, R2E, Lawrence County SD
IN WHAT NAME: Richard L. Cundy

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

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

6. CROPS TO BE IRRIGATED: Hay, Alfalfa

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

7. WATER SAMPLE NUMBER: 1 86-0031 10. ADJUSTED (SAR): 0.10
8. SALINITY (EC X 10⁶): 1600 11. PERCENT SODIUM: 053
9. SODIUM (SAR): 004

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

13 DAY OF Aug, 1986

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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

MANAGEMENT FORM

4218

APPROVED with Requirements

NAME OF APPLICANT: Richard Cundy

LEGAL DESCRIPTION: NW1/4 SE1/4 24: SE1/4 SW1/4 24-7-2 - 40 acres

REQUIREMENTS:

If the land is tilled the drainageway shall be maintained in grass and/or alfalfa.

MANAGEMENT RECOMMENDATIONS:

The irrigation runs should be designed to provide uniform coverage and application should be adequate to prevent salt accumulations in the soil.

9-13-87
DATE

Robert M. Siple
SIGNATURE



Water Rights Division
605 773-3352

January 7, 1986

Richard L Cundy
RR Box 54
St. Onge SD 57779

Mr. Cundy:

We have received your water permit application to irrigate 40 acres. I have forwarded the WI-1 to the Dept. of Agriculture, Division of Conservation. SDCL 46-5-6 states that the maximum diversion rate for irrigation is 1 cubic foot per second for every 70 acres. Based on this the maximum allowable on your permit application is 0.57 cfs. When we receive an approved WI-1 we will continue processing your application.

If you have any further questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

Water Rights Division
605 773-3352

March 20, 1986

Richard L. Cundy
RR Box 54
St. Onge SD 57779

Dear Mr. Cundy:

I am contacting you regarding your permit application for irrigation. Enclosed are the maps which were sent in with the permit application. The acreage to be irrigated must be outlined and the maps signed as noted on the enclosed instruction sheet.

Please complete the maps and return to the Water Rights Division so the permit application can be processed.

Sincerely,

RON DUVALL
Natural Resources Engineer

RD:ks

enclosure

WAIVER OF MECHANIC'S
LIEN

The Undersigned hereby acknowledges payment in full for all labor, materials, supplies, and equipment furnished by it in the drilling of a water well, and casing the same for Richard Cundy, up to the date of execution of this waiver, on the premises described as:

SE $\frac{1}{4}$ of Section 24 T7N, R2E, BHM.

and hereby waives, surrenders, releases and relinquishes all rights to mechanics liens against the premises above-described under the laws of the state of South Dakota.

Bice-Taylor Drilling, Inc.

By: Ralph Taylor, Jr.
Ralph Taylor, Jr.
Vice-president

ATTEST:

Meredith J. Taylor
Meredith Taylor
Secretary

On this 15 day of May, 1981, before me, the undersigned officer, personally appeared Ralph Taylor, Jr. who acknowledged himself to be the vice president of Bice-Taylor Drilling, Inc., and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself and such officer.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

David Stanton
David Stanton, Notary Public

My commission Expires:

Nov 7, 1985



TAYLOR DRILLING CO.

2310-12 Commerce Road
RAPID CITY, SOUTH DAKOTA 57701

RALPH L. TAYLOR, SR.
RALPH L. TAYLOR, JR. (Randy)
KIM E. TAYLOR

TELEPHONE:
Office 605-348-3600
After Hours 605-342-7119

5/18/81

Richard Cundy

Well Log: well north of Spearfish Airport
Completed: 5/14/81

Total Depth 940'
0-240' 8 5/8" O.D. Casing
229-940 5 1/2" O.D. Casing
Formation Packer @ 240'
Flow 600 GPM

0-242	hard green shale w/ gray & green sandstone
243-270	red-brown and white sandstone
270-800	red shale layered w/ gyp (Spearfish)
800-840	pink & white limestone (Minnedata)
840-925	red sandy shale (Opeche)
925-940	pink sand (Minnelsula)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 12, 1986

Richard L. Cundy
RR, Box 54
St. Onge, South Dakota 57779

Dear Mr. Cundy:

This letter is in response to the maps you recently sent in for your water permit application.

Enclosed is a copy of the map and the permit application. The map outlines land in red located in the $NE\frac{1}{4}SW\frac{1}{4}$ and the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 24-T7N-R2E. However, the permit application indicates the land to be irrigated as being in the $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and the $SE\frac{1}{4}SW\frac{1}{4}$ of Section 24-T7N-R2E. I believe the land description on the permit application should be the $NE\frac{1}{4}SW\frac{1}{4}$ (24.0 acres) and $NW\frac{1}{4}SE\frac{1}{4}$ (16.0 acres). Therefore, I have enclosed a typed permit application and WI-1 form with the corrected land descriptions. Please sign and notarize the forms if you agree with the new land descriptions. If the original land descriptions are correct then make corrections to the map and return the map.

The location of the well is also not clearly defined. The permit application the map, and the Soil and Water form all vary in the description of the well location. On the enclosed map I have located the well by an "X" in all the different places that have been listed. The red "X" locates the well according to 1250'N and 2660'E from the SW corner of Section 24-T7N-R2E from the SW corner of Section 24-T7N-R2E. The blue "X" locates the well according to the Soil and Water application in the $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$. The black "X" locates the well according to the location originally marked on the map. Please indicate which of the three "X's" is in the correct location and return the map.

Contact us if you have any questions. Please return all the forms to the Division of Water Rights by June 30, 1986, if possible.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1407-1, Richard L. Cundy

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. 1407-1, Richard L. Cundy, Route 1, Box 55, St. Onge SD.

The Chief Engineer is recommending APPROVAL of Application No. 1407-1 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 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.
2. 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.
3. 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
October 21, 1987

Report on Application No. 1407-1
Richard L. Cundy
October 1, 1987

This application proposes to appropriate 0.57 cfs from one well 940 feet deep located in the SW 1/4 SE 1/4 of Section 24, T7N R2E BHM to irrigate 40 acres. The irrigated acreage is located in the NW 1/4 SE 1/4, SE 1/4 SW 1/4 of Section 24, T7N R2E BHM, Lawrence County.

Aquifer - Minnelusa Formation

The Minnelusa Formation consists of alternating beds of sandstone, dolomitic limestone with lessor amounts of shale. The Minnelusa is approximately 500 feet thick in this area and contains 5.59 million acre feet of water in storage (Allen, 1984). The Minnelusa is under artesian conditions in this area and in fact the driller log provided by Taylor Drilling indicates the well flows 600 gpm. The drillers log indicates this well only penetrated 15 feet into the Minnelusa Formation. The Division of Water Rights does monitor 2 observation wells LA-86A and LA-62A (Water Rights Division, 1987) both drilled into the upper Minnelusa Formation. These wells do fluctuate seasonally but no long term trends are evident.

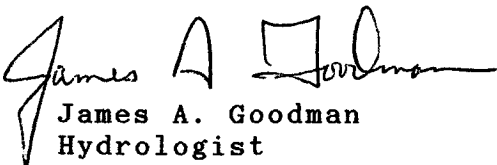
Review of Existing Water Permits

There is an existing permit No. 709-1 for Richard Cundy in this same section. The permit is licensed for 71.5 acres, 1.0 cfs and the water source is a well 945 feet deep and a dam. There are other permits for Minnelusa Formation wells in the area to the west. These are flowing wells and changes in head (water levels) can affect the volume of flow from an individual well. Data available at this time does not indicate significant water level changes occur in this area. Interference will occur but should not impair existing rights.

Conclusions

1. There is water available from the Minnelusa Formation.
2. The aquifer is under artesian conditions and fluctuations due to withdrawals will occur. The data available does not suggest interference will be significant.
3. This is a flowing well (reportedly 600 gpm). The well must be valved so that it can be shut in when not in use to prevent the waste of water.

4. Because South Dakota Law does not protect artesian head as a means of delivery it may become necessary to install a pump to obtain the requested volume of water.


James A. Goodman
Hydrologist

BIBLIOGRAPHY

Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Ground Water and Stream Flow Data, Western Dakotas Region of South Dakota, DWNr, SDGS, Vermillion, SD (US Army Corps of Engineers Contract No. DAWC 46-82-C-0151).

Water Rights Division , 1987, Observation Well Records for LA-86A and LA-62A, DWNr, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501.



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

October 28, 1987

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Richard L. Cundy
Route 1, Box 85
St. Onge, South Dakota 57779

Dear Mr. Cundy:

Your Application No. 1407-1 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Queen City Mail printed at Spearfish

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

October 28, 1987

Queen City Mail
Box 7
Spearfish, South Dakota 57783

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1407-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Richard L. Cundy, Route 1, Box 55, St. Onge, SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

No. 1407-1

Instruction to Newspaper - Publish first publication of the following Notice on or before November 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1407-1 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Richard L. Cundy whose mailing address is Route 1, Box 55, St. Onge, South Dakota has made an application for a permit to appropriate 0.57 cubic feet of water per second from 1 well (Minnelusa Formation) 940 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T7N-R2E to irrigate 40 acres. The irrigated acreage is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24-T7N-R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1407-1 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 Howard Johnson, Roosevelt & Jefferson rooms, 2211 LaCrosse, Rapid City, SD Dec. 2 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 November 20, 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)~~ 46-5-30.1, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

No. 1407-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson 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:

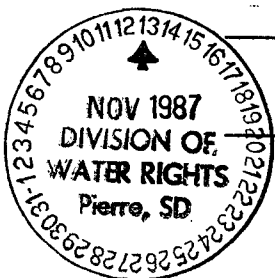
November 4th, 1987

November 11th, 1987


(Signature)

Publisher
(Title)

11-11-87
(Date Signed)



Cost of Printing: _____

94 lines X .2564 = 24.10

94 lines X .2051 = 19.28

Total = 43.38

NOTICE OF HEARING
ON APPLICATION
NO. 1407-1 TO
APPROPRIATE WATER

Notice is hereby given that
Richard L. Cundy whose mailing
address is **Route 1, Box 55, St.
Onge, South Dakota** has made an
application for a permit to appropri-
ate 0.57 cubic feet of water per second
from 1 well (Minnelusa Formation)
940 feet deep located in the
SW1/4SE1/4 Section 24-T7N-R2E to
irrigate 40 acres. The irrigated
acreage is located in the NW1/4SE1/4,
SE1/4SW1/4 Section 24-T7N-R2E.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the water rights
Division recommends **APPROVAL**
of Application No. 1407-1 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
**Howard Johnson, Roosevelt &
Jefferson rooms, 2211 LaCrosse,
Rapid City, SD Dec. 2, 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 **November 20, 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-13, 46-2A-15; 46-5-1
46-5-11, 46-5-13, 46-5-15, 46-5-
24, 46-6-1, 46-6-2, 46-6-3, 46-6-4,
46-6-5, 46-6-6, 46-6-7, 46-6-8, 46-6-
9, 46-6-10, 46-6-11, 46-6-12, 46-6-14; and Board Rules

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 ~~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, DWR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

Nov 4, 11



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

FEB 9 1988

Richard L. Cundy
Rural Route 1, Box 55
St. Onge, South Dakota 57779

Dear Mr. Cundy:

Enclosed is your Water Permit No. 1407-1 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1995

709-1

1407-1

1416-1

Bob Christofferson
530 State Street
Spearfish, SD 57783

Dear Mr. Christofferson:

Enclosed, as we discussed, are 1994 irrigation questionnaires pertaining to Partial Vested Water Right No. 709-1, Water Permit No. 1407-1 and Vested Water Right No. 1416-1. They are all currently listed in the name of Richard Cundy.

You indicated you were operating the systems for Mr. Cundy. I have enclosed copies of the above which will help you in determining which questionnaire goes with which water source and acreage. You may keep these for your records.

I have made a notation in our records to send future irrigation questionnaires directly to you as the operator. If, at some point in time, things change and you no longer operate the systems, please contact us.

Please complete the questionnaires and return them to our office as soon as possible. Thank you for contacting me concerning the questionnaires. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



January 8, 2002

Cris Miller
10164 West Hwy 14
Spearfish, SD 57783

Dear Mr. Miller:

Enclosed are the "2001" irrigation questionnaires you submitted for Water Permit or Right Nos. 341A-1, 709-1 and 1407-1.

In order for them to be considered complete, you will need to fill in the back side of each form. Please take a few minutes and include the appropriate information on the back of the forms (crop, acres, pump rate, hours per day and days per month each system was used).

I am enclosing a postage paid envelope for your convenience in returning the completed forms. Please complete and return them to our office as soon as possible. The letters go out next week scheduling a hearing date for those questionnaires we have not yet received.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

1407-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



January 16, 2002

NOTICE

1407-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CRIS D & DIANNE K MILLER, HC 66 BOX 28, SPEARFISH, SD 57783 8709
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 1407-1, 341A-1 & 709-1. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 341A-1 & 709-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1407-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1407-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 341A-1 & 709-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner 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.

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2002

341A-1
709-1
1407-1

Cris D & Dianne K Miller
10164 West Hwy 14
Spearfish, SD 57783

Dear Mr. & Mrs. Miller:

I am writing to acknowledge receipt of your completed "2001" irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 341A-1, 709-1 and 1407-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1407-1

I have this day, **October 21, 2016** made a thorough examination of the water use system constructed by **Richard Cundy Trust, 11133 196th St, Spearfish, SD** of Permit No. **1407-1**, bearing the priority of **9/16/1987** authorizing the diversion of **0.57** cu. ft. per second of water from 1 well for **irrigation** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder, if applicable:

Chris Miller, lease holder

605-645-3272

Trustee Address: % La Von Colwell

4669 So. Idalia St., Aurora Co., 80015

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling** (1981)
- 2) No. of Wells **1**
- 3) Depth(s) **940** feet
- 4) Well log is available: **Yes**

Casing:

- 1) Diameter **8 5/8" 0-240', 5 1/2" 229-940'**
- 2) Length **940** feet
- 3) Type **Steel**

Screen:

- 1) Type **Perforated**
- 2) Length **unknown** feet
- 3) Static water level **Flowing** (600 gpm free flow at completion)

Flow may be approximately 500 gpm at time of inspection as estimated by lease holder.

Pond Information:

- 1) Surface Area **0.8** acres
- 2) Water Depth **6** feet
- 3) Approximated storage **0.85** acre feet

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

- 1) Type **PVC pipe**
- 2) Size **8** inches
- 3) Length **1,300** feet (approx..)

Comments: **The size of the PVC may vary from end to end as the alfalfa valve riser sizes do vary. 8" would have been adequate for 600 gpm.**

C. Works used to apply water to beneficial use:

Portable Aluminum pipe:

- 1) Length varies feet
- 2) Diameter 8" gated and 4" hand move

When irrigating the 31.8 acres in the SE ¼ SW ¼ Section 24, the 8" valve at the well head is fully opened to allow full flow to the 8" underground pipe and the hand move system. When irrigating the 8.2 acres in the NW SE Section 24, the 2" valve is opened and water flows to the small regulating/storage pond with a pipe through the fill connects to the 8" gated pipe for gravity irrigation.

D. Compliance with Permit Requirements:

Permit qualifications being abided by **No**:

The well is valved and the flow is reduced to the minimum when not being used. The well is equipped with a non-functioning pressure gauge. Records are not kept.

- 1) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: **none**

- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:

1,047' N and 2,528' W of SE corner Section 24 T7N R2E (44.549731, -103.818801)

2. The works are capable of diverting and conveying to the place of use 1.3 cu. ft. per second of water (600 gpm) and storing 0.85 acre-feet of water which is to be used for gravity irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 24 T7N R2E
SE ¼ SW ¼ 31.8 acres
NW ¼ SE ¼ 8.2 acres

comprising a total of 40 acres of land and the license should be issued for 0.57 cfs and 0.85 acre-feet storage .

Note: The license is issued for the statutory limit of 1 cfs for each 70 acres.

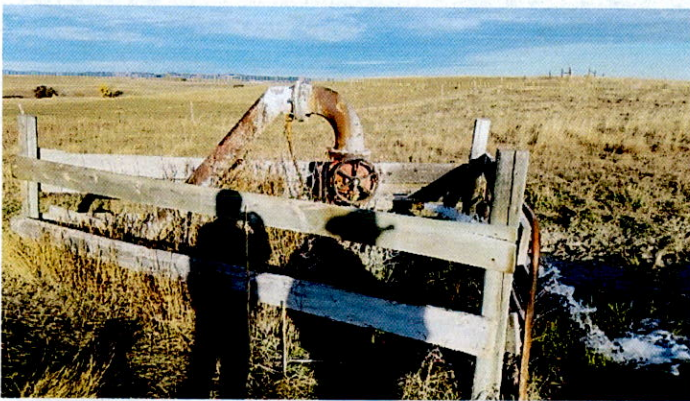
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: none

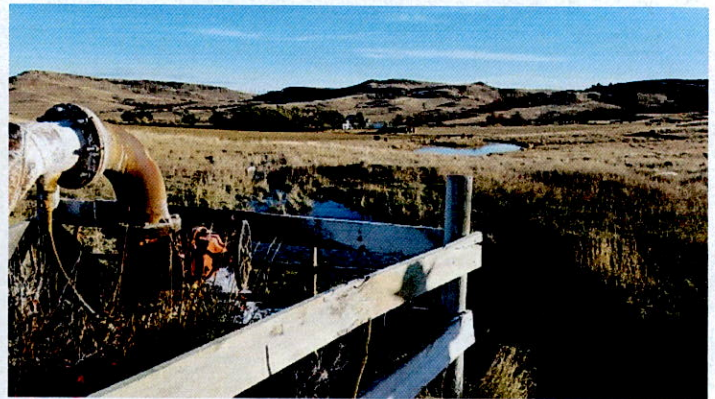


Steven Quissell
Water Rights Inspector
DENR Water Rights Program

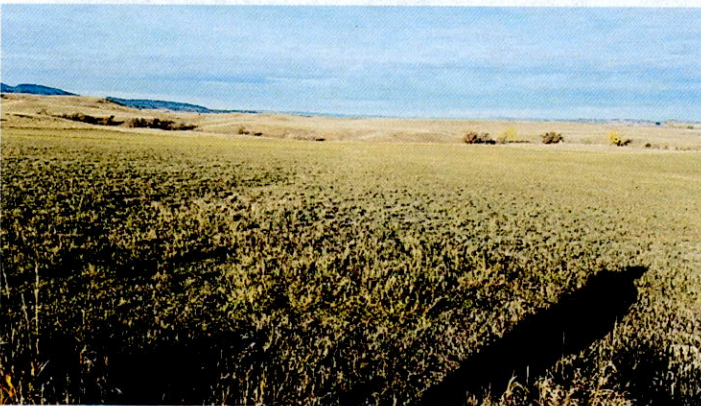
Date report completed: 10/24/2016



Well with 8" piping to west underground pipe

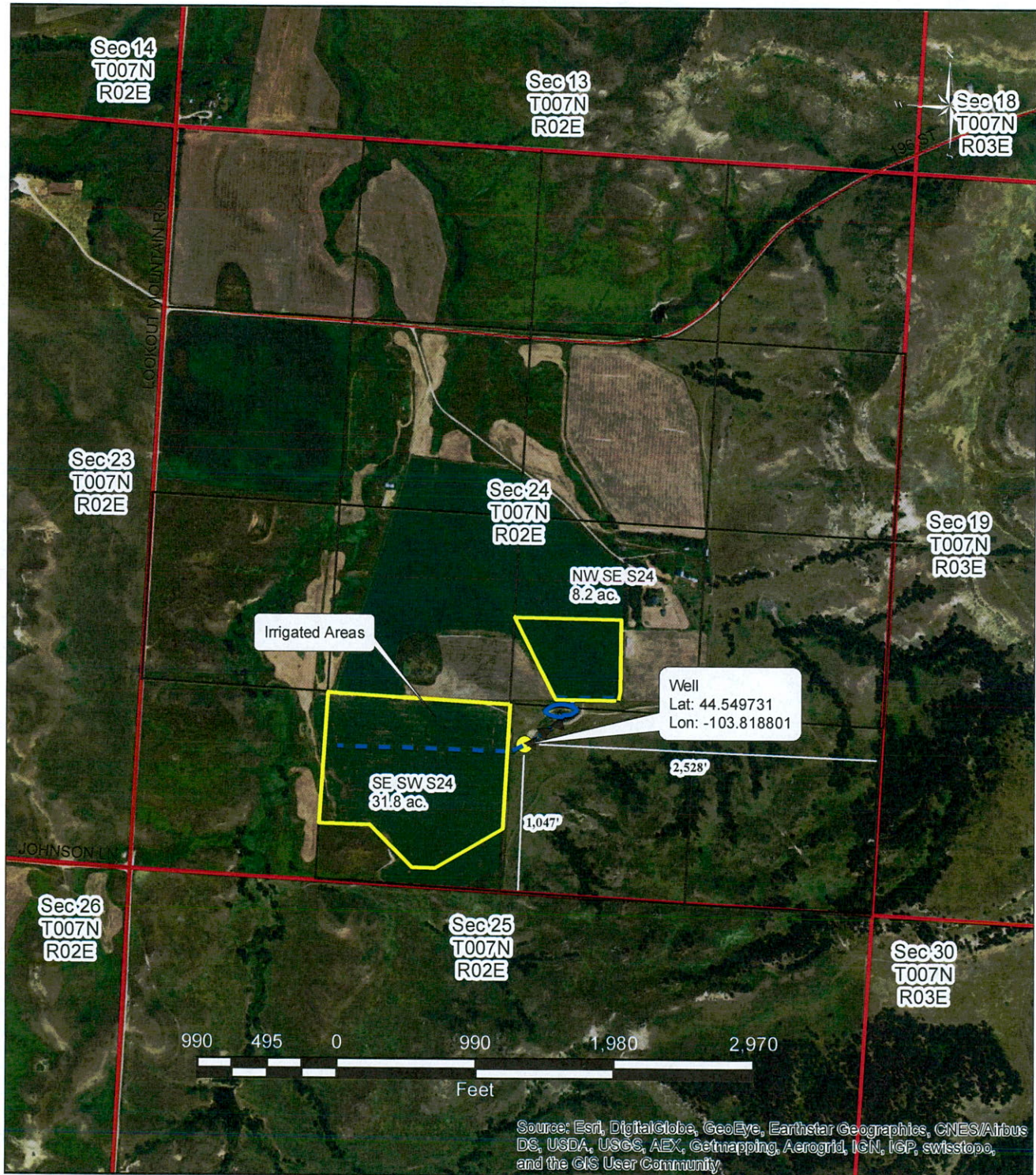


Looking to northeast to small storage pond



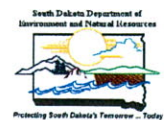
Looking to west along underground pipeline route

Water Right #1407-1
Richard Cundy Trust
10/21/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





NW SE S24
8.2 ac.

Irrigated Areas

portable gated

8" underground pipe
with alfalfa valve risers

Small storage pond

surface flow

Well
Lat: 44.549731
Lon: -103.818801

SE SW S24
31.8 ac.

2,528'

1,047'



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 26, 2016

1407-1

Richard Cundy Trust
c/o LaVon Colwell
4669 S Idalia St
Aurora CO 80015

Dear Ms. Colwell:

On October 21, 2016 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1407-1, was completed by Steven Quinsell, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license.

A licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. Water Permit No. 1407-1 is listed in the name of Richard L. Cundy. The form needs to be completed, signed by the owner, and returned with a \$50.00 filing fee. The check or money order for the fees (\$100.00 total) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

c: Chris Miller, Lease holder

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/3, 20 16

RECEIVED OF Bernice G Cundy Trust 4669 EdIdalia St Aurora 60 80015

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. <u>1407-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **07941**

By J. [Signature]
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/3, 20 16

RECEIVED OF Bernice G Cundy Trust 4669 S idalia St Aurora CO 80015

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 <u>1407-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07942**

By Jean Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV - 3 2016

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1407-1

Date: Oct 31, 2016

I/We request that Water Right/Permit No. 1407-1

formerly owned by: Richard L Cundy

X be transferred to: (name & address) Bernice G Cundy Trust
% Lavon M. Colwell - Trustee
4669 S. Idalia St, Aurora CO 80015 Telephone No. 303-690-6457

Title to the following described land(s)/property has been transferred as described above:

40 acres located in the SE 1/4 SW 1/4 and the NW 1/4 SE 1/4 Section 24-T7N-R2E

I/We understand that the validity of Water Right/Permit No. 1407-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Lavon M. Colwell, the new owner, certify that the above information is true and
trustee Bernice G. Cundy Trust correct.

X Lavon M. Colwell - trustee
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 30 2017

1407-1

Bernice G Cundy Trust
c/o LaVon Colwell
4669 S Idalia St
Aurora CO 80015

Dear Ms. Colwell:

Enclosed is Water License No. 1407-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed are the receipts for payment of the license fee and the transfer of ownership fee. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

The permit contains a qualification requiring the well to be equipped with a pressure gauge and records kept of any pressure fluctuations. The inspection of your water use system for licensing purposes found the well did not have a functioning pressure gauge. In order to bring the system into compliance with the permit, ensure a functioning pressure gauge is installed and begin keeping records of any fluctuations. At such time as the gauge is installed, please let us know and we can update your 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. 1407-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1407-1

(1) Richard L Cundy, St. Onge SD made Application No. 1407-1, January 7, 1986 for a water permit to divert 0.57 cubic feet of water per second from one well - Minnelusa Aquifer, Lawrence County, South Dakota for irrigation purposes. Permit No. 1407-1, with a priority date of September 16, 1987 was approved December 2, 1987 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On November 3, 2016, Water Permit No. 1407-1 was transferred to Bernice G Cundy Trust, c/o LaVon M Colwell, Trustee, 4669 S Idalia St, Aurora CO 80015.

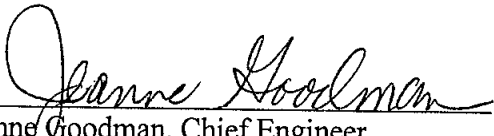
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1407-1 is issued a license, bearing a priority date of September 16, 1987 to appropriate 0.57 cubic feet of water per second from one well - Minnelusa Aquifer to irrigate 40 acres.

The diversion point is located: 1,047 feet N and 2,528 feet W of the SE corner Section 24-T7N-R2E (SW 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 24-T7N-R2E	SE 1/4 SW 1/4	31.8 acres
	NW 1/4 SE 1/4	<u>8.2 acres</u>
		40.0 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1407-1 including the following qualifications:

- 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.
- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 30 2017
date



RECEIVED

MAR 20 2017

WATER RIGHTS
PROGRAM

1407-1

Department of Environmental
And Natural Resources
Joe Foss Building
523 Capital
Pierre. South Dakota 57501-3182

March 15, 2017

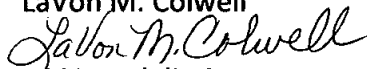
Jeanne Goodman
Chief Engineer
Water Rights Program

Dear Jeanne Goodman:

Concerning Water License No. 1407-1 issued to the Bernice G. Cundy Trust c/o LaVon M. Colwell Trustee we wish to file an amendment to request the removal of the qualification requiring the well be equipped with a pressure gauge and records kept of any pressure fluctuations.

There is a non-functioning pressure gauge on the well and records have never been kept.

Thank you for considering the removal of these qualifications.

LaVon M. Colwell

4669 S. Idalia St.
Aurora, CO 80015
303-690-6457
adcolwell@ymail.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 18, 2017

NOTICE

To: LaVon M. Colwell, Trustee
Cundy Trust
4669 S Idalia Street
Aurora CO 80015

From: Jeanne Goodman, Chief Engineer
Water Rights Program

Subject: Schedule Hearing to Consider Amendment to Qualification No. 1 on Water
Right No. 1407-1

Water Right No. 1407-1, appropriates 0.57 cubic feet of water per second from one well completed into the Minnelusa aquifer at a depth of 940 feet for irrigation of 40 acres. This is located about three miles northeast of Spearfish in Lawrence County. The priority date is September 16, 1987.

Qualification No. 1 on the water right includes that the well be equipped with a pressure gauge and a record kept of any pressure fluctuations. You requested that the qualification be amended to remove the requirement for the gauge and keeping records of pressure fluctuations.

Enclosed is the staff report and recommendation on your request to amend the qualification. The Chief Engineer's recommendation is to amend the qualification as requested.

The Water Management Board will consider the request to amend Qualification No. 1 on Water Right No. 1407-1 at 11:00 AM, May 11, 2017 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed as a result of prior agenda items.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

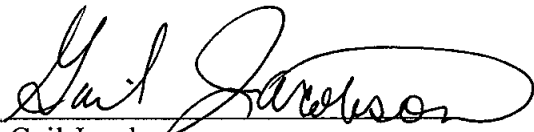
C: Ann Mines Bailey

CERTIFICATION

I hereby certify that on April 18, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated April 18, 2017 regarding hearing on Water Right No. 1407-1 addressed as stated below:

LaVon M Colwell, Trustee Cundy Trust, 4669 S Idalia St, Aurora CO 80015

**Ann Mines Bailey, Assistant Attorney General, 1302 US-14 #1, Pierre, SD 57501
InterOffice**



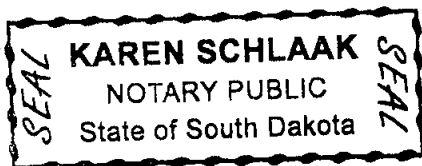
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of April, 20 17.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 3, 2017

NOTICE

To: LaVon M. Colwell, Trustee
Cundy Trust
4669 S Idalia Street
Aurora CO 80015

From: Jeanne Goodman, Chief Engineer
Water Rights Program

Subject: Change to Hearing to Consider Amendment to Qualification No. 1 on Water
Right No. 1407-1

Notice was sent April 18, 2017, scheduling a hearing before the Water Management Board to consider amendment to Qualification No. 1 on Water Right No. 1407-1 to remove the requirement for a pressure gauge and keeping records of pressure fluctuations. Since the time the notice was sent, the May 11th meeting has been changed to a telephone conference call.

Below is information for you to call if you choose to participate in the meeting. Your item is on the agenda at 11:00 AM on Thursday, May 11th.

Start Time: 10:30 AM US/Central May 11, 2017

To join the conference Dial: 605-224-1125

Enter this access code: 0183360#

If you have trouble getting on the call, please contact the conference operator at 605-773-3011.

Applicable provisions of the notice on April 18, 2017 still apply.

Enclosed is the Board agenda for the May 11th telephone conference call. If you have questions, please contact Eric Gronlund at (605) 773-3352.

enclosure

C: Ann Mines Bailey



South Dakota
**Department of Environment
& Natural Resources**
Protecting SD's Tomorrow... Today

**WATER MANAGEMENT BOARD
TELEPHONE CONFERENCE CALL MEETING**

**Thursday, May 11, 2017
523 E Capitol Avenue
Pierre SD**

Scheduled hearing times are Central Time

AGENDA

**Scheduled times are estimates only. Agenda items may be delayed due to prior scheduled items.
Live audio of the meeting can be heard at www.sd.net/mtc**

10:30 AM Call to Order

Conflicts Disclosures and Requests for State Board Waivers
March 1, 2017, Board Minutes
July 12 - 13, 2017 Meeting Location (Pierre suggested)
Status and Review of Water Rights Litigation – Matt Naasz
Administer Oath to Department of Environment and Natural Resources Staff

Update on DENR Activities

- | | |
|---------------------------|---------------------------|
| - Staff Changes | - Legislative Update |
| - Training Session Format | - 2017 Streamflow Outlook |

Request to Rescind Suspension of Water Right No. 2704A-3, Hilltop Irrigation District for Failure to Submit 2016 Irrigation Questionnaire – Genny McMath

Findings of Fact, Conclusion of Law and Final Decision in the matter of Cancellation of Water Right Filing No. 0494-2, Bollmann

11:00 AM Cancellation Considerations – Eric Gronlund

Seven Year Review of Future Use Permit No. 5209-3, Kingbrook RWS – Eric Gronlund
Qualification Amendment to Water Right No. 1407-1, Cundy Trust – Eric Gronlund
Qualification Amendment to Water Permit No. 7350-3, Richard Schmit – Lynn Beck

ADJOURN

A limited number of phone lines are available for this call. Interested parties who wish to participate in the telephone conference call should contact DENR at (605) 773-3296 no later than 3:00 PM Central Time on Wednesday, May 10, 2017.

Interested parties may also participate at the Department of Environment and Natural Resources, Floyd Matthew Training Center, 523 East Capitol Avenue, Pierre SD.

Board members are reminded that effective July 1, 2016 members are subject to SDCL 3 – 23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at (605) 773-3296 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

CERTIFICATION

I hereby certify that on May 3, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 3, 2017 regarding hearing change on Water Right No. 1407-1 addressed as stated below:

LaVon M Colwell, Trustee Cundy Trust, 4669 S Idalia St, Aurora CO 80015

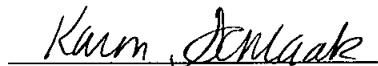
**Ann Mines Bailey, Assistant Attorney General, 1302 US-14 #1, Pierre, SD 57501
InterOffice**



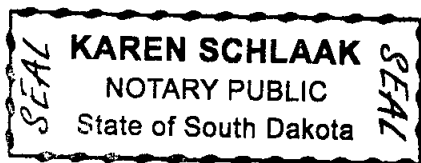
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of May, 2017.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



QUALIFICATION AMENDMENT TO WATER RIGHT NO. 1407-1, CUNDY TRUST

Water Right No. 1407-1, appropriates 0.57 cubic feet of water per second from one well completed into the Minnelusa aquifer at a depth of 940 feet for irrigation of 40 acres. This is located about three miles northeast of Spearfish in Lawrence County. The priority date is September 16, 1987.

The water permit was issued with qualifications. Qualification No. 1 states:

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.

An investigation was conducted on October 21, 2016, by Water Rights Inspector Steve Quissell for the purpose of licensing. That investigation found the well is equipped with a non-functioning pressure gauge and that records are not kept. The investigation did find that the well is valved and flow controlled to the amount needed.

The water license was issued on January 30, 2017. The cover letter accompanying the license stated the permit contained a qualification requiring the well to be equipped with a pressure gauge and records needing to be kept of any pressure fluctuations. In response, LaVon Colwell, Trustee for Cundy Trust, submitted a letter requesting amendment to the qualification to remove the requirement that the well be equipped with a pressure gauge and records kept of pressure fluctuations.

History

In 1960, the Water Rights Commission, predecessor to the Water Management Board, expressed concern for a decline of pressure in area aquifers in the northwestern part of South Dakota. This led to a study in 1962 by Earl Cox entitled Preliminary Report on Artesian Water Supplies from the Minnelusa and Pahasapa Aquifers in the Spearfish-Belle Fourche Area. The concern involved the type of construction practice commonly referred to as open hole completion that could allow water from the different formations to mix. Also of concern was the potential for the open hole completion practice to cause a reduction in artesian flow. This study recommended that approval to drill wells for irrigation use be held in abeyance until the extent of the situation could be determined by additional study. This led to the completion of an observation well in the area to monitor artesian pressure.

Review

In 1962 observation well No. LA-62A was installed and water levels have been monitored since that time. Figure 1 is a hydrograph of water levels from 1977 through 2016.

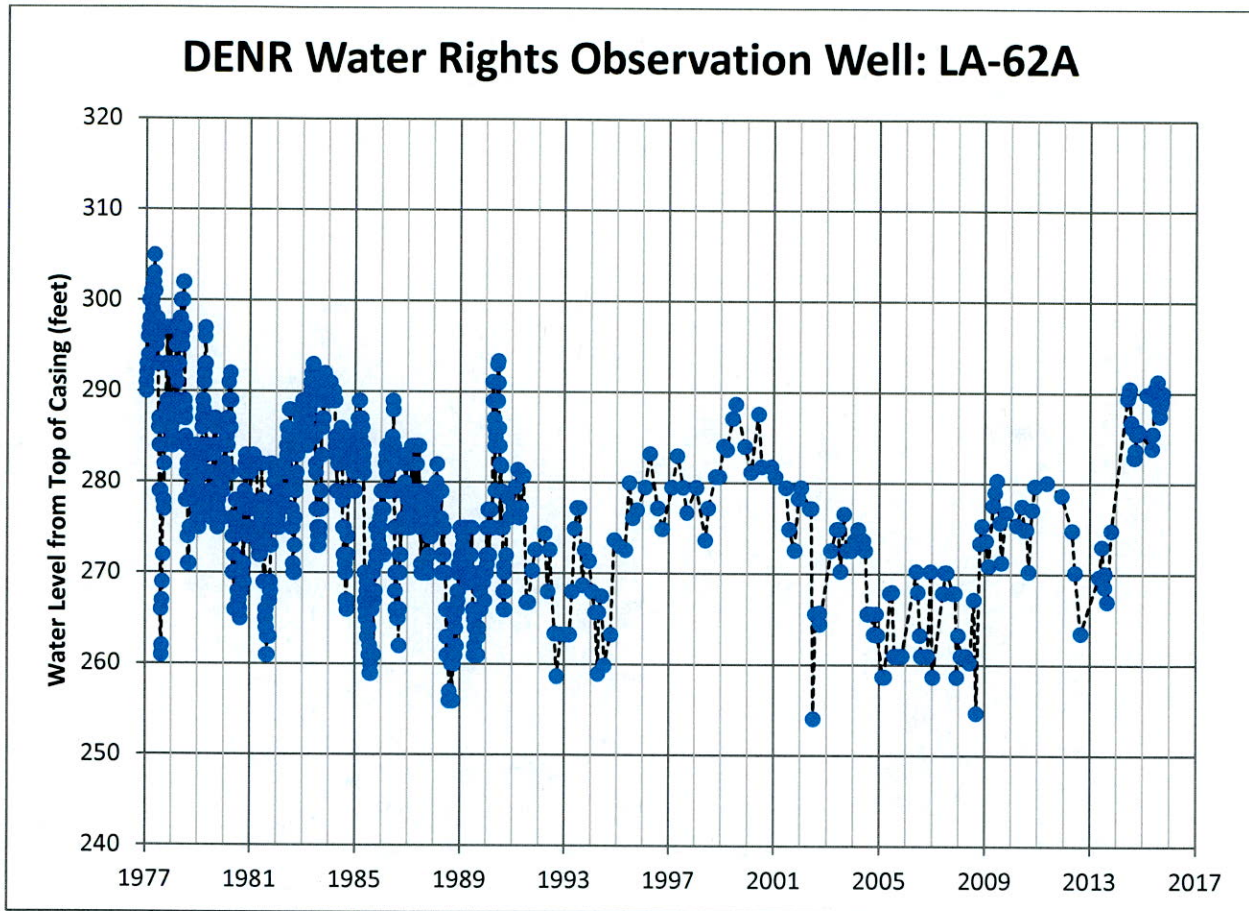


Figure 1 – Hydrograph of LA-62A

The observation well is located approximately 3.3 miles northwest of the well authorized by Water Right No. 1407-1. The observation well is under artesian head pressure and is capable of flowing at the surface. The hydrograph indicates the head pressure fluctuates over the period of record. This is due to climatic conditions and a response to seasonal pumping. The record indicates current appropriations are not impacting water levels in the aquifer.

There are three other water rights in relatively close proximity to Water Right No. 1407-1 that have a qualification requiring a pressure gauge. There are a number of water rights in this same area in which a qualification for a pressure gauge is not in place. See Figure 2.

It is generally thought that the qualification to require a pressure gauge on some water rights was in reaction to the Cox report. The data from the observation well is of greater value as a continuous record of the artesian head pressure since 1962. Private wells if not completely shut in would not be an accurate reflection of the pressure. In the period of record, records of any pressure fluctuations have not been requested by DENR.

A pressure gauge and keeping record may be of value to the well owner. If a pressure gauge were in place and records kept, the well owner may be able detect if a problem is occurring with their well.

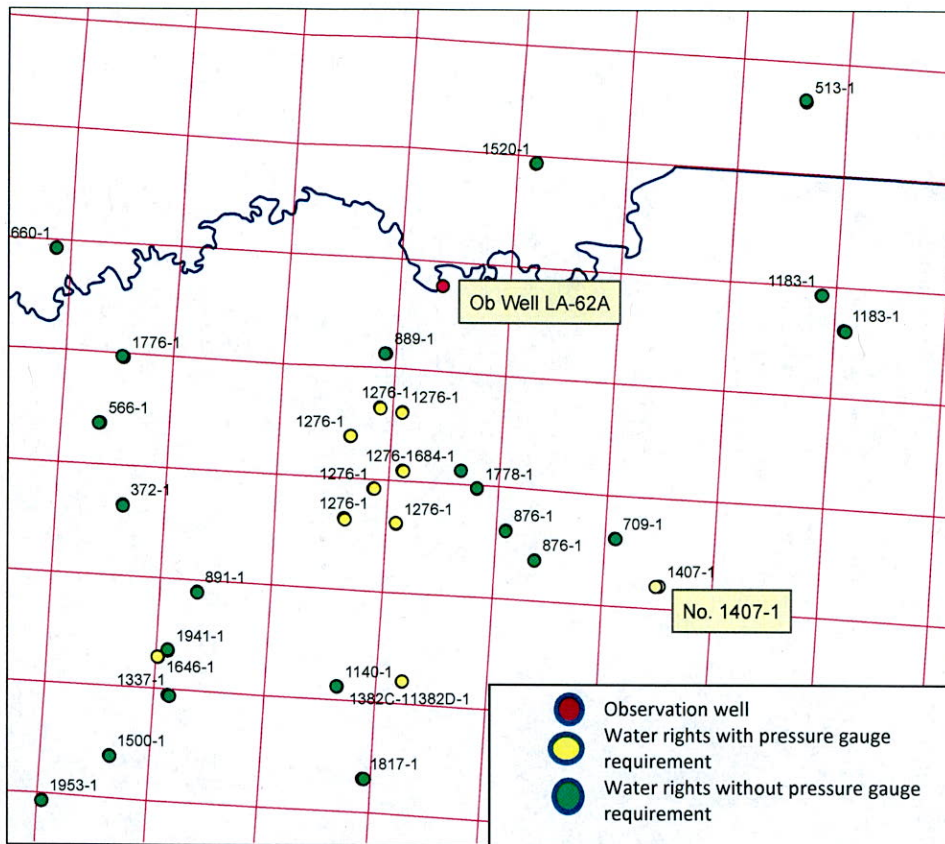


Figure 2 – Area water rights that include or do not include a pressure gauge qualification

Conclusions

1. Water Right No. 1407-1 appropriates 0.57 cfs from a well completed in the Minnelusa aquifer to irrigate 40 acres.
2. The water right includes a qualification that the well be equipped with a pressure gauge and records kept of pressure fluctuations.
3. The pressure gauge on the well is currently non-functioning.
4. A request has been filed to amend the qualification to remove the requirement for the pressure gauge and that records be kept.
5. An observation well (LA-62A) completed into the Minnelusa aquifer is located approximately 3.3 miles northwest of the well authorized by Water Right No. 1407-1.
6. An operating pressure gauge installed on this well is not needed by DENR. However, it may be of value to the water right holder in detecting problems with the well.
7. Qualification No. 1 to Water Right No. 1407-1, if amended, should read:
“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.”

Eric Brundlund

Eric Gronlund, PE

Natural Resource Engineer III

Water Rights Program, DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER TO AMEND QUALIFICATION
NO. 1 FOR WATER RIGHT NO. 1407-1, CUNDY TRUST**

The following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources to amend qualification No. 1 on Water Right No. 1407-1, Cundy Trust, c/o LaVon M. Colwell, Trustee, 4669 Idalia Street, Aurora CO 80015.

The Chief Engineer is recommending Qualification No. 1 on Water Right No. 1407-1 be amended to remove the requirement for a pressure gauge on the well and a record kept of any pressure fluctuations. Qualification No. 1 should be amended to read as follows:

1. 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.

See report for additional information.

Jeanne Goodman, Chief Engineer
April 18, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

1407-1

MAY 16 2017

Bernice G Cundy Trust
c/o LaVon Colwell
4669 S Idalia St
Aurora CO 80015

Dear Ms. Colwell:

Enclosed is Reissued Water License No. 1407-1. On May 11, 2017, the Water Management Board amended Qualification No. 1 on the water license. The amended qualification removes the requirement for a pressure gauge on the well and a record kept of any pressure fluctuations.

If you have any questions, please contact me.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

**STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 1407-1**

(1) Bernice G Cundy Trust, c/o LaVon M Colwell, Trustee, 4669 S Idalia St, Aurora CO 80015 was issued Water License No. 1407-1, January 30, 2017 for a water right to divert 0.57 cubic feet of water per second from one well - Minnelusa Aquifer, Lawrence County, South Dakota for irrigation purposes. Permit No. 1407-1, with a priority date of September 16, 1987 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

To reflect Water Management Board action taken on May 11, 2017 to amend Qualification No. 1, Water Right No. 1407-1 is being reissued as follows:

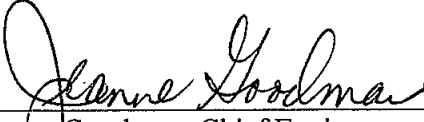
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Reissued Water Right No. 1407-1 is issued a license, bearing a priority date of September 16, 1987 to appropriate 0.57 cubic feet of water per second from one well -- Minnelusa Aquifer to irrigate 40 acres.

The diversion point is located: 1,047 feet N and 2,528 feet W of the SE corner Section 24-T7N-R2E (SW 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 24-T7N-R2E	SE 1/4 SW 1/4	31.8 acres
	NW 1/4 SE 1/4	<u>8.2 acres</u>
		40.0 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1407-1 including the following qualifications:

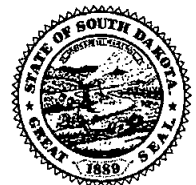
1. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

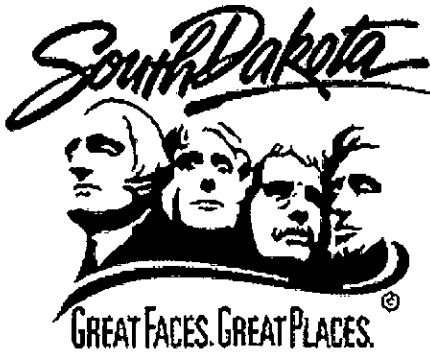


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 16 2017

date





1407-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 31, 2019

341A-1
709-1
1407-1

Cris Miller
10164 West Hwy 14
Spearfish SD 57783

Dear Mr. Miller:

Enclosed are the 2019 irrigation questionnaires you submitted for Water Right Nos. 341A-1, 709-1 and 1407-1.

For them to be considered complete, you will need to fill out the back side of each form with the number of acres irrigated, pump rate and total hours per month water was pumped. We cannot determine how much water was diverted from the source without these figures.

Please complete the forms and return them to our office by December 2, 2019. I have included a postage paid envelop for your convenience in returning them.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 5, 2026

1407-1

Cris Miller
10164 West Hwy 14
Spearfish, SD 57783

Dear Cris Miller:

I am writing in regard to your Water Right No. 1407-1. The water right authorizes the diversion of 0.57 cfs (approx. 256 gpm), from one well, (Minnelusa Aquifer), for the irrigation of 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24-T7N-R2E.

You have been reporting 600 gpm in the past, which is over what you are licensed for at 256 gpm. On the 2025 Irrigation Questionnaire, you reported a flowing well, and unfortunately that is not sufficient for our records. We ask that when you receive this year's 2026 Irrigation Questionnaire, that you please include an accurate pump rate.

In reviewing your 2025 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 1407-1 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water per acre, per year. On the questionnaire you reported more water use. The following information is what was reported and what is authorized:

- 40 acres reported irrigated
- Reported water use – 175.66 acre-feet of water (approximately 52.69 inches)
- Authorized water use – 80 acre-feet of water (40 acres x 2 ac-ft per year = 24 inches)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us