

WATER PERMIT NO. 1445-1

HAP No. same 347-4424

Name of Applicant City of Sturgis

Post Office Address 1147 Sherman Street, Sturgis SD 57785

Amount of Water Claimed 44.8 acre-feet Total Acres NA

Source of Water Supply dry draw

Water to be used for municipal purposes County Meade

About 4 miles S of Sturgis.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Apr. 18, 1988 Fee \$ 150.00 Remarks _____

Corrected Application Received July 15, 1988 Period of Annual Use Jan 1 - Dec 31

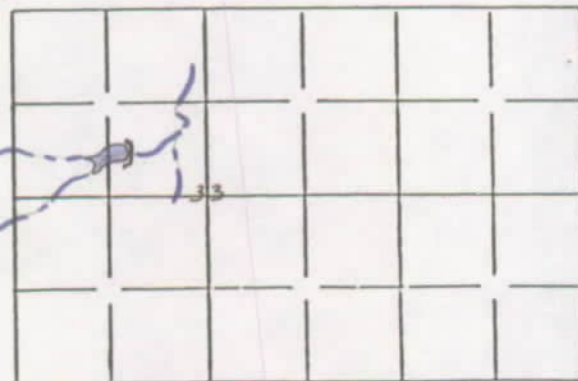
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS

Diversion Point Dam No. 5: SE 1/4 NW 1/4 section 33 -

TSN-R5E

Land to be Irrigated 1/4



Well Log: Driller NA Licensed YES NO

Depth of Well.	REMARKS
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Type of Map topo PREPARED BY Leroy Mernagh Reviewed and the Number 22

assigned on August 5, 1988 By Ron Savall

**SOUTH DAKOTA
WATER PERMIT**

Date of first receipt of application April 18, 1988

Date of return to applicant for correction, amendments or changes required May 3, 1988

Date of receipt of corrected application July 15, 1988

The Water Management Board approved Water Permit Application No. 1445-1
on October 6, 1988 for the City of Sturgis

1147 Sherman Street Sturgis, South Dakota 57785
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1445-1 authorizes storage of 44.8 acre-feet of water in a dry draw dam located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33-T5N-R5E. Additional fills of the dam are authorized to supply the City of Sturgis.
2. The water appropriated shall be used for the purpose of an emergency supply for the City of Sturgis and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim the right is July 15, 1988.
5. One-fifth of the construction is ~~to be completed on or before~~.
6. All construction is ~~to be completed on or before~~.
7. Water is ~~to be put to beneficial use on or before~~.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

FEB 14 1989



No. 1445-1 Hydrologic Unit 10120202
Map No. same Basin Belle Fourche R
Newspaper Meade Co Times-Tribune, Box 69, Sturgis
(used)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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

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

DAM #5

Type of Application: Check one or more of the following

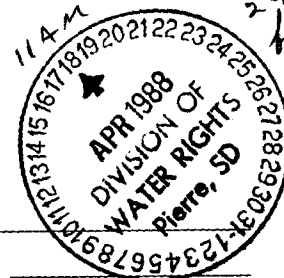
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant City of Sturgis Phone No. 347-4424

Post Office Address 1147 Sherman Street, Sturgis, South Dakota State 57785
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s) 44.8 Ac Ft of Storage

3. Source of water supply Dry Draws Storage Dam

4. Location of point of diversion 2020 ft S and 1100 ft W of the N $\frac{1}{2}$ Corner of Section 33,
T5N, R5E

County Meade

5. Counties where water will be used Meade

6. Annual period during which water is to be used January 1 - December 31

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

Dam #5 constructed in 1959

This dam stores water for emergency municipal use.

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

STATE OF SOUTH DAKOTA)
County of MEADE)^{ss}

I, Bruce J. Walker, Chairman Sturgis Utility Board the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Bruce J. Walker

Subscribed and sworn to before me this 14th day of April 1988

John E. Luoma
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

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 4.0'

c) Crest Width 10'

Crest Length 290'

d) Height 44' Est.

e) Primary Outlet Capacity Has controls
 If Pipe, diameter 12"

f) Secondary Spillway Capacity _____
 Spillway width 10'

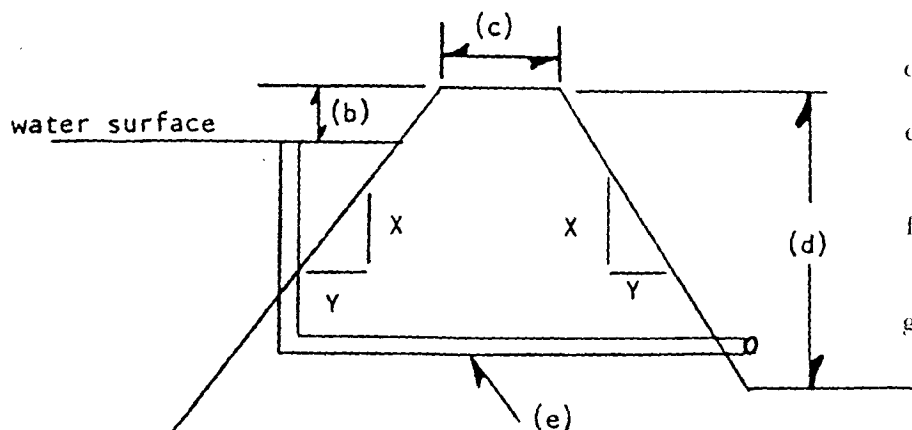
g) X & Y Slope
 Upstream 2:1

Downstream 2:1

Surface Area of Impoundment 2.8

Storage 44.8 acre feet

Drainage area above dam 125 Ac.



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411205

Pierre, April 20, 19 88

RECEIVED OF City of Sturgis, 1147 Sherman Street, Sturgis, SD 57785

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

Fee for Application for Permit No. 1445-1 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

JOHN HATCH



T. 5 N.

VALE 18 MI.
NEWELL 24 MI.

FORT MEADE 1.5 MI.
BEAR BUTTE 11 MI.

TILFORD 7.4 MI.
RAPID CITY 27 MI.

210 000
FEET

T. 5 N.
T. 4 N.

20'

10'

City of Sturgis

Map by L. J. Menough

Appl. No. 14445-1

R. 5 E

T 5 N

28 28
32 33

Q 28

Dam #1

470

270

Dam #2

Dam #3

2020

360

2320

Dam #5

Dam #4

360

Q 30

1100

Map by E. J. Munn
6-2-57

Appl No 1445-1

City of Sturgis

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 10, 1988

City of Sturgis
1147 Sherman Street
Sturgis, South Dakota 57785

ATTENTION: John E. Cusma, City Engineer

Dear Mr. Cusma:

On May 19, 1987 I met with you regarding water permits for the storage dams for the City of Sturgis. In order to assist you in your applications I am enclosing two completed application forms. One application is for a Vested Right for four storage dams that qualify for a vested right. The other is for Dam Number 5 that does not qualify for a vested right.

Would you please check all of the forms and make any changes necessary to make the applications as accurate as possible. Then sign and notarize all forms where indicated. This office needs two copies of Form 2 and 2A and one copy of each Form 2 B, "Affidavit of Water Use." Also enclose a check for \$165.00 to cover the cost of the filing fees. (\$150.00 for the application for Dam Number 5 and \$15.00 for the vested right application).

Enclosed also is a map of the area. Please check this over and make any changes necessary to make it as accurate as possible. Return the maps along with the forms so that we may correct our office copy. If you do not make any changes on the map you may keep it for your use.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Natural Resources Engineer

LJM:ms
Enc.

DAM NUMBER	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
TYPE OF DAM	Concrete & Rock Masonry	Concrete & Rock Masonry	Earth with Concrete Core	Concrete & Rock Masonry
FREEBOARD FT.	2	2	2	2
CREST WIDTH FT.	4	6	8	6
CREST LENGTH FT.	50	220	240	200
HEIGHT FT.	15	30	15	37
OUTLET CONTROL PIPE DIAM INCHES	10	12	12	12
EM SPILLWAY FT	50+	20+	20+	20+
X & Y SLOPES UPSTREAM	1:1	2:1	2:1	2:1
DOWNSTREAM	1:1	2:1	2:1	2:1
SURFACE ACRES	0.72	2.5	2.3	2.4
STORAGE Ac Ft	4.32	30.0	13.8	26.64
DRAINAGE AREA ABOVE DAM	1364	1280	1329	1020

City of Sturgis, South Dakota

Engineering and Inspections - 1029 First Street

STURGIS, SOUTH DAKOTA 57785-1507
PHONE 605-347-4424



April 14, 1988

S.D. Department of Water and
Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Dear Mr. Mernaugh:

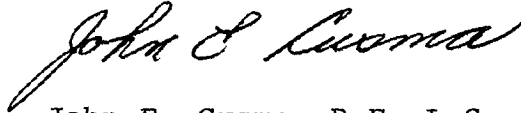
Please find enclosed as per your request the following material.

1. Two (2) copies of Form 2 and 2A of Application for Permit to Appropriate Water. This is for Dam #5.
2. Two (2) copies of Form 2 and attachment of Application for Permit to Appropriate Water. This is for Dams #1, #2, #3, and #4. This is a vested right.
3. A copy of Form 2B, affidavit of Water Use for Dam #1.
4. A copy of Form 2B affidavit of Water Use for Dams #2, #3, and #4.
5. A check in the amount of \$215.00 for the following fees:
 - a) Water Right Application Dam #5. Amount due \$150.00.
 - b) Vested Right Application for Dams #1, #2, #3, and #4. Amount due \$15.00.
 - c) Fee for Inspection and issuing of Water License for Water Right No. 1287-1. Amount due \$50.00.

Item 5(c) was requested by Maxine Stirling.

If you have any questions or require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "John E. Cusma". The signature is written in dark ink and is positioned above the printed name and title.

John E. Cusma, P.E., L.S.
City Engineer

JEC/bv



Department of Water & Natural Resources

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

May 3, 1988

Bruce J Walker, Chairman
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

This letter is in response to the water permit application and vested right claim submitted on April 18, 1988 for dam Nos. 1 - 5 for the City of Sturgis. The following information is needed to complete the applications:

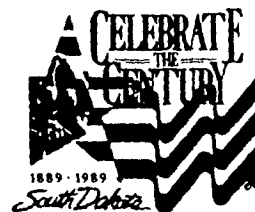
- 1) The enclosed applications and affidavits of water use need to be notarized. The forms have not been stamped by Mr. Cusma.
- 2) A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining a hazard classification for dam Nos. 2, 4 and 5 (see enclosed Safety of Dams Rules Section 74:02:08:05). The hazard classification of the 3 dams (Category 1, 2 or 3) is needed to determine if the dams need to comply with provisions of the Safety of Dams Rules.

The applications can not be processed for consideration by the Water Management Board until the applications are complete. Please return the notarized applications with the risk assessment to complete the applications.

Sincerely,

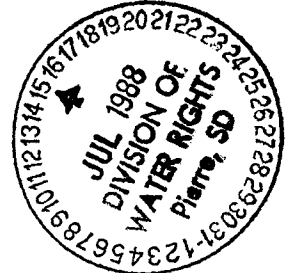
Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



City Of Sturgis, South Dakota
Water Department - 1025 First Street

STURGIS, SOUTH DAKOTA 57785-1592
PHONE 605-347-4425



July 14, 1988

Mr. Ron Duvall
S.D. Department of Water and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

Please find enclosed as per your request of May 3, 1988, notarized applications and affidavits of water use. Also find enclosed a narrative in reference to the water supply dams. This is an attempt to comply with the preliminary risk assessment of the downstream hazard potential.

If you have any questions or require additional or different information please contact me.

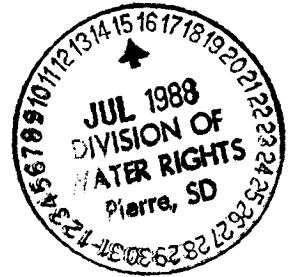
Sincerely,

A handwritten signature in cursive script that reads "John E. Cusma".

John E. Cusma
Water Superintendent

JEC/bv

WATER SUPPLY DAMS
FOR
STURGIS, SOUTH DAKOTA



The City of Sturgis is the owner of five water supply dams approximately two to three miles south of the City of Sturgis. These five dams are as follows.

DAM NO.	YEAR CONSTRUCTED	HEIGHT OF DAM	SPILLWAY OPENING	STORAGE
1.	1893	18'	NONE	4.32 AF
2.	1894	36'	0.5' x 16.2'	30.00 AF
3.	1935	13'	3.5' x 12.0'	13.80 AF
4.	1921	38'	1.0' x 16.5'	26.64 AF
5.	1959	37'	5.2' x 18.0'	44.80 AF

There is a total holding capacity in all five dams of approximately 40 million gallons. Dams 1 through 4 are all in series on the Alkali Creek Drainage. These dams are supplied by rainfall and snowmelt runoff and by a spring. Dam #5 is located on a tributary to Alkali Creek and any overflow would enter Alkali Creek downstream of Dam #4. Dam #5 is supplied by surface runoff only and is very seldom filled.

The Alkali Creek drainage then proceeds Northeasterly across Forest Service land to the vicinity of the Black Hills National Cemetery. It then crosses I-90 and continues onto the open prairie land.

There are two cabins on privately owned land approximately 650 feet downstream of Dam #1. These cabins are owned by the family of Jarvis Davenport who constructed the dams and the original Sturgis water supply system. The main cabin that is occasionally used by the family is 26 feet above the flow line of Alkali Creek. There is a second smaller cabin approximately another 150 feet downstream and it is 8.3 feet above the stream flow line. This cabin has very limited use.

Dams 2, 3, 4, & 5 are all located in the West half of Section 33, T5N, R5E of the BHM. Dam #1 is located in the South half of the Southwest Quarter of the Southeast Quarter of Section 28, T5N, R5E of the BHM. The two cabins are located in the North half of the Southwest Quarter of the Southeast Quarter

of Section 28, T5N, R5E of the BHM. The City of Sturgis owns the following land consisting of 620 Acres.

South half of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 28, T5N, R5E, B.H.M.
East half of the East half of Section 32, T5N, R5E, B.H.M.
West half of Section 33, T5N, R5E, B.H.M.
North half of the NW $\frac{1}{4}$ Section 33, T5N, R5E, B.H.M.
NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 34, T5N, R5E, B.H.M.

It is possible that the 20 acres of land on which the cabins are located will be sold. The Sturgis Municipal Utility Board is inquiring into the possibility of purchasing this land.

The City of Sturgis has a full time man at the dams from the latter part of May until September 1st. His responsibility is to keep the area policed and cleaned and to keep the drainage cleared. He also controls the flows from one dam to the next as conditions require and keeps the dams in good repair. All dams are concrete with the exception of Dam #5 which is the first to be emptied. During the remaining parts of the year the dams are checked a minimum of once per week assuming they are accessible. Access may be blocked by snow. To our knowledge the cabins are not used other than summer months and only then occasionally since the owner lives in Colorado.

Based on this information we believe the dams to be rated in the small classification and under category 3 with minimal economic loss potential and no expected loss of life potential.

REPORT ON VESTED RIGHT APPLICATION 1446-1 &
APPLICATION NO. 1445-1
CITY OF STURGIS
AUGUST 10, 1988

Application No. 1446-1 requests validation of a vested right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. The water has been in use since the dams were constructed. Dam No. 1 (15 ft. high, 4.32 acre-feet storage capacity) is located in the SW 1/4 SE 1/4 Section 28-T5N-R5E and was constructed in 1892; Dam No. 2 (30 ft. high, 30.0 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1894; Dam No. 3 (15 ft. high, 13.8 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1935; Dam No. 4 (37 ft. high, 26.64 acre-feet storage capacity) is located in the SE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1929.

Application No. 1445-1 is for impoundment (Dam No. 5) of 44.8 acre feet of water in a dry draw dam. Dam No. 5 (44 ft. high, 44.8 acre-feet storage capacity) is located in the S 1/2 NW 1/4 of Section 33-T5N-R5E and was constructed in 1959.

Discussion

Water Right Filing No. 0451-1 was filed by Joseph Davenport on February 29, 1892 to appropriate the water of certain springs and all their overflow running in a small channel sometimes called Silver Creek or Warren Creek. The point of diversion is to be located where the overflow crosses the South line of Section 28-T5N-R5E. The purpose for the appropriation was is for mining, milling, manufacturing and domestic use. Water Right Filing No. 0451-1 was amended on April 26, 1892. The amendment was made to state more fully the purposes of the appropriation and intended and actual use of Water Right Filing No. 0451-1. The amendment added that the appropriation can also be used for the sale and delivery to others along the route and in the City of Sturgis and Fort Meade.

The 5 dams were constructed by Joseph Davenport as part of a water supply system that furnished water to the City of Sturgis. Water was sold to the City of Sturgis from 1892 to 1978. In 1978 the City acquired the system. The system was used by the City as their primary source of water until 1985. The system is now maintained in operating condition to use as an emergency source for municipal water.

The City of Sturgis has 4 existing water rights for groundwater that they now use as their primary source of municipal water. They are Vested Water Right Claim No. 441-1, Water Right No. 780-1, Water Permit No. 1287-1 and 1396-1. Dam No. 1 is described in Vested Water Right Claim No. 441-1, however; only groundwater is mentioned in the licens~.

The Safety of Dams Rules, Section 74:02:08:01(6) defines a dam as being an artificial barrier which is 25 feet or more in height or has an impounding capacity of at least 50 acre-feet or more. Dam No. 1 and Dam No. 3 are not large enough to be defined as a dam pursuant to Section 74:02:08:01(6). A preliminary assessment of the remaining dams classifies them as small size Category 2 dams. The Category 2 classification is applied to these dams because they are used as water supply reservoirs. Since they were constructed before October 27, 1986 they are exempt from spillway requirements unless they fail and are rebuilt.

Conclusions

1. The dams exist and function as an emergency water supply for the City of Sturgis. They were inspected by LeRoy Mernaugh and found to exist as described.
2. It is recommended that Vested Water Right Application No. 1446-1 be validated with the applicable portions of Water Right Filing No. 0451-1 and amended Water Right Filing No. 0451-1 incorporated into Vested Water Water Right Application No. 1446-1 and that the abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled. It is recommended that this vested water right claim have a priority date of February 29, 1892 for Dam No. 1 based on Water Right Filing No. 0451-1 and January 1, 1894 for Dam No. 2, January 1, 1935 for Dam No. 3 and January 1, 1929 for Dam No. 4 since the exact dates of construction during 1894, 1935 and 1929 are not known.
3. It is recommended that Application No. 1445-1 be approved since the dam has been in existence since 1959 and we have received no complaints and there are no existing water rights in the area that would be adversely affected.

Timothy G. Schaal /KS
Timothy G. Schaal, P.E.
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1445-1, City of Sturgis

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. 1445-1, City of Sturgis, 1147 Sherman Street, Sturgis SD.

The Chief Engineer is recommending APPROVAL of Application No. 1445-1 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.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 30, 1988

 **Department of
Water & Natural Resources**

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

August 31, 1988

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

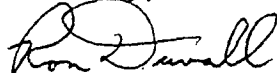
Bruce J. Walker
Chairman Sturgis Utility Board
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

Your Application No. 1445-1 for a permit to appropriate water for municipal use and Application No. 1446-1 for a vested water right claim have been examined and found to comply with the South Dakota Water Laws and applicable rules. The notices have been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, copies of the notices, the recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

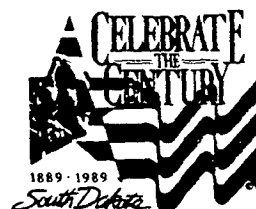
Be sure to contact the above newspaper to authorize publication of your Notices of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the applications can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

August 31, 1988

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1445-1 to be published twice. Please publish the first notice on or before September 7, 1988 with the second publication 7 days later.

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 the City of Sturgis, 1147 Sherman Street, Sturgis SD 57785.

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. _____

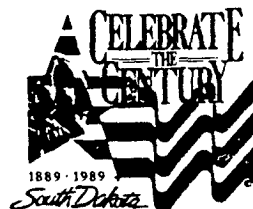
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 _____



Instruction to Newspaper - Publish first Notice on or before September 7, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1445-1 to Appropriate Water

Notice is given that the City of Sturgis, 1147 Sherman, Sturgis SD 57785 has filed an application for a water permit to impound 44.8 acre-feet of water in a dry draw storage dam. The dam is located in the S 1/2 NW 1/4 Section 33, T5N, R5E and stores water for emergency municipal use by the City of Sturgis. If approved, this application will authorize additional fills of the dam as needed to supply the City of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1445-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

This application is made pursuant to 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 1445-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Jean Lewis hereby

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

Water was taken from the Meade County Times-Tribune

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 Sturgis

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

September 7, 1988

September 14, 1988

Jean Lewis
(Signature)

Billing Clerk
(Title)

9-15-88

(Date Signed)



Cost of Printing: \$41.99

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Publ Sept. 7 & 14, 1988

Meade County Times Tribune

NOTICE OF HEARING
ON APPLICATION

NO. 1445-1

TO APPROPRIATE WATER

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SOUTH Dakota Department of
Water & Natural Resources

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

FEB 14 1989

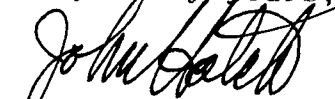
Bruce J. Walker, Chairman
Sturgis Utility Board
1147 Sherman Street
Sturgis, South Dakota 57785

Dear Mr. Walker:

Enclosed is your Water Permit No. 1445-1 as approved by the Water Management Board authorizing construction of the water system and the application of 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,



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

JH:ms

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 1999

Justin Weyer
City of Sturgis
1147 Sherman St
Sturgis SD 57785

Dear Mr. Weyer:

I am writing in response to completion of three on-site investigations of city water right permits on July 14 and 15, 1999. The purpose of completing the investigations is to issue a water license for your permits which is the final step in obtaining a water right. I will list my findings for each of the permits and indicate what is needed to complete this licensing process:

Permit No. 1445-1

This permit is for dam No. 5 for storage of up to 44.8 acre feet for an emergency municipal water supply. The on-site investigation found everything in order and the permit is ready to be licensed. A fee of \$50.00 is needed prior to the license being issued. The other four dams are covered by a vested water right and no action is needed concerning these dams.

Permit No. 1396-1

This permit is for one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 6-T5N-R5E with a permitted pump rate of 225 gallons per minute (gpm). The inspection found the well in the location described on the permit and producing approximately 350 gpm. This increase in pump rate (125 gpm) needs to be covered by a new water right permit. I have enclosed a partially-completed application for your use. Please complete the parts denoted with red check marks and return the signed and notarized application with the map and an application fee of \$225.00. In addition, a \$50.00 license fee is needed prior to the license being issued.

Permit No. 1600-1

This permit is for the airport well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 3-T5N-R6E with a permitted pump rate of 3 gpm. The inspection found the well in the location described on the permit and producing approximately 26 gpm. This increase in pump rate (23 gpm) needs to be covered by a new water right permit. I have enclosed a partially-completed application for your use. Please complete the parts denoted with red check marks and return the signed and notarized application with the map and an application fee of \$50.00. In addition, a \$50.00 license fee is needed prior to the license being issued. During the inspection Jerry Burnham indicated that application forms for the airport well should be sent to his attention.

Justin Weyer, City of Sturgis

December 1, 1999

Page 2 of 2

The total of all the above fees is \$425.00. After receipt of your completed applications, a report and recommendation will be prepared for each application and provided to you. Assuming the permit applications to increase the pump rates are approved, the water licenses will be issued following the approvals. If you have any questions, please let me know at 605 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", with a stylized, cursive script.

Ron Duvall
Natural Resources Engineer
Water Rights Program

Enclosures

DATE 21-Dec-99

S D Dept of Envirn & Natl Res

VENDOR NO. 06156000136

INVOICE	AMOUNT	P.O. NO.	COMMENTS	INVOICE TOTAL
128	325.00		WATER	
128	14.00		WATER <i>Ret # 8889</i>	
128	50.00		WASTEWATER <i>Ret # 5994</i>	389.00

1396-1 license fee for Well #5 \$50.00
 17051 Water permit fee Well #5 \$225.00
 1445-1 license fee for dam #5 50.00

325.00

} Water Rights Program

NOTES

RECEIPT

DATE 12-27-99 NO. 5995

RECEIVED FROM

ADDRESS

FOR

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	061560
BALANCE DUE		MONEY ORDER	

BY

Clerie Blumer

©1998 REDIFORM® 8L808

Permit No. 1445-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 15, 1999, made a thorough examination of the water use system constructed by City of Sturgis of 1147 Sherman Street Sturgis SD 57785 holder of Permit No. 1445-1, bearing the priority of July 15, 1988 authorizing the storage of 44.8 acre-feet of the waters of a dry draw for municipal purposes, in Meade County.

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

A. Works used to divert the water:

DAM INFORMATION:

- | | |
|--|--|
| 1) Height to crest <u>≈ 44</u> feet | 4) Crest length <u>290</u> feet |
| 2) Height to primary spillway <u>40</u> feet | 5) Spillway width <u>10 feet base, 30 feet top</u> |
| 3) Crest width <u>10</u> feet | 6) Approx. storage <u>44.8</u> ac-ft |
| | 7) Date constructed: <u>1959</u> |

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

Water is impounded in this dam only under emergency conditions while water is being used from other dams covered by Vested Right No. 1446-1. If needed, then the impounded water could be released to travel downstream to the city.

The system is in the following condition good. The point of diversion is located Dam: 2,020 feet S and 1,100 feet W from the N¼ corner of section 33-T5N-R5E (S½NW¼). The works are capable of diverting and storing 44.8 acre-feet of water which is to be used for emergency municipal supply. Water has been put to beneficial use to the maximum extent and the license should be issued for 44.8 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 18, 1999



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

The original map prepared by Leroy Mernaugh, staff engineer, on June 2, 1987 accurately depicts the location of the dam

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1445-1

DATE OF INVESTIGATION	July 15, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	City of Sturgis 1147 Sherman Street Sturgis SD 57785
DIVERSION POINT LEGAL LOCATION	Dam: 2,020 feet S and 1,100 feet W from the N¼ corner of section 33-T5N- R5E (S½ NW¼)

Other permit(s) associated with the project: VR No. 1446-1

DISTRIBUTION LINES OR CANALS:

This dam serves as an emergency water supply for the City of Sturgis. The dam is maintained in an empty condition until needed. During an emergency the dam would begin impounding any runoff while the city begins using water from four other nearby dams covered by No. 1446-1. A small drain pipe is located in base of dam which can be operated by a control structure located on the downstream toe of the dam.

DAM INFORMATION:

- 1) Height to crest ≈ 44 feet
- 2) Height to primary spillway 40 feet
- 3) Crest width 10 feet
- 4) Crest length 290 feet
- 5) Spillway width 10 feet base, 30 feet top
- 6) Approx. storage 44.8 ac-ft
- 7) Date constructed: 1959

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by not applicable
- 2) All structures, wells and lands on map Y

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1445-1

(1) The City of Sturgis, 1147 Sherman St., Sturgis SD 57785 made Application No. 1445-1, April 18, 1988 for a water permit to impound 44.8 acre-feet of water from runoff (dry draw), Meade County, South Dakota for municipal purposes. Permit No. 1445-1, with a priority date of July 15, 1988 was approved October 6, 1988 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 44.8 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam (spillway) is 2,020 feet south and 1,100 feet west of the north ¼ corner of Section 33-T5N-R5E (S ½ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use as an emergency supply for the city.

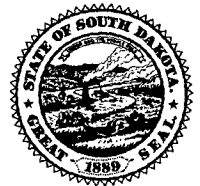
(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Sturgis, 1147 Sherman St., Sturgis SD 57785 the holder and/or owner of Water Right No. 1445-1 is issued a license to appropriate water, the right to impound 44.8 acre-feet of water from a dry draw with sufficient water annually to maintain the water level to the outlet elevation with a priority date of July 15, 1988 from the location specified in (2) of this license for municipal purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1445-1 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 10 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

1445-1
1706-1

City of Sturgis
%Pauline Sumption, Finance Officer
1147 Sherman
Sturgis, SD 57785

Dear Ms. Sumption:

Enclosed is Water License No. 1445-1, and Water Permit and Water License No. 1706-1. These are the final water right documents 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. 1706-1, 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 Licenses, 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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Permit No. 1600-1 are incorporated into Water License No. 1706-1