

Considered: _____

WATER PERMIT NO. 1449-1 34

HAP No. Same 347-3145

Name of Applicant Philip Bestgen

Post Office Address RR 2, Box 24 Whitewood SD 57193

Amount of Water Claimed 0.57 cfs Total Acres 40

Source of Water Supply groundwater diverted to storage reservoirs

Water to be used for irrigation County Meade

About 5 miles east of Whitewood

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/2/89 Subject to _____

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

PRIORITY _____ Date Received Sept. 27, 1988 Fee \$150⁰⁰ Remarks _____

9/26/88 See Water License No. 555-1 - this adds ^{appl.} acreage

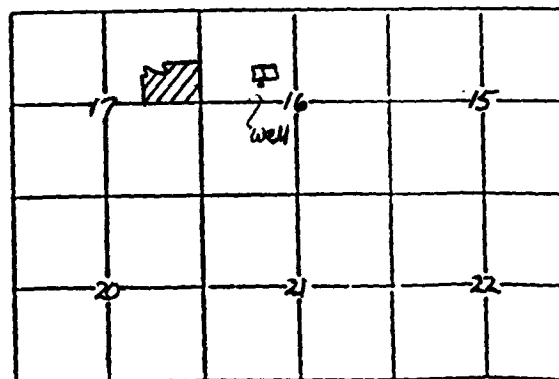
Corrected Application Received Oct. 5, 1988 Period of Annual Use Apr 1 - Nov 1

WATER QUALITY APPROVAL RECEIVED Nov. 18, 1988 APPROVED CONDITIONAL (Circle one)

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

Diversion Point SE 1/4 NW 1/4 Section 16 - T6N - R5E

Land to be Irrigated NE 1/4 Sec 17, T6N, R5E



Well Log: Driller _____ Licensed YES _____ NO _____

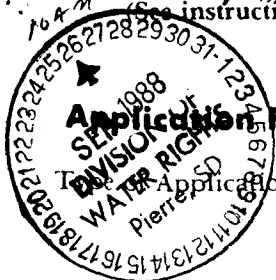
Depth of Well 430' REMARKS No well log available see

File no. 555-1.

Type of Map aerial photo PREPARED BY Darrell Vig Reviewed and the Number

assigned on November 28, 1988 By Sharon A. Gower

No. 1449-1 Hydrologic Unit 10120202
Basin Belle Fourche
Newspaper Meade Co. Times Box 69 Sturgis 57785
(date)



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- To Permit Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
 To Permit 555-1
 1. Name of Applicant Philip Bestgen Phone No. 605-347-3145
 Post Office Address RR#2 Box 24 Whitewood State SD 57793
 (Street, RR or Box) (City) Zip Code
 2. Amount of water claimed (c.f.s) no add'l mit 555-1
0.33 (As in per Total acres irrigated Added acreage - 40.0
 3. Source of Water supply Artesian well (1500' East and 1920' South of NW corner of Sec. 16-T6-R5
 4. Location of point of diversion From irrigation storage reservoir located 1530' East and 1870' south of NW corner of Section 16 - T6 - R5
SE 1/4 NW 1/4 Section 16-T6N-R5E County Meade
 5. Counties where water will be used Meade
 6. Annual period during which water is to be used April 1 - Nov. 1
 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.
SW 1/4 NE 1/4 Sec. 17-T6-R5	4
SE 1/4 NE 1/4 Sec. 17-T6-R5	36

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: X Center Pivot: _____ Gun: _____ (Specify) _____
 9. Crops to be Irrigated: Alfalfa and grass
 10. Give a description of proposed project. (Attach sheet if more space is needed)
 Water will be diverted from irrigation storage pond by pump and pipe to proposed area. Water will be applied with towline sprinkler system.
 Water source is artesian well. This acreage will be in addition to that land which is already irrigated in section 16 - T6 - R5.

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 Meade)^{ss}

I, Philip Bestgen, 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 Philip Bestgen

Subscribed and sworn to before me this 30th day of August 19 88

Carlene M. Rosenrath 7/8/90
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 1449-1 FOR IRRIGATION**

Date of first receipt of application September 26, 1988.

Date Soil/Water Compatibility Permit received November 18, 1988.

Date of return of applicant for correction, amendments or changes required September 27, 1988.

Date of receipt of corrected application October 5, 1988.

The Water Management Board approved Water Permit Application No. 1449-1 on March 2, 1989 for Philip Bestgen, RR #2, Box 24, Whitewood, SD 57793 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. 1449-1 appropriates water from one flowing well (Inyan Kara Aquifer) 430 feet deep to irrigate 40 additional acres in the S1/2 NE1/4 Section 17-T6N-R5E. The well is located in the SE1/4 NW1/4 Section 16-T6N-R5E and flows at the rate of 0.26 cubic feet of water per second (cfs) into two regulating ponds adjacent to the well. Water is to be diverted from the two ponds at a rate of 1.93 cfs to irrigate the 40 additional acres and the 95.2 acres specified on Water Right No. 555-1.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 1.
3. The date from which applicant may claim right is September 26, 1988.
4. One-fifth of the construction is to be completed on or before September 2, 1991.
5. All construction is to be completed on or before March 2, 1994.
6. Water is to be put to beneficial use on or before March 2, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 1449-1 does not authorize any increase in the diversion rate of 0.26 cfs from the flowing well.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed to fill the regulating ponds and the flow then reduced to a minimum or shutoff when water is not necessary for filling the ponds. 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. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with the Water Management Board Rules.
3. The well approved under this Permit is located near domestic wells which may obtain water from the same formation. The well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989
(date)

Supplemental Information

NOTE:

(type or print in ink)

Well log should be
on file in Pierre
drilled in 1960 by
Floyd Draine for Steve
Bestgen

1. Well Information Constructed ~~Proposed~~ construction

- a) Drill Hole Diameter ? Depth 405'
- b) Casing Type Steel Diameter 4" Thickness 3/16"
- c) Screen Type NONE Diameter N/A Thickness N/A
- d) Gravel Pack Thickness Concrete Surface Casing Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material artesian well
- f) Depth to Water (ground surface to water level) flowing well x 5psi
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others N/A

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

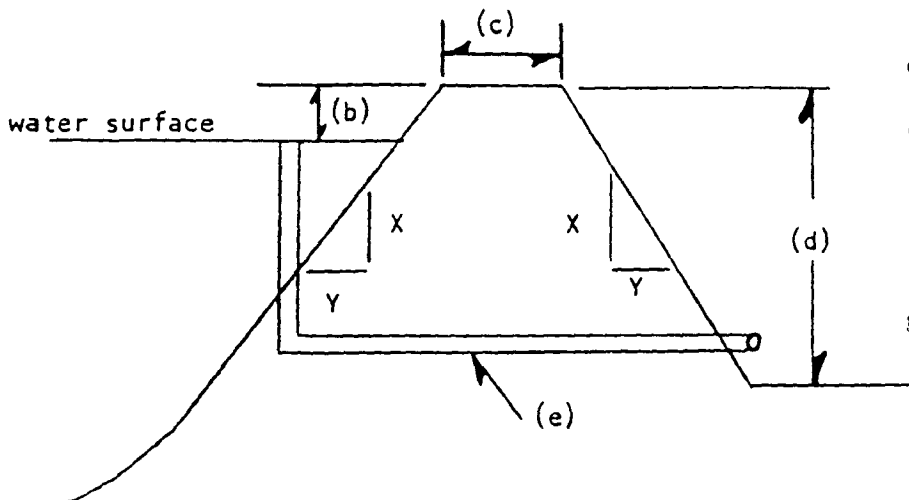
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

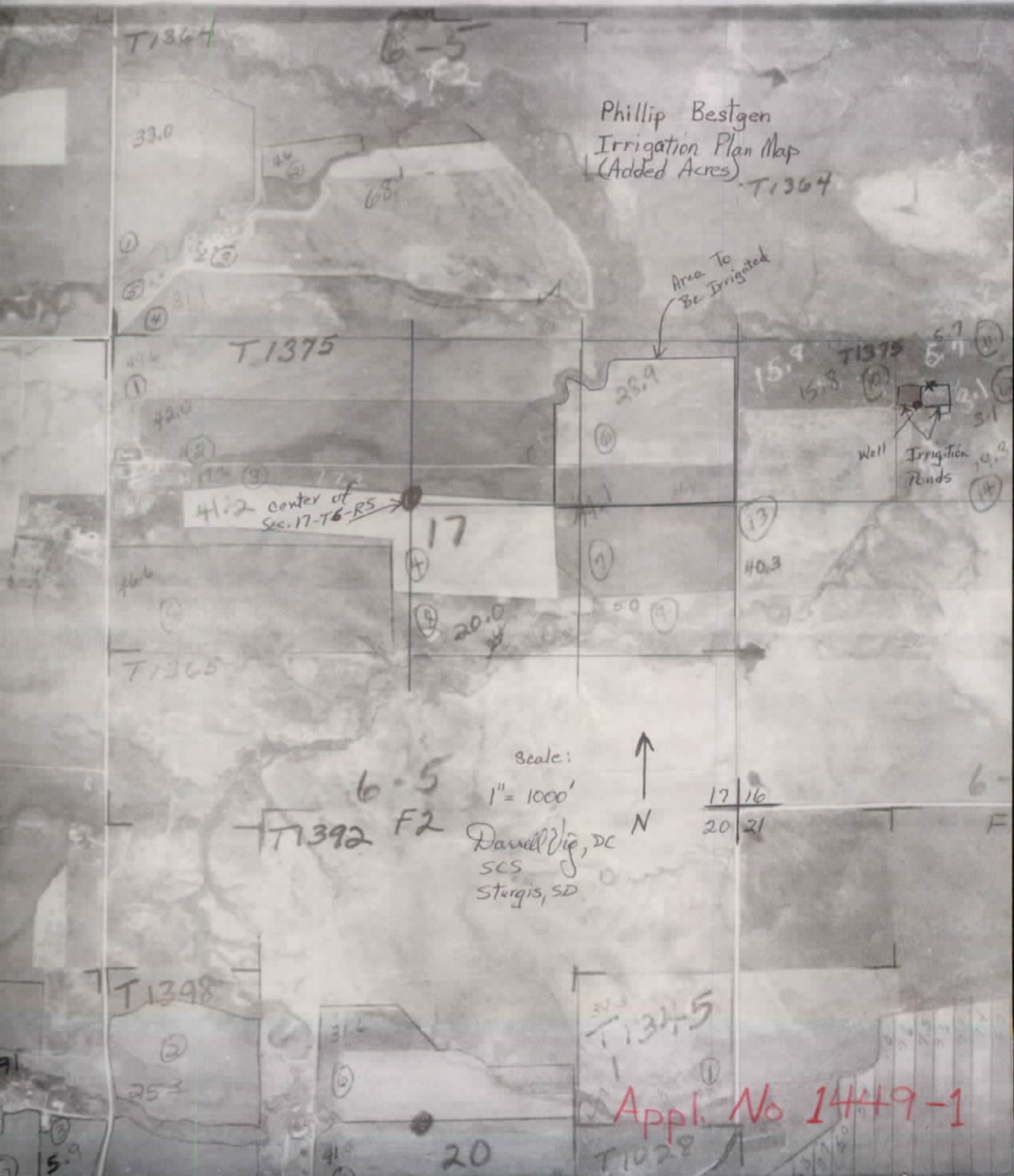
Storage _____ acre feet

Drainage area above dam _____



Philip Bestgen
Signature of Applicant

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

October 5,
Pierre, ~~November 14~~ 1988, 19 88

411444

RECEIVED OF Philip Bestgen, RR2, Box 24, Whitewood, SD 57793

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

Fee for Application for Permit No. <u>1449-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

John Hatch
Chief Engineer

JOHN HATCH

ms

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4300

WR#

OWNERS NAME: Philip Bestgen

OWNERS ADDRESS: RR #2, Box 24

Whitewood, SD 57793

COUNTY LAND LOCATED IN: Meade

PHONE: 347-3145

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Artesian well 1500' E & 1920' S of NW corner Sec 16-6-5

Depth from irrigation storage reservoir 1530' E & 1870' S of NW corner Sec 16-6-5

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17-6-5	4		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 17-6-5	36		

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

3. CROPS TO BE IRRIGATED: alfalfa and grass

WATER QUALITY:

4. WATER SAMPLE NUMBER: 38-0376

7. ADJUSTED (SAR): 1.06

5. SALINITY (EC X 10⁶): 1100

8. PERCENT SODIUM: 8.24

6. SODIUM (SAR): 0.43

Requirements:

The area mapped as Pierre Clay, 6-15% slope (PbC), shall not be irrigated on slopes greater than 9%, due to the erosion hazards.



☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Director, Division of Conservation

Date

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

SE

SOUTH DAKOTA WELL REHABILITATION REPORT

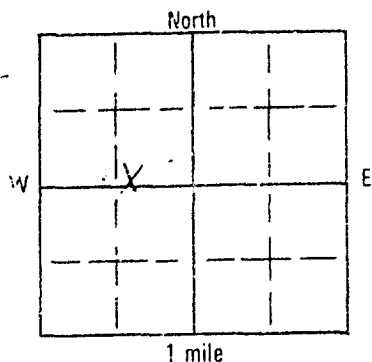
10-85

Location SE NW 1/4 Sec 16 Twp 6 Pg 5

County

Meade

Please mark well location with an "X"

Rehabilitation Completion Date Mar 19 88

PROPOSED USE:

☐ Domestic ☐ Municipal ☒ Stock
☒ Irrigation ☐ Industrial

Well Owner:

Name _____

Address _____

Describe original construction if possible?
(Attach original log if known)4" steel435 ftBottom of casing isunknown Casing isCemented

Description of condition of well before rehabilitation:

Reduced flow Sanded in

Description of rehabilitation work completed:

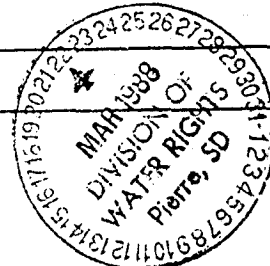
Cleaned well with 4" Bit

Recasing information: Material _____ Diam _____ inches Depth _____ Feet

Describe screen or perforations _____ Screen Location From _____ To _____
From _____ To _____Grout: ☐ YES ☐ NO Describe grouting procedure and grout _____

Well Test Data:

Specific capacity _____ Static water level _____

If a flowing well GPM 52 Shut in 8 PSI

This well rehabilitation was completed under license # _____ And this report is true and accurate.

Drilling firm _____

Signature of Licensed Representative _____

Signature of Well Owner _____

Date _____

07-92

Date: April 3, 1995



Department of Water & Natural Resources

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

September 27, 1988

Mr. Phillip Bestgen
RR #2, Box 24
Whitewood, SD 57793

Dear Mr. Bestgen:

This is in response to the water permit application received from you on September 26, 1988. The permit application is incomplete for the following reason(s):

- (1) The correct application fee for irrigating 40 acres is \$150.00 (see enclosed instruction sheet). I am enclosing your check for \$50.00.
- (2) Upon reviewing the file for Water License No. 555-1, it appears that we do have a copy of Form 2A for the well, we do not, however, have a copy of the actual well log. Please submit a copy of the well log if it is available.
- (3) Water Permit No. 555-1 authorized 0.33 cfs to irrigate 95.2 acres. Following an inspection in 1967, this permit was licensed for 0.26 cfs. The allowable rate of diversion is 1 cfs per 70 acres. Using this figure, you can increase your current diversion rate by 0.57 cfs for the additional 40 acres. Please indicate whether or not you intend to increase your pumping rate from 0.26 cfs to 0.83 cfs for the entire acreage (117 gallons per minute to 372 gallons per minute to irrigate 95.2 acres in section 16 and 40 acres in section 17, both in T6N, R5E).

The Water Management Board cannot consider a water permit application until it is complete. Please submit the proper fee, a well log if it is available, and indicate whether or not you wish to claim 0.57 cfs for the 40 acres.

Should you have any questions, feel free to call me.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



Conversation or File Documentation

NAME OF PERSON OR FILE: Phillip BestgenADDRESS: RR #2, Box 24 COUNTY MeadeDATE: Sept. 28, 1988 TELEPHONE 347-3145RE: Sept. 27, 1988 letter

COMMENTS:

Mr. Bestgen called today in response to the
letter of 9/27 that he received, with the following
comments:

(1) He will send a check for the correct fee of \$150

(2) There is no well log available

(3) He would like to be authorized for the 0.57 cfs
for the additional 40 acres (see Permit Nos.
555-1, 556-1)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Doreen A. Bowler

Conversation or File Documentation

NAME OF PERSON OR FILE: Philip BestgenADDRESS: RR2, Box 24, Whitewood SD COUNTY MeadDATE: January 25, 1989 TELEPHONE _____RE: pumping rate from ponds and existing well

COMMENTS:

Contacted Philip Bestgen regarding Appl. No. 1449-1
to add 40 acres to the 95.2 acres authorized by
Water Right No. 555-1. Mr. Bestgen indicated that
the well will not be pumped but the pumping rate from
the two regulating ponds may be increased. I informed
Mr. Bestgen that the maximum pumping rate from the
ponds to irrigate 135.2 acres is 1.93 cfs

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duwall

I am asking to extend the irrigation permit number 553-1 to include an additional 40 acres in Sec. 17-6-5. I can further utilize the water if this will be granted. ~~By~~ When alfalfa is plowed up to control weeds, I can continue to use the water on Sec. 17 while the land in Sec. 16 is laying idle.

Sincerely

Philip Bedger



Wintwood S.D.

Oct 1, 1988

Water Rights Dist.
Dept Water & Natural Resources
Pierre, S.D.



Dear Sir,

In reply to your letter of
Sept 27,

- (1) I am enclosing check for 150⁰⁰
- (2) I have no log for well.
(I spoke with Susan Bowar on
the phone)
- (3) I would like to increase
the pumping rate to 0.83 c.f.d.

Sincerely,
Philip Bestgen

Report on Application No. 1449-1
Philip Bestgen
January 12, 1989

This application proposes to add 40 additional acres to existing Permit No. 555-1. The additional acreage is located in the S 1/2 NE 1/4 Section 17; all in T6N-R5E in Meade County. Permit No. 555-1 authorizes a diversion of .26 cfs from a free flowing well into storage. This application would allow .57 cfs to be pumped from storage to the irrigated acreage. No change in rate of diversion of the well is authorized by this application.

Aquifer - Inyan Kara

The Inyan Kara consists of sandstones and shales and is under artesian conditions in this area. The Inyan Kara consists of the Fall River, Fuson and Lakota Formations in descending order and is approximately 250 feet thick. The 430 feet deep well is probably completed into the Lakota. The well is a flowing well and in 1967 reportedly flowed 120 GPM.

Review of Existing Water Permits

Permit No. 555-1 authorized a diversion of .26 cfs from a free flowing well into storage with the following conditions:

1. The well can never be pumped, only, allowed to flow.
2. The well must be valved and shut in when water is not needed.

The rate of diversion from the holding ponds was not specified by permit although the inspection report in 1967 indicated 400 GPM was being pumped. There is also a surface water permit No. 556-1 for the same lands as permit No. 555-1 which apparently has nothing to do with this new application. There is one other ground water permit No. 431-1 from the Inyan Kara which is located 2 1/2 miles southwest of this application. Interference should not be a problem.

Conclusions

1. There is water available from the Inyan Kara. This request does not change the diversion rate already authorized from the well by Permit No. 555-1 which is licensed for .26 cfs.
2. This is a request to irrigate 40 additional acres.
3. Permit No. 555-1 and 556-1 should be reinspected to determine their status.
4. The original conditions placed upon Permit No. 555-1 should be retained on this application.
5. The diversion rate from storage is not specified on the original permits. For this application it would be .57 cfs from storage to the additional acreage.


JAMES A. GOODMAN
Hydrologist

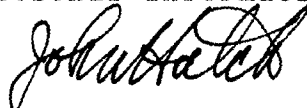
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1449-1, Philip Bestgen

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. 1449-1, Philip Bestgen, RR 2, Box 24, Whitewood SD.

The Chief Engineer is recommending APPROVAL of Application No. 1449-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Permit NO. 1449-1 does not authorize any increase in the diversion rate of 0.26 cfs from the flowing well.
2. The well approved under this permit shall be valved and the flow reduced to the amount needed to fill the regulating ponds and the flow then reduced to a minimum or shutoff when water is not necessary for filling the ponds. 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. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with the Water Management Board Rules.
3. The well approved under this Permit is located near domestic wells which may obtain water from the same formation. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 13, 1989



Department of Water & Natural Resources

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

January 26, 1989

Meade Co Times
Box 69
Sturgis SD 57785

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1449-1 to be published twice. Please publish the first notice on or before February 1, 1989 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 Philip Bestgen, RR 2, Box 24, Whitewood SD 57793.

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

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

No. _____

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





Department of Water & Natural Resources

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

January 26, 1989

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

Philip Bestgen
RR 2, Box 24
Whitewood SD 57793

Dear Mr. Bestgen:

Your Application No. 1449-1 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 Meade Co. Times printed at Sturgis SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice 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 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 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
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before February 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1449-1 to Add Acreage

Notice is given that Philip Bestgen, RR 2, Box 24, Whitewood SD 57793 has filed an application for a water permit to irrigate an additional 40 acres in the S 1/2 NE 1/4 Section 17-T6N-R5E. Water Right No. 555-1 authorizes irrigation of 95.2 acres from one well (Inyan Kara Aquifer) 430 feet deep via one regulating pond. The well is located in the SE 1/4 NW 1/4 Section 16-T6N-R5E and flows at a rate of 0.26 cubic feet of water per second (cfs) into two regulating ponds adjacent to the well. Water is to be diverted from the two regulating ponds at a rate of 1.93 cfs to irrigate the 40 additional acres and the 95.2 acres specified on Water Right No. 555-1. This application does not authorize any increase in the 0.26 cfs capacity of the existing well as authorized by Water Right No. 555-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1449-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 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 February 17, 1989. 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 February 17, 1989.

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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Joan 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 Sturgis of _____

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

Feb. 1, 1989

Feb. 8, 1989

Joan Lewis
(Signature)

Billing Clerk

(Title)

2-8-89

(Date Signed)

Cost of Printing: 44.39

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 February 17, 1989.

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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publ Feb. 1 & 8, 1989
Meade County Times-Tribune

NOTICE OF HEARING
On Application No. 1449-1
to Add Acreage

Notice is given that Philip Bestgen, RR 2, Box 24, Whitewood, SD 57793 has filed an application for a water permit to irrigate an additional 40 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 17-T6N-R5E. Water Right No. 555-1 authorizes irrigation of 95.2 acres from one well (Inyan Kara Aquifer) 430 feet deep via one regulating pond. The well is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16-T6N-R5E and flows at a rate of 0.26 cubic feet of water per second (cfs) into two regulating ponds adjacent to the well. Water is to be diverted from the two regulating ponds at a rate of 1.93 cfs to irrigate the 40 additional acres and the 95.2 acres specified on Water Right No. 555-1. This application does not authorize any increase in the 0.26 cfs capacity of the existing well as authorized by Water Rights No. 555-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1449-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City, SD on March 1, 1989 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 February 17, 1989. 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 reason 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.



Department of Water & Natural Resources

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

JUN 13 1989

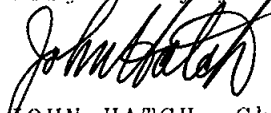
Philip Bestgen
RR 2, Box 24
Whitewood SD 57793

Dear Mr. Bestgen:

Enclosed is Water Permit No. 1449-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Nov 18, 1992

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

FROM: Philip Bestgen RR2 Box 24 Whitewood SD
name address city 57795

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1449-1.

Water Permit No. 1449-1 states that the diversion system is to be constructed by Mar 2, 1994, and that the water it put to beneficial use by Mar 2, 1998.

The diversion system was completed on April 1, 1990
Applying the water to beneficial use was completed on April 1, 1990

You may schedule an inspection so that the Water License may be issued.

Philip Bestgen
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 5 1998

1499-1

Philip Bestgen
RR 2, Box 24
Whitewood, SD 57793

Dear Mr. Bestgen:

Enclosed is Water License No. 1499-1 and Receipt No. 414494 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1499-1 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of No. 555-1 and 1449-1 are incorporated into License No. 1499-1.