

Considered: _____

WATER PERMIT NO. 1453-1

HAP No. Same 257-2374

Name of Applicant Lester E. Reid

Post Office Address HCR 76, Box 96, Nisland, SD 57762

Amount of Water Claimed 0.97 cfs Total Acres 37

Source of Water Supply _____

Water to be used for irrigation County Butte

About 5 miles NW of Nisland, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec. 16, 1988 Fee 150⁰⁰ Remarks _____

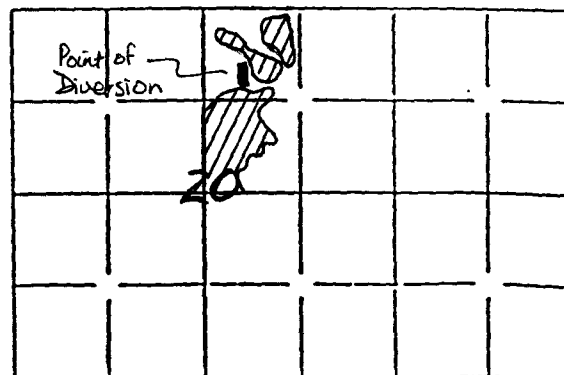
Corrected Application Received Dec. 22, 1988 Period of Annual Use May 1 - Sept 30

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

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

Diversion Point NW¹/₄ NE¹/₄ Sect. 20-T9N-R4E

Land to be Irrigated NE¹/₄ Section 20-T9N-R4E



Well Log: Driller _____ Licensed YES _____ NO _____

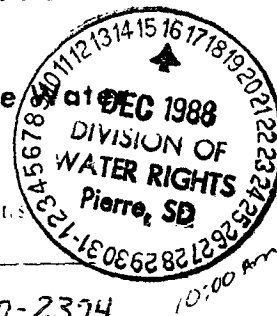
Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Tom VerHelst Reviewed and the Number

assigned on January 17, 1989 By Susan A. Borwar

(See instructions)

No. 1453-1 Hydrologic Unit 10/20/88
Basin Belle Fourche
Newspaper Belle Fourche Daily Post 1004 5th Ave
57717



Application For Soil/Water Compatibility Permit and Permit To Appropriate

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

- Name of Applicant Lester E. Reid Phone No. 257-2374
- Post Office Address HCR 76, Box 96 Nisland State SD 57762
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s) .97 cfs Total acres irrigated 34 37
- Source of Water supply Leakage of North Canal & Orman Dam. Also irrigation waste water
- Location of point of diversion 1050' south and 2150' West of the Northeast corner of Section 20, T9N-R4E (NW1/4NE1/4)
County Butte
- Counties where water will be used Butte
- Annual period during which water is to be used May thru September 30
- 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 ¹ /4, NE ¹ /4 Sec 20 T9N-R4E	--8.5 18
NW ¹ /4, NE ¹ /4 Sec 20 T9N-R4E	---6.5
SW ¹ /4, NE ¹ /4 Sec 20 T9N-R4E	19.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify)
- Crops to be Irrigated: Alfalfa/Corn

10. Give a description of proposed project. (Attach sheet if more space is needed)
Plan to pump out of old Owl Creek upon to some highlands that do not receive irrigation water from Belle Fourche Irrigation Project. Storage dam is fill that has been put in Owl Creek and used as a crossing for years.

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 Butte)^{ss}

I, Lester E. Reid, 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 Lester E. Reid

Subscribed and sworn to before me this 15th day of December 1988

Pearl Reis
Notary Public

My Comm. expires 4-24-90

SOUTH DAKOTA
WATER PERMIT No. 1453-1 FOR IRRIGATION

Date of first receipt of application December 16, 1988.
Date Soil/Water Compatibility Permit received January 20, 1989.
Date of return to applicant for corrections, amendments or changes December 19, 1988.
Date of receipt of corrected application December 22, 1988.

The Water Management Board approved Water Permit Application No. 1453-1 on September 28, 1989 for Lester E Reid, HCR 76, Box 96, Nisland SD 57762 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. 1453-1 appropriates 0.3 cubic feet of water per second to irrigate 21 acres. Water is to be diverted from an existing dam on Owl Creek (24 acre-feet storage capacity) located in the NW1/4 NE1/4 section 20-T9N-R4E. The dam impounds surface runoff and water leakage from the North Canal and from Orman Dam. The acreage to be irrigated is located in the NW1/4 NE1/4 (10 acres), SW1/4 NE1/4 (11 acres) section 20-T9N-R4E.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year 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: May 1 - September 30.
3. The date from which applicant may claim right is December 16, 1988.
4. One-fifth of the construction is to be completed on or before March 28, 1992.
5. All construction is to be completed on or before September 28, 1994.
6. Water is to be put to beneficial use on or before September 28, 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. With approval of Permit No. 1453-1, the applicant surrenders any right to claim water that is leaking from the North Canal or Orman Dam, Belle Fourche Irrigation Project should the leakage water be reduced or cease.
2. Approval of Permit No. 1453-1 is for 0.3 cfs (135 gallons per minute) to irrigate 21 acres approved for irrigation by the Conservation Commission.
3. The statutory limit of 1.0 cfs per 70 acres (0.3 cfs to irrigate 21 acres for this permit) may not be exceeded when pumping pursuant to Permit No. 1453-1 unless the time of each water application is reduced to a corresponding equivalent time period and the total amount of water applied does not exceed 24 inches per year. At a pumping rate of 0.97 cfs, the pumping time may not exceed 8 hours per day for a total of no more than 24 inches per year.

(continued)

4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
6. Approval of this permit authorizes storage of up to 24 acre feet of water annually.

WATER MANAGEMENT BOARD

By: _____

John H. Galt
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAR 21 1990

(date)

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

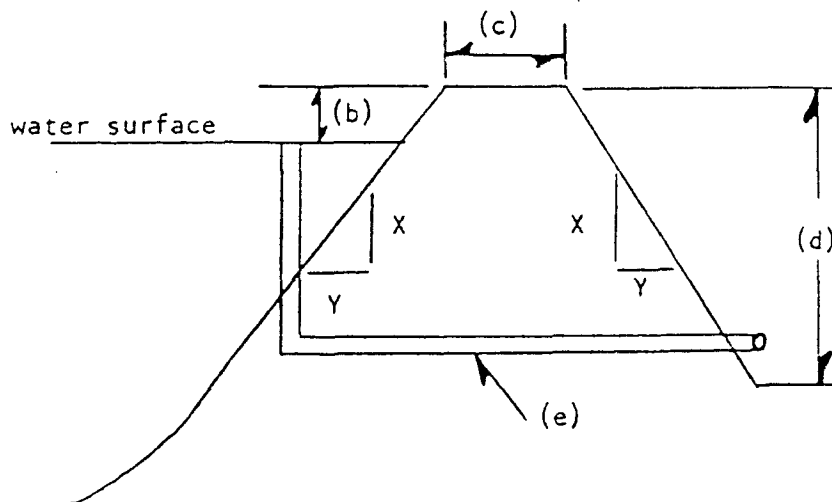
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

Soil Conservation Service

HCR 30, Box 34

Belle Fourche, SD 57717



b) Freeboard 3'

c) Crest Width 15'

Crest Length 100'

d) Height 15'

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity 400 cfs
Spillway width 100

g) X & Y Slope
Upstream 3:1

Downstream 3:1

Surface Area of Impoundment 6 acres

Storage 24 acre feet

Drainage area above dam 400 acres

X Lester E. Reid
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ December 19 _____, 1988

RECEIVED OF Lester E Reid, HCR 76, Box 96, Nisland SD 57762

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

Fee for Application for Permit No. <u>1453-1</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 KS



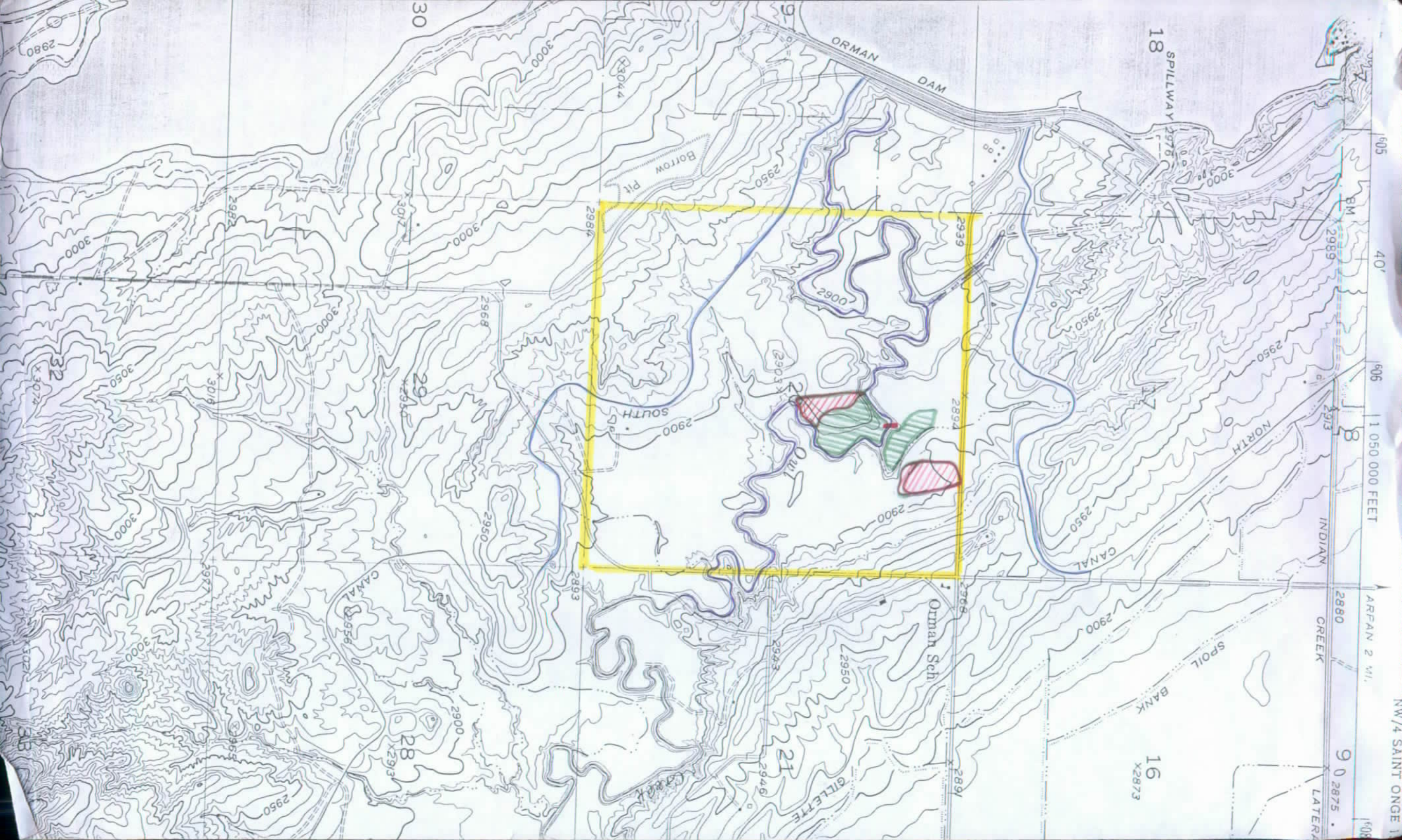




1453-1

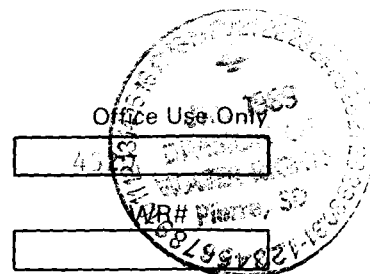
Thomas D. DuRoi
Ag. Engineer, A.C.A.
Belle Fourche, SD

Appl. No. 1453-1



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



OWNERS NAME: Lester A. Reid OWNERS ADDRESS: Box 70, Box 30
Nisland, SD 57702

COUNTY LAND LOCATED IN: Butte PHONE: 237-2374

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 105' S & 2150' E of NE corner Sec. 20-T9N-R4E (424 104)

Depth: _____

Legal Description	Acres	Legal Description	Acres
Sec. 20-T9N-R4E	13		
	19		
TOTAL ACRES =			37

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

3. CROPS TO BE IRRIGATED: alfalfa, corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0564 7. ADJUSTED (SAR): 5.42
5. SALINITY (EC X 10%): 2300 8. PERCENT SODIUM: 25.7
6. SODIUM (SAR): 2.13

Requirements: The areas mapped as Razor soils (Rc3) are not compatible with the water quality indicated in water sample 88-0564. Per our discussions on Jan. 13, 1987, these areas shall not be irrigated.
A buffer strip of permanent vegetation along Owl Creek shall be maintained to prevent an increase in stream bank erosion.

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.

Lester Reid

Tom Ver Helst 12/14/88

Water Right Soil Information

HeA- Haverson loam - 0 to 2% slopes.

High available water capacity; moderate water intake rate; subject to flooding in some areas. Suitable for irrigation.

HeB- Haverson loam - 2 to 6% slopes.

(Same type description as HeA)

RcB- Razor silty clay loam - 2 to 6% slopes.

Moderately deep over shale; low available water capacity; slow water intake rate; nearly level to sloping. Suitable for irrigation.

Water Claimed:

Will pump to high points in fields and gravity irrigate. Will estimate 50% efficiency.

$$\frac{1 \text{ cfs} / 70 \text{ acres} \times 34 \text{ acres}}{.5} = .97 \text{ cfs}$$



2 Miles
10,000 Feet

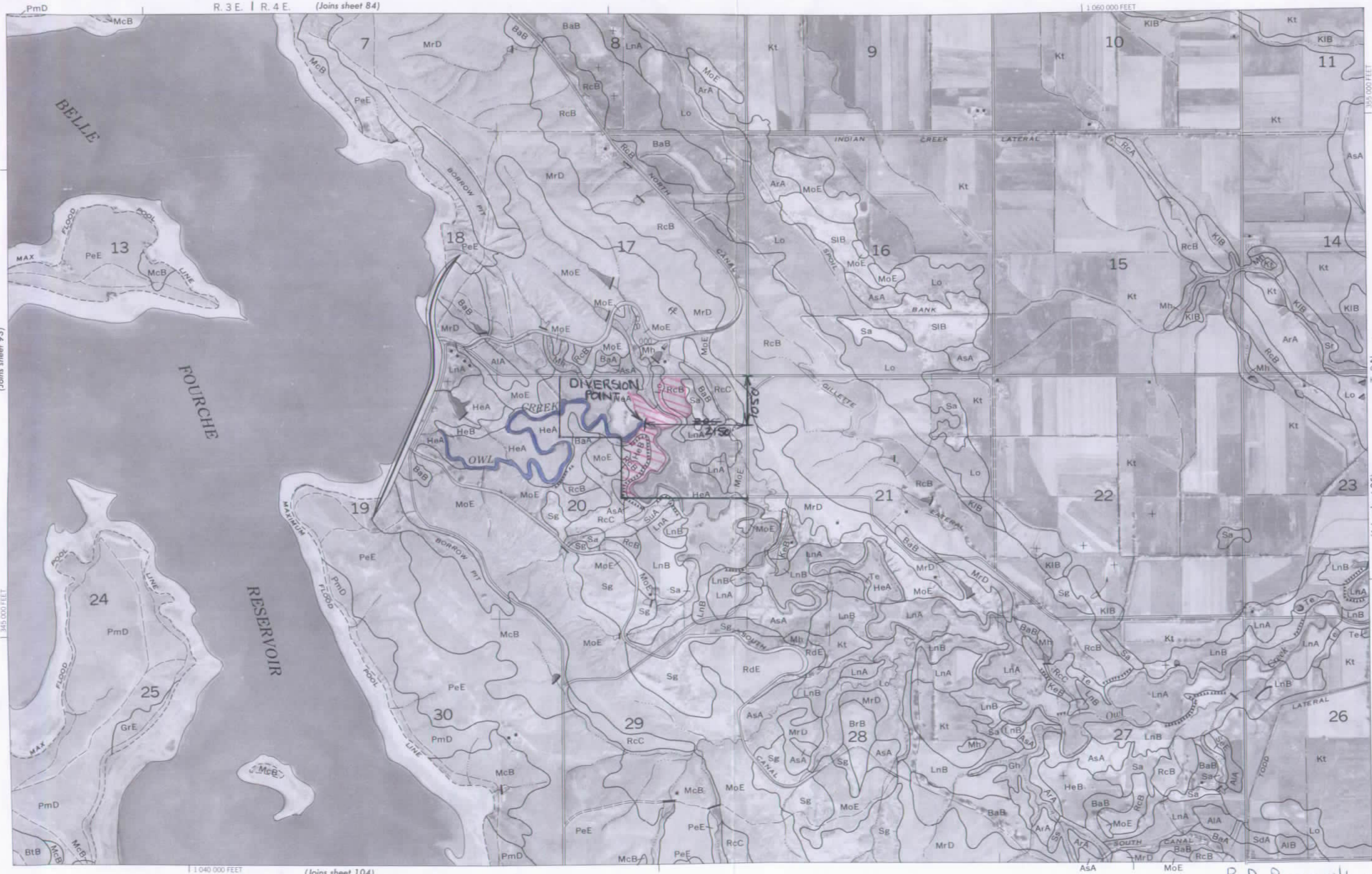
(Joins sheet 93)

Scale 1:24,000

345,000 Feet
0 1000 2000 3000 4000 5000

R. 3 E. | R. 4 E. (Joins sheet 84)

1:60,000 FEET



1:60,000 FEET

(Joins sheet 104)

(Joins sheet 95)

Land division corners are approximately positioned on this map.
Photobase from 1971 aerial photography. Positions of 10,000-foot grid ticks are approximate and based on the South Dakota coordinate system, north zone.
This map is one of a set compiled in 1974 as part of a soil survey by the United States Department of Agriculture, Soil Conservation Service and the South Dakota Agricultural Experiment Station.

BUTTE COUNTY, SOUTH DAKOTA NO. 94

RcB Razor silty clay loam 2 to 6%
Lo Lohmiller silty clay loam
HeA Haverson loam, 0 to 2%
HeB Haverson loam, 2 to 6%

OFFICERS

Robert L. Donaldson, President
William Keiry, Vice-President
Alice D. Helmer, Secretary-Treasurer
Daryld M. Williamson, Assessor

BELLE FOURCHE IRRIGATION DISTRICT

Belle Fourche Project of the Water & Power Resources Service

PHONE 605-456-2791
NEWELL, SOUTH DAKOTA 57760

Harold D. Skjoldal, Project Manager

September 4, 1980

DIRECTORS

Clarence Foos
Byron Schipke
Richard Schuldies
Merle Smith
Daryld M. Williamson



James Winterton
Water Resources Engineer
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Winterton:

The Board of Directors of the Belle Fourche Irrigation District requests the Department of Natural Resources to disallow the request made by Lester and Jim Reid, Nisland, SD to pump water from Owl Creek in Butte County, South Dakota.

As Orman Dam was constructed across Owl Creek, any water available to pump comes from seepage from the dam and run off from rain. The pumping by the Reids drains the creek to the point that no water is available for stock on adjoining property.

Mr. Donald Meyers leases "take land" from the District and the pumping creates a problem for his live stock.

As Owl Creek at the pumping point is not a live stream, and must always fill up after pumping, the District feels that pumping does create a problem.

Therefore the request by the Reids for a permit to pump from Owl Creek should be denied.

Please give our request your consideration and contact the District if you need more information.

Yours very truly,

Robert L. Donaldson, President
Board of Directors
Belle Fourche Irrigation District

RLD/ah



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

September 9, 1980

Lester Reid
RR Box 43
Nisland SD 57762

Dear Mr. Reid:

On September 2, 1980 James Reid and I discussed the possibility of you obtaining a permit to irrigate certain lands on Owl Creek. After reviewing the situation this office has decided that it is very unlikely that the Water Management Board would approve an application for water on Owl Creek.

There is one main reason why the application would be denied. Water must be available for an application to be approved; and we feel that at the proposed point of diversion, there is not enough water available to satisfy both irrigation needs and domestic uses including stock watering. If you still would like to apply for a water right, please contact us and we will send the appropriate forms.

I will remind you that it is illegal to pump water from any natural stream or water-course without a water right, and this office will take appropriate action against anyone pumping illegally.

Thank you for your cooperation. If you have any questions please contact this office.

Very truly yours,

JOHN HAMAK
Water Resources Engineer

JH:kw

cc: Robert L. Donaldson, Pres.
Belle Fourche Irri. District
Newell SD 57760

Donald Meyer
RR
Nisland SD 57762

Equal Opportunity Employer

Wisland, S.D.
Nov. 23, 1988

Water Rights Division

I would like to have a water right for pumping water for irrigation. I have a dam that I use for livestock water that has been there for 20 years and has a good supply of water.

I would like forms and information to get started with a water right.

Sincerely
Tester E. Reid

HCR 76 Box 96

Wisland, S.D.

57762





Department of Water & Natural Resources

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

November 30, 1988

Lester E Reid
HCR 76, Box 96
Nisland SD 57762

Dear Mr. Reid:

I am writing in response to your letter received on November 27, 1988 requesting forms to apply for a water permit.

Enclosed are application forms with an instruction sheet. Please complete the forms according to the directions and contact me if you have any questions. The time involved to obtain both the soil/water permit and water permit requires applying in early December in order to have both permits considered by the March 1 and 2, 1989 Board meeting.

I have also enclosed a summary of the water rights laws for your own information.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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



December 19, 1988

Lester E. Reid
HCR 76, Box 96
Nisland, SD 57762

Dear Mr. Reid,

This letter is in response to the water permit application received from you on December 16, 1988.

The permit application is incomplete for the following reason(s):

- (1) The enclosed maps that were submitted need to be signed by a SD Registered Engineer, a SD Licensed Land Surveyor, or by a government employee who normally prepare maps as part of their job duties (see enclosed instruction sheet).

The Water Management Board cannot consider a water permit application until it is complete. Please return the maps with the required signatures to begin processing of your water permit application.

Feel free to contact us if you have any questions.

Sincerely,

Susan A. Bowar

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

enclosure



OFFICERS

Daryld M. Williamson, President
William Keiry, Vice-President
Alice D. Helmer, Secretary Treasurer

BELLE FOURCHE IRRIGATION DISTRICT

PHONE 605-456-2541
P. O. BOX 225
NEWELL, SOUTH DAKOTA 57760

Harold D. Skjoldal, Project Manager

January 20, 1989

DIRECTORS

Walter Stumpf
~~Harold Nelson~~
William Keiry
Harlan Palo
Daryld M. Williamson
Merle Smith
~~Richard Barker~~
Duane Odle
Fred Taylor



South Dakota Department of
Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Attention: Rassool Ahadi

Dear Mr. Ahadi,

In reference to our telephone conversation, I am sending a copy of the aerial photo and a copy from our plat book showing land that Lester Reid has under irrigation and land not under irrigation.

The dam Lester Reid is referring to, crosses Owl Creek. The Belle Fourche Irrigation District, in an emergency situation, through an established wasteway on the North Canal, can release up to one hundred ten cubic feet per second of water into Owl Creek.

His dam, at the present time, is not capable of handling this much water. The water then overflows the dam causing erosion problems to his dam and to his farm land.

The District would be opposed to issuing a permit to Mr. Reid unless he would have spillway capacity to handle the one hundred and ten feet per second of water and the District would not be responsible for any and all damages to his fields and creek channel below his dam.

Yours very truly,

Harold D. Skjoldal

Harold D. Skjoldal, Project Manager
Belle Fourche Irrigation District

HDS/ah

Copy to Richard E. Brohl, Belle Fourche Projects Manager
U.S.B.R., Box 226, Newell, SD 57760

Enclosures



N

spillage

Dam

Section 20 T9N R4E BHM

Report on Application No. 1453-1
Lester E. Reid
January 18, 1989

Background

Water Permit Application No. 1453-1 proposes to appropriate 0.97 cubic feet of water per second to irrigate 37 acres in the NW1/4 NE1/4 and the SW1/4 NE1/4 Section 20, T9N-R4E, in Butte County. A flood irrigation system will be used to irrigate the land. The water will be diverted from an existing dam on Owl Creek. The dam is located in the NW1/4 NE1/4 Section 20, T9N-R4E. The dam is 15 feet high and has a storage capacity of 24 acre feet. The drainage area above the dam is 400 acres.

Discussion

According to Lester Reid, the dam was built about 20 years ago. The water stored in the dam is seepage water from the North Canal, Orman Dam, and the 400 acre drainage area. According to Tom VerHelst, from SCS office in Belle Fourche, part of the water is overflow water from the North Canal. Mr. Reid stated that the dam had been used for stockwatering and as a crossing since it was built. Due to the type of soil and the irrigation system, the applicant requested more water than is allowed by law.

Mr. Harold Skjoldal from The Belle Fourche Irrigation District was contacted regarding Mr. Reid's application. Mr. Skjoldal stated that the district may oppose the application. He also stated that with the rehabilitation program in progress there would not be enough seepage and leakage from the North Canal to fill the dam.

According to the Division of Conservation, "the area mapped as Razor Soils (RcB) are not compatible with the water quality indicated in the water sample....., these areas shall not be irrigated". The area is approximately 16 acres of the proposed acreage.

Conclusions and Recommendations

1. The drainage area above the dam will provide a portion of the water to meet the needs of the applicant, however, the continuity and amount of seepage from North Canal and the Orman Dam can not be guaranteed. At the diversion point, there is very little return flow water in Owl Creek.
2. Water rights downstream on Owl Creek are below the return flow area of the Belle Fourche Irrigation District where water would still be available with no adverse effect.

3. According to the applicant, the dam had been used for stockwatering and as a crossing since it was constructed approximately 20 years ago.
4. Due to the size of the dam, the dam is exempt from safety of dams rules.
5. The proposed amount of water is in excess of what is allowed by SDCL 46-5-6.
6. The area not compatible with the water quality in the dam should not be irrigated.
7. It is recommended that the Water Right Application No. 1453-1 be approved with following qualifications:
 - A) The amount of water diverted should be limited to 0.3 cubic feet of water per second for irrigation of the 21 acres approved by the State Division of Conservation.
 - B) Flow should be bypassed for the protection of downstream domestic use and prior existing water permits/rights.
 - C) Irrigation Questionnaire should be annually submitted by the applicant.

MR Ahadi

M. Rassool Ahadi
Natural Resources Engineer
(605)773-3352

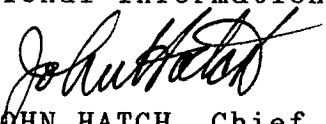
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1453-1, Lester E. Reid

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. 1453-1, Lester E. Reid, HCR 76, Box 96, Nisland SD.

The Chief Engineer is recommending APPROVAL of Application No. 1453-1 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. With approval of Permit No. 1453-1, the applicant surrenders any right to claim water that is leaking from the North Canal or Orman Dam, Belle Fourche Irrigation Project should the leakage water be reduced or cease.
2. Approval of Permit No. 1453-1 is for 0.3 cfs (135 gallons per minute) to irrigate the 21 acres approved for irrigation by the Conservation Commission.
3. The statutory limit of 1.0 cfs per 70 acres (0.3 cfs to irrigate 21 acres for this permit) may not be exceeded when pumping pursuant to Permit No. 1453-1 unless the time of each water application is reduced to a corresponding equivalent time period and the total amount of water applied does not exceed 24 inches per year. At a pumping rate of 0.97 cfs, the pumping time may not exceed 8 hours per day for a total of no more than 24 inches per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
5. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
6. Approval of this Permit authorizes storage of up to 24 acre feet of water annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 25, 1989

 **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.**

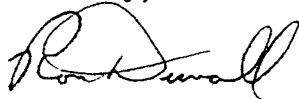
Lester E. Reid
HCR 76, Box 96
Nisland, SD 57762

Dear Mr. Reid:

Your Application No. 1453-1 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 Belle Fourche Daily Post printed at Belle Fourche 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





Department of Water & Natural Resources

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

January 26, 1989

Belle Fourche Daily Post
1004 5th Ave
Belle Fourche, SD 57717

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1453-1 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 Lester E. Reid, HCR 76, Box 96, Nisland, SD 57762.

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



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

NOTICE OF HEARING on Application No. 1453-1 Appropriate Water

Notice is given that Lester E. Reid, HCR 76, Box 96, Nisland, SD 57762 has filed an application for a water permit to appropriate 0.97 cubic feet of water per second (cfs) to irrigate 37 acres. Water is to be diverted from an existing dam on Owl Creek (24 acre-feet storage capacity) located in the NW 1/4 NE 1/4 Section 20-T9N-R4E. The dam impounds surface runoff and water leakage from the North Canal and from Orman dam. The acreage to be irrigated is located in the W 1/2 NE 1/4 Section 20-T9N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1453-1 with qualifications 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 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 7453-1



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Rhonda Schultz hereby

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

Water was taken from the Belle Fourche

A newspaper which during the whole time of pub
herein after stated, has been and is printed and pu

State of South

County of Butte and S
that the said notice was published in said newsp
two dates:

January 28, 1989

February 4, 1989

Rhonda Schultz
(Signature)

Barbara
(Title)

2-6-89
(Date Signed)

Cost of Printing: 30.29

90 L 21

NOTICE OF HEARING
on Application No. 1453-1
Appropriate Water

Notice is given that Lester E. Reid, HCR 76, Box 96, Nisland, SD 57762 has filed an application for a water permit to appropriate 0.97 cubic feet of water per second (cfs) to irrigate 37 acres. Water is to be diverted from an existing dam on Owl Creek (24 acre-foot storage capacity) located in the NW1/4 NE1/4 Section 20-T9N-R4E. The dam impounds surface runoff and water leakage from the North Canal and from Orman dam. The acreage to be irrigated is located in the W1/2 NE1/4 Section 20-T9N-R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1453-1 with qualifications 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 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding on 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

2t1/28-2/4



Department of Water & Natural Resources

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

MAR 21 1990

Lester E. Reid
HCR 76 Box 96
Nisland, SD 57762

Dear Mr. Reid:

Enclosed is Water Permit No. 1453-1 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,

A handwritten signature in cursive script that reads "John Hatch".

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 April 26 1990

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

FROM: Lester Reid HCR 76 Box 96 Sioux Falls, S.D.
name address city

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. 1453-1.

Water Permit No. 1453-1 states that the diversion system is to be constructed by is completed and that the water it put to beneficial use by when needed.

The diversion system was completed on 9-20-64.
Applying the water to beneficial use was completed on same.

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

Lester E. Reid
signature



Department of Water & Natural Resources

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

February 7, 1989

Bruce Layman
Box 226
Newell, SD 57760

Dear Bruce:

Enclosed you will find the recommendation of Chief Engineer and my report on Water Application No. 1453-1, Lester Reid. As I stated in our telephone conversation of February 6, 1989, we received a phone call from Mr. Reid regarding withdrawal of his water application. This phone call was received after the Chief Engineer had made his recommendation. As of today, we have not received any letter from Mr. Reid regarding withdrawal of his application.

If you have any questions, please contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

enclosure





IN REPLY
REFER TO:

United States Department of the Interior
BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760



FEB 10 1989



Mr. John Hatch, Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol Ave.
Pierre SD 57501

Subject: Petition in Opposition to Water Right Application
No. 1453-1 (Water Right)

Dear Mr. Hatch:

Pursuant to South Dakota Civil Law 1-26 we wish to make known our concerns relative to the consideration of Water Right Application No. 1453-1 by Lester E. Reid to appropriate 0.97 cubic feet of water per second (cfs) to irrigate 37 acres from an existing dam on Owl Creek located in the NW1/4 NE1/4 Section 20, T9N, R4E, BHM.

According to the report on Application No. 1453-1 submitted by M. Rassool Ahadi on January 18, 1989, "The water stored in the dam is seepage water from the North Canal, Orman Dam, and the 400 acre drainage area." Both the North Canal and Orman (Belle Fourche) Dam are facilities owned by the Bureau of Reclamation (Reclamation) and operated by the Belle Fourche Irrigation District as part of the Belle Fourche Project. The source of the water contained in Mr. Reid's dam could therefore be reduced or eliminated by operational changes or rehabilitation work associated with these Project facilities.

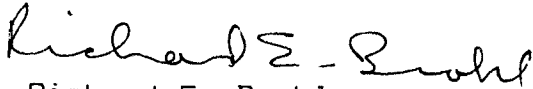
Furthermore, Reclamation has prior existing water rights to all return flows and waste water within the Belle Fourche Project. Consequently, it is unlikely that there is sufficient unappropriated water available in the source of supply for the applicant's proposed use.

The enclosed letter from the Belle Fourche Irrigation District addresses another concern relative to Water Right Application No. 1453-1. We concur with the District in their concern for the capacity of Mr. Reid's dam to safely pass the maximum discharge which the District is capable of making from the established wasteway on the North Canal.

We are therefore opposed to the Chief Engineer's recommendation to approve Water Right Application No. 1453-1 unless suitable conditions are imposed which would satisfactorily address the concerns listed in this petition.

Mr. Bruce Laymon will be representing this office at the March 1, 1989, Water Management Board Hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard E. Brohl".

Richard E. Brohl
Project Manager

Enclosure

cc: Mr. Lester E. Reid
HCR 76, Box 96
Nisland SD 57762

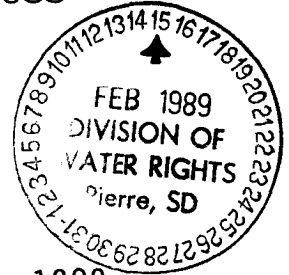
Rod Woodruff

ATTORNEY AT LAW

1113 5TH AVENUE
BELLE FOURCHE, SD 57717

605/892-2033

Chief Engineer
South Dakota Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501



February 9, 1989

Attn: Jim Winterton

Re: Lester E. Reid Application
Our File No. 89R-1885

Gentleman:

Enclosed is a written PETITION TO PARTICIPATE executed by five (5) of the applicant's downstream neighbors. As you may have deduced from the telephone calls and from reading of the enclosed Petition, the downstream neighbors are vehemently opposed to the Application. In fact, the petitioners are upset by the very existence of the dam.

I represent only Don Meyers, the individual who owns land immediately downstream from Reid's dam, and the land upon which Reid backs the reservoir onto. Mr. Meyers wants that dam removed, as it is an illegal obstruction depriving downstream landowners of their vested water rights.

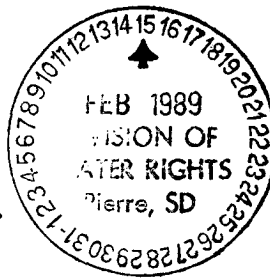
Sincerely,

Rod Woodruff
Rod Woodruff

RNW mr

cc: Don Meyers

enc: Petition to Participate



STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) ss.

IN CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT

IN THE MATTER OF
APPLICATION NO. 1453-1
APPROPRIATE WATER

AFFIDAVIT OF SERVICE

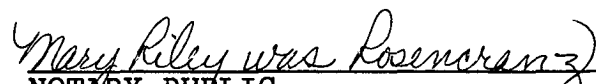
State of South Dakota)
County of Butte) ss.

I, Rod Woodruff, being first duly sworn, state upon my oath that I am the attorney for Don Meyers, petitioner, and that on February 10, 1989 I served a true and correct copy of the PETITION TO PARTICIPATE upon the persons named below, by depositing a copy thereof in the United States Mail, postage prepaid, at Belle Fourche, South Dakota, to: Lester E. Reid, HCR 76 Box 96, Nisland, South Dakota 57762, and Chief Engineer, South Dakota Water Rights Division, Foss Building, 523 E. Capitol, Pierre, South Dakota 57501, Attn: Jim Winterton which address is the addressee's last known address.



ROD WOODRUFF

Subscribed and sworn to before me on this 10th day of February, 1989.



NOTARY PUBLIC

My Commission Expires: 6/93

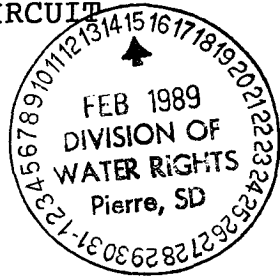
(SEAL)

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF BUTTE)

IN CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT

IN THE MATTER OF
APPLICATION NO. 1453-1
APPROPRIATE WATER

PETITION
TO
PARTICIPATE



TO: LESTER E. REID, APPLICANT, AND THE CHIEF ENGINEER OF THE
WATER RIGHTS DIVISION

This PETITION is in response to the NOTICE OF HEARING published to give notice that Lester E. Reid has filed the above-referenced application for a permit to divert water from Owl Creek.

We most strongly oppose the application and request it be denied for reasons that include:

Each of the undersigned own or operate farm and ranch land downstream from the proposed diversion site. We all have been adversely impacted by construction of Reid's dam and further would be seriously and adversely impacted by any additional diversion upstream by Mr. Reid. Owl Creek is normally a running stream that generally has some water running year around. The principal source of run-off into the creek is through the flow pipes from Orman Dam. This is especially true in winter.

Mr. Reid has dammed the creek. By so doing he has completely stopped the flow of water downstream and backed up a body of water approximately forty (40) feet wide and several feet deep. It is backed up for over a mile and perhaps for 1½ miles, creating a virtual river of stored water. It backs water up into land owned by Donald Meyers, without easement.

Reid's dam was and remains an illegal appropriation of water, completely blocking the flow of a natural watercourse and interfering with the vested water rights of all downstream users.

We have always depended upon the water flow in Owl Creek to water our livestock. Now there is no flow and therefore no creek water for livestock purposes. Some pasturage is completely without water. By his dam Mr. Reid is depriving downstream landowners of vested water rights.

Mr. Reid already has irrigation rights from Orman Dam. Further irrigation water would be an appropriation in excess of his reasonable needs. He shouldn't need the creek, too. And, if he does take the water out of Owl Creek, it will probably deprive the downstream landowners of water year-around. The dam he placed across the creek is so big that once he pumps the creek down,

PETITION TO PARTICIPATE
Application No. 1453-1
Page -2-

unless it is a wet year, it will probably take all year just to refill the dam. Past his dam the creek will just stay dry and the downstream landowners will be permanently deprived of water flow.

Without that water livestock production will decline and so will the value of the riparian land.

Please take notice that the undersigned intend to participate in the hearing before the Board by presenting evidence and cross-examining witnesses.

SIGNATURES:

1. Ronald Meyers
2. Carl Olthoff
3. Frank Meyers
4. Robert Stashe
5. Kenneth Eid
6. _____
7. _____
8. _____
9. _____

ADDRESSES:

- Wisland S.D. 2-3-89
- Wisland S.D. 2-3-89
- Wisland S.D. 2-3-89
- Wisland S.Dak 2-3-89
- Wisland S.Dak 2-8-89
- _____
- _____
- _____
- _____



Neisland, S.D.
Feb. 15, 1989

Department of Water & Natural
Resources:

I will cancel my application
number 1453-1 for water rights
on Owl Creek located in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20-T9N-R4E

I do not stop any natural
flow that comes into my dam.

I have a pipe thru ^{the} dike
and it is open unless the
leavers plug it. We keep
it open.

Yours Truly
Lester E. Reid



Hisland, S. Ok.
Feb 16, 1989

Water & Natural Resources

I would like to have the
water management board to
deny my application for water
right No. 1453-1 from dam
on Owl Creek NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section
20-T9N-R4E.

Sincerely
Lester E. Reid



Feb. 16, 1989
(date)

page 1

Parties of Record before Water Management Board regarding Water Permit
Application No. 1453-1, Lester E. Reid

Proponents:

Lester E. Reid
HCR 76, Box 96
Nisland SD 57762

Concerned:

Richard E. Brabl, Manager
US Bureau of Reclamation
PO Box 226
Newell SD 57760

Harold D. Skjoldal, Manager
Belle Fourche Irrigation Dist.
PO Box 225
Newell SD 57760

Opponents:

Donald Meyers
Nisland SD 57762

represented by:

Rod Woodruff, attorney
1113 5th Avenue
Belle Fourche SD 57717

Frank Meyers
Nisland SD 57762

Earl Ollila
Nisland SD 57762

February 21, 1989
(date)

page 2

Parties of Record before Water Management Board regarding Water Permit
Application No. 1453-1, Lester E. Reid

Opponents:

Kenneth Eide
Wisland SD 57762

Robert S. Parks
Wisland SD 57762



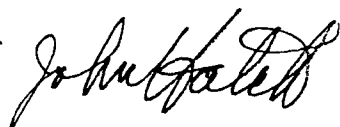
Department of Water & Natural Resources

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

February 23, 1989

NOTICE

TO: Lester Reid
HCR 76, Box 96
Nisland SD 57762
and Parties of Record (see attached sheet)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Hearing on Water Permit Application No. 1453-1, Lester Reid

On February 17, 1989, a letter was received from Lester Reid requesting that the Water Management Board deny Application No. 1453-1. On February 15, 1989, a letter was received from Rod Woodruff, attorney, on behalf of Don Meyers that opposes Application No. 1453-1 and alleges adverse impacts caused by Mr. Reid's dam. Mr. Reid's request to deny Application No. 1453-1 and the alleged adverse impacts caused by the dam will be considered by the Board at the hearing scheduled for 10:00 am on March 1, 1989, in the Roosevelt Room at the Howard Johnson's in Rapid City.

The hearing time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. Applicable provisions of the notice of hearing published in the Belle Fourche Daily Post on January 28, and February 4, 1989 will still apply at this hearing.

cc: Larry Donovan, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 23, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Water Permit Application No. 1453-1, Leaster Reid addressed as shown on the Parties of Record sheet.

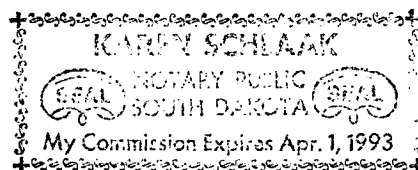
Ron Duvall

Ron Duvall
Natural Resources Engineer

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 1989.

Karen Schlaak
Notary Public





Department of Water & Natural Resources

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

March 7, 1989

NOTICE

TO: Lester E Reid
HCR 76, Box 96
Nisland SD 57762
and Parties of Record (see attached sheets)

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Deferral of Water Permit Application No. 1453-1, Lester
E Reid

On March 1, 1989, the Water Management Board deferred consideration of Application No. 1453-1 pending completion of an on-site inspection of Mr. Reid's dam and the surrounding area. Mr. Reid has decided to proceed with Application No. 1453-1 and has withdrawn the request that the Water Management Board deny the application.

Application No. 1453-1 and the alleged adverse impacts caused by the dam will both be rescheduled for consideration by the Board after completion of the on-site inspection. Notice will be given of the time and place of hearing.

cc: Larry Donovan, Assistant Attorney General

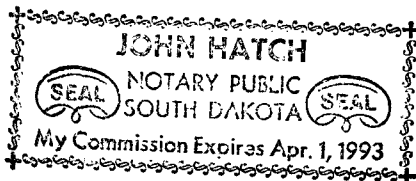
CERTIFICATION

I hereby certify that on March 7, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Deferral of Water Permit Application No. 1453-1 addressed as stated on the Parties of Record sheets

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

June 26, 1989

NOTICE

TO: Lester E Reid
HCR 76, Box 96
Nisland SD 57762
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Reconsideration of Deferred Water Permit Application
No. 1453-1, Lester E Reid

Water Permit Application No. 1453-1 was deferred at the March 1, 1989 Board meeting pending completion of an on-site inspection. An inspection of the area was completed on June 20, 1989 by Rassool Ahadi, staff engineer. Based on the inspection findings and on the report for Application No. 1453-1 dated January 18, 1989, the Chief Engineer is recommending approval of Application No. 1453-1 with qualifications. A copy of the report and Chief Engineer's recommendation is available upon request.

Application No. 1453-1 and the alleged adverse impacts caused by the dam are now scheduled for hearing at 3:30 pm on July 25, 1989, Roubaix Room, Hilton Inn, 445 Mt. Rushmore Road, Rapid City SD. The hearing time is an estimate. The actual time of hearing may be later than 3:30 pm due to prior agenda items.

Applicable portions of the notice of hearing for Application No. 1453-1 published on January 28, and February 4, 1989 in the Belle Fourche Daily Post will still apply at this hearing.

cc: John Haak, Assistant Attorney General



CERTIFICATION

I hereby certify that on June 26, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Reconsideration of Deferred Water Permit Application No. 1453-1, Lester E Reid to those persons on the Parties of Record sheets.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1989.

John Hatch

Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Donald MeyersADDRESS: _____ COUNTY ButteDATE: 6/27/89 TELEPHONE _____RE: 1453-1 Appl. for Lester Reid

COMMENTS:

Send copy of report and recommendation
He is a party of record.

→

In Qualification, require the installation
of a low level outlet on Dam in order
to bypass inflows needed for downstream
domestic use.

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: James E. Hamilton



Department of Water & Natural Resources

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

June 28, 1989

Donald Meyers
Nisland, SD 57762

Dear Mr. Meyers:

As you requested on June 28, 1989, enclosed you will find copies of the report on Water Application No. 1453-1 for Lester Reid and the recommendation of the Chief Engineer.

The qualifications imposed on the application are listed both on the report and on the recommendations of the Chief Engineer. At the hearing, the Water Management Board may accept, modify, delete, or add to the recommended qualifications. Any changes to the qualifications would be based on the testimony given by various parties affected by this application.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be "RA" or "M. Rassool Ahadi".

M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

enclosures





Nisland, S.D.
June 29, 1989

Department of Water & Natural Resources

I received your letter dated June 26, 1989
of water permit Application No. 1453-1.

I would like a copy of the
report and chief Engineers recommendation.

I had major surgery
the day of the inspection.

Lester E. Reil
HCR 76 Box 96
Nisland, S.D.
57762



Department of Water & Natural Resources

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

July 31, 1989

NOTICE

TO: Parties of Record to Water Permit Application No.
1453-1, Lester E Reid

FROM: John Hatch, Chief Engineer 
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Water Permit Application No. 1453-1. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:30 pm, September 27, 1989 Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by September 7, 1989. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by September 15, 1989.

The public hearing on Application No. 1453-1 was completed July 25, 1989. No additional testimony on this application will be received on September 27, 1989.



CERTIFICATION

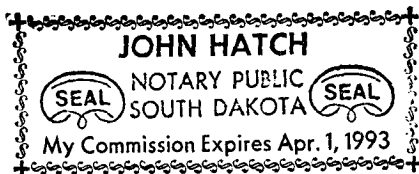
I hereby certify that on July 31, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 1453-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of August, 1989.



John Blatch
Notary Public



Department of Water & Natural Resources

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

October 11, 1989

NOTICE

TO: Parties of Record to Water Permit Application No.
1453-1, Lester E Reid

FROM: *for* John Hatch, Chief Engineer *William W. Broz*
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for approval of Water Permit Application No. 1453-1 which was considered at the July 25, 1989 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.



CERTIFICATION

I hereby certify that on October 11, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Adoption of Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 1453-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October, 1989.



John Hatals
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	
APPLICATION NO. 1453-1,)	FINDINGS OF FACT,
LESTER E. REID, AND ALLEGED)	CONCLUSIONS OF LAW
ADVERSE IMPACTS CAUSED BY DAM)	AND FINAL DECISION

FINDINGS OF FACT

I

This is an application for .97 cfs of water to irrigate 37 acres in Butte County. A flood irrigation system is intended to be used to irrigate the land.

II

The water will be diverted from an existing dam on Owl Creek. The dam was constructed about 25 years ago. On February 8, 1989, the Division of Water Rights received a location notice for dam dugout with regard to this structure. The dam has the capacity of impounding all of the water in Owl Creek up to the capacity of the dam.

III

The source of water in Owl Creek and the intended source of water for this permit is seepage from the North Canal or Orman Dam, Belle Fourche Irrigation Project.

IV

Those opposing the permit do not do so on the basis that irrigation is intended but on the basis that the dam has, in the past, prevented them from receiving live-stock watering during the winter.

CONCLUSIONS OF LAW

I

The Board has jurisdiction of this matter.

II

There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.

III

The water presently available may not, however, be available in the future should the Belle Fourche Irrigation Project be successful in its objective of decreasing or eliminating seepage water. The permit must be conditioned accordingly.

IV

The Conservation Commission has approved only 21 of the proposed 37 acres for irrigation. The permit must, therefore, be conditioned accordingly.

V

The intent of condition No. 5 of this permit is that the owners of this permit must, if there is a flow in Owl Creek above the dam, bypass enough of the flow to satisfy downstream livestock and domestic uses. The owners of the permit are required to use pumps or other means, if such are necessary, to satisfy the first sentence of this section.

VI

The proposed use for irrigation purposes is a beneficial use and can be developed without unlawful impairment of any existing water right, when conditioned as set forth below.

VII

The proposed use for irrigation purposes is in the public interest when qualified as set forth below.

FINAL DECISION

The application for Water Permit No. 1453-1 is approved with the following qualifications:

1. With approval of Permit No. 1453-1, the applicant surrenders any right to claim water that is leaking from the North Canal or Orman Dam, Belle Fourche Irrigation Project should the leakage water be reduced or cease.
2. Approval of Permit No. 1453-1 is for 0.3 cfs (135 gallons per minute) to irrigate the 21 acres approved for irrigation by the Conservation Commission.
3. The statutory limit of 1.0 cfs per 70 acres (0.3 cfs to irrigate 21 acres for this permit) may not be exceeded when pumping pursuant to Permit No. 1453-1 unless the time of each water application is reduced to a corresponding equivalent time period and the total amount of water applied does not exceed 24 inches per year. At a pumping rate of 0.97 cfs, the pumping time may not exceed

8 hours per day for a total of no more than 24 inches per year.

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

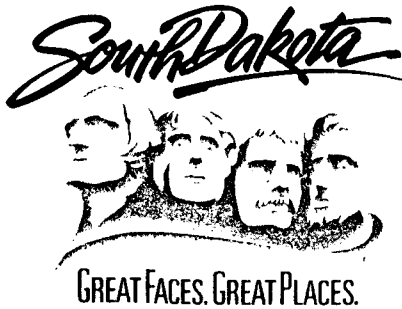
5. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.

6. Approval of this permit authorizes storage of up to 24 acre feet of water annually.

Dated this 28 day of September, 1989.

BY THE BOARD:

Marian B. Sunderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 1991

1453-1

Lester Reid
HCR 76 Box 96
Nisland, SD 57762

Dear Mr. Reid:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1453-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412809

Pierre, _____ August 23, 19⁹¹

RECEIVED OF Victor or Kay Reid, HCR 76, Box 96A, Nisland, SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>1453-1</u>	50	00
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	50 00

By John Hatch (25)
Chief Engineer

LICENSE FOR PERMIT NUMBER 1453-1

1. Legal location of wells: NA

~~dams & structures:~~ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T9N-R4E

2. Well Information: Well Drilling Firm NA

Completion Report Yes No No. of Wells Depth

Casing a) diameter Screen a) type

b) length b) length

c) type Static Water Level

Pump a) make No Tag Motor a) make Ford 5000 Tractor

b) model b) model No.

c) size 8 inches c) horsepower rating 60

d) capacity 2500 gpm

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 8 inches

b) type Aluminum

c) length About 1300 feet

4. Dam Information:

a) height to crest 15 feet m) Outlet tubes:

b) height to primary spillway 12 feet 1) diameter 12 inches

c) height to secondary spillway 13 feet 2) type CMP

d) crest width 15 feet 3) valved (Y/N) N

e) crest length 100 feet 4) valve type

f) spillway length 50 feet 5) location on structure

g) spillway width 100 feet

h) approx. storage 24* ac. ft. n) Category of Dam 3

i) approx. storage to crest 40* ac. ft. * From Form2

j) date constructed 1974

k) inspection sheet completed (Y/N) N

l) Name of Contractor SCS

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____ 1300 feet _____
- 2) diameter _____ 8 inches _____
- 3) spacing of gates _____ 30 inches _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

Permit No. 1453-1

Water District: Belle Fourche

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by Lester Reid of HCR 76, Box 96, Nisland, SD 57762 holder of Permit No. 1453-1, bearing the priority of December, 16, 1988 authorizing the diversion of 0.3 cu. ft. per second of the waters of Owl Creek for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

A yellow pump!, with no tag, 2500 gallons per minute capacity.

A Ford Tractor, 60 horse power.

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

8 inch Aluminum gated pipe, approximately 1300 feet long.

C. Works used to apply water to beneficial use:

Water is stored in a dam. Gravity system of irrigation is used to apply water to the land (for more information about the dam see Form 12).

The system is in the following condition Good. The point of diversion is located about 2230 feet west, 1050 feet south from the Northeast corner of Section 20, T9N-R4E (NW1/4 NE1/4). The works are capable of diverting and conveying to the place of use 5.50 cu. ft. per second and storage of 24 acre feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 20, T9N-R4E

NW1/4 NE1/4 8.0 ac., SW1/4 NE1/4 8.0 ac.

comprising a total of 16 acres of land and the license should be issued for 0.23 cfs

Application permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date: 6/18/91

M. Rassoool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III
DENR, Water Rights Division

NOT TO SCALE



No. 1453-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1453-1

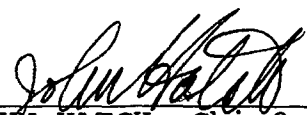
(1) Lester Reid of HCR 76, Box 96, Nisland, SD 57762 made Application No. 1453-1, December 16, 1988 for a water permit to appropriate 0.3 cubic feet of water per second and store 24 acre feet of water annually in a dam on Owl Creek, Butte County, South Dakota for irrigation purposes. Permit No. 1453-1 with a priority date of December 16, 1988 was approved September 28, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 28, 1994 and for the application to beneficial use of said water on or before September 28, 1998.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.23 cubic feet of water per second with storage of 24 acre feet of water annually for beneficial use. The location of the diversion point is: about 2230 feet West and 1050 feet South of the NE corner of Section 20, T9N, R4E (NW 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T9N, R4E, Section 20	NW 1/4 NE 1/4	8.0 Acres
	SW 1/4 NE 1/4	8.0 Acres
	Total-----	16.0 Acres

(4) Pursuant to Section 46-5-30.1 Lester Reid of HCR 76, Box 96, Nisland, SD 57762 the holder(s) and/or owner(s) of Water Permit No. 1453-1 is issued a license to appropriate water, the right to use 0.23 cubic feet of water per second and to store 24 acre feet of water annually in a dam on Owl Creek with a priority date of December 16, 1988 from the location specified in (2) of this license. Based upon the 16 acres being irrigated, Water Right No. 1453-1 is limited to a total of 32 acre feet of water annually. At a pump capacity of 2500 gallons per minute, pumping would be limited to 72 hours. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1453-1 and subject to South Dakota State Law.

 FEB 21 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 21 1992

1453-1

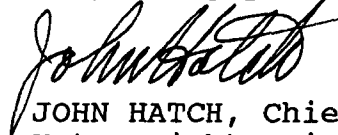
Lester Reid
HCR 76, Box 96
Nisland, SD 57762

Dear Mr. Reid:

Enclosed is Water License No. 1453-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412809 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,



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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1994

Lester Reid
HC 76, Box 96
Nisland, SD 57762-9709

Dear Mr. Reid:

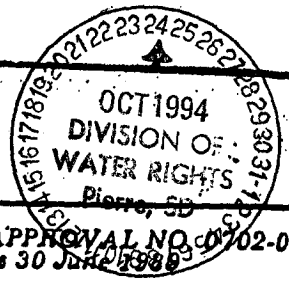
I am writing in regards to construction of your crossing. According to the "Application for the Department of Army", your project consists of construction of an earthen crossing in Owl Creek. I contacted Tom VerHelst, Engineer, with the SCS in Belle Fourche, regarding your project. He stated that the pipe in the crossing will be installed at a height that will keep water level in the creek at the same level as in your existing dam downstream of the proposed crossing.

Since the project does not impound water, no permit is required from Water Rights Division .

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Phone: (605) 773-3352



APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 326)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1998

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. APPLICATION NUMBER (To be assigned by Corps)

3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT

2. NAME AND ADDRESS OF APPLICANT

Lester Reid
HC 76 Box 96
Nisland, SD 57762-9709

Telephone no. during business hours

A/C () _____ (Residence)

A/C () _____ (Office)

Telephone no. during business hours

A/C (605) 257-2374 (Residence)

A/C () _____ (Office)

Statement of Authorization: I hereby designate and authorize _____
_____ to act in my behalf as my
agent in the processing of this permit application and to furnish, upon request,
supplemental information in support of the application.

SIGNATURE OF APPLICANT

DATE

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

Build an earthen dam across the creek with a 12" diameter pipe through the dam. The earthen dam will be 13 feet tall with a 12 foot top and 3:1 side slopes. The overall length of the fill will be 70 foot long. The 12" diameter pipe will be 70 foot long and set at an elevation of 4 foot off the bottom of the fill. The pipe will not be gated so the dam cannot store any additional water than what is already present. Creek flow at this point is only from leakage through the fill of Orman Dam.

4b. PURPOSE

To provide a private vehicle creek crossing to gain access to my pasture on the south side of the creek without having to go through my neighbor's land.

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

Approximately 800 cubic yards of upland fill will be placed in the creek with the use of a bulldozer and a scraper.

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY
Donald F. Meyers. Bureau Of Land Management
HC 76 Box 98 310 Roundup
Nisland, SD 57762-9709 Belle Fourche, SD 57717

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED
Owl Creek 1500 feet east and 550 feet south of the northwest corner of
Section 20, T9N-R4E

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS: NE¹/₄ NW¹/₄ SEC 20 T9N-R4E

HC 76 Box 96 Nisland, SD

STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

Butte SD 57762-9709
COUNTY STATE ZIP CODE

Butte County

LOCAL GOVERNING BODY WITH JURISDICTION OVER SITE

8. Is any portion of the activity for which authorization is sought now complete? ☐ YES ☒ NO
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
N/A					

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

James E. Reid
SIGNATURE OF APPLICANT

10-31-94
DATE

SIGNATURE OF AGENT

DATE

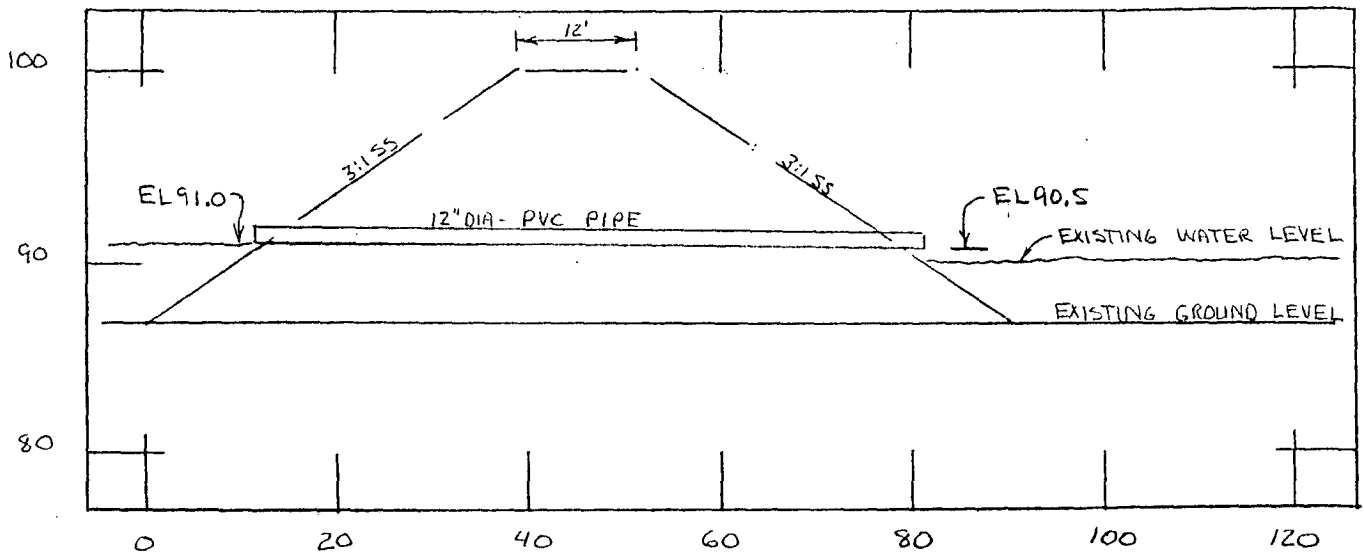
The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

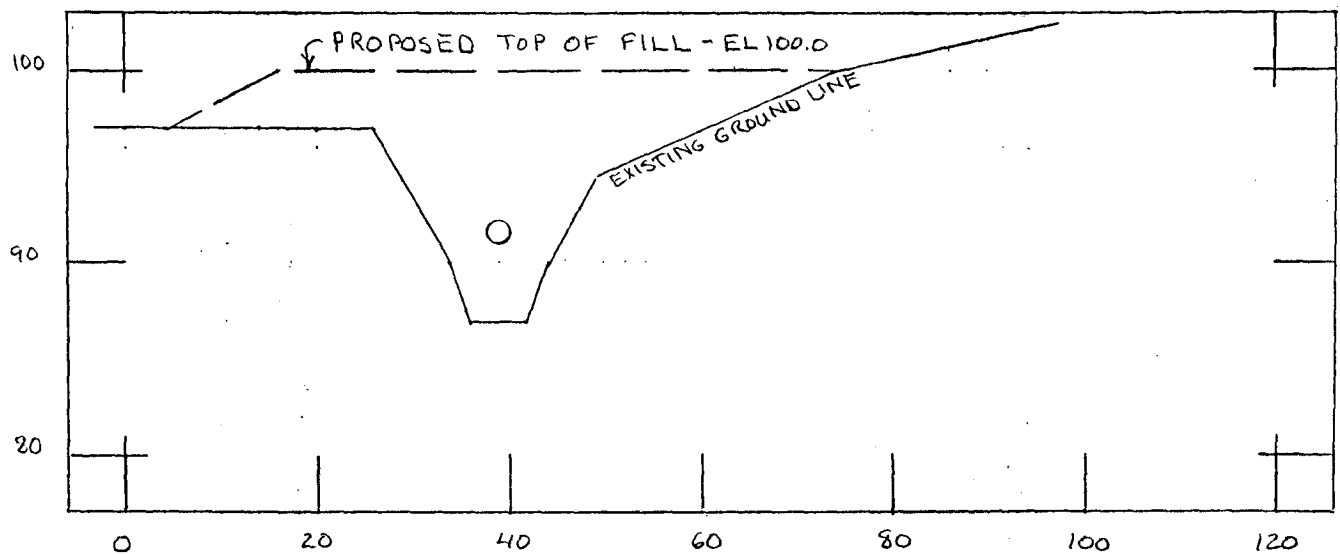


This is a black and white aerial photograph map of a coastal region, likely in Vietnam based on the "HEL" (helicopter landing zone) markings. The map features several large, irregularly shaped areas labeled "HEL". Numerous small circles containing numbers are scattered across the terrain, possibly indicating specific points of interest or coordinates. Key geographical features include "ONL CREEK" flowing from the top left towards the center, and "BLM D. MEADOWS" located along the left edge. A grid system is overlaid on the map, with alphanumeric labels such as "T920", "T8462", "T928", "T923", "T925", "T927", "T929", "T930", "T931", "T932", "T933", "T934", "T935", "T936", "T937", "T938", "T939", "T940", "T941", "T942", "T943", "T944", "T945", "T946", "T947", "T948", "T949", and "T950". In the bottom right corner, there is a scale bar labeled "SCALE 1\"=400'". The overall image has a grainy, high-contrast appearance typical of older military maps.



TYPICAL CROSS-SECTION

SCALE: Vert. 1"=10', Horz 1"=20'



PROFILE & FILL

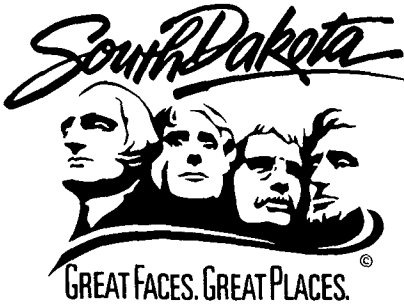
SCALE: Vert 1"=10', Horz 1"=20'

ADJACENT PROPERTY OWNERS:

- 1) BLM
- 2) DONALD F. MEYERS

PROPOSED VEHICLE
CREEK CROSSING

APPLICATION BY: LESTER REID
COUNTY: BUTTE
IN: OWL CREEK



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1994

1453-1

Lester E. Reid
HCR 76, Box 96
Nisland, SD 57762

Dear Mr. Reid:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure



1453-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 22, 2003

TO: Owl Creek Water Right Holders

Dear Water Right Holder:

I am writing to water right holders who divert from Owl Creek to remind you of the condition requiring the bypass of adequate flows for downstream domestic use.

South Dakota law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, with the dry conditions, Owl Creek is currently not flowing. Your water right requires that sufficient flows be bypassed to provide for domestic needs when the creek is flowing. Under no conditions are you allowed to divert if doing so interferes with domestic use.

We anticipate that when the Belle Fourche Irrigation District begins operations that Owl Creek will receive sufficient return flows to sustain flow in Owl Creek. However, I ask that you be mindful of your neighbor's domestic needs for livestock.

Thank you for your cooperation, if you have any questions, please contact Mark Rath or Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Peter C Stark
HC 76 Box 133
Nisland SD 57762

Mike & Melora Torp
PO Box 37
Forestville WI 54213

Lester E Reid
HCR 76 Box 96
Nisland SD 57762

Donald Meyers
HCR 76 Box 98
Nisland SD 57762

Allen R Lamb
HCR 76 Box 18
Nisland SD 57762

James A Mickelson
HCR 76 Box 146
Nisland SD 57762

Raymond Garness
Rt 1 Box 141
Newell SD 57760

Judy/Amber/Jeff Dell
HC 76 Box 23
Nisland SD 57762



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 29, 2003

1453-1

Victor Reid
11968 Owl Creek Rd
Nisland SD 57762

Dear Mr. Reid:

I am contacting you in regard to ownership of Water Right No. 1453-1. A notation made on the 2003 irrigation questionnaire indicates the water right should be transferred from Lester Reid to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have one, I am including a copy of the water right for your records. If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 17, 20 03

RECEIVED OF Victor Reid, 11968 Owl Creek Rd., Nisland SD 57762

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		
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>1453-1</u>		2 50
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 000984

By David E. Eubank
Chief Engineer gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1453-1

Date: _____

I/We request that Water Right No. 1453-1

formerly owned by: Lester E Reid

be transferred to: (name & address) Victor Reid, 11968 Owl Creek Rd, Nisland SD 57762

Telephone No. 605 257-2246

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

16 acres - W 1/2 NE 1/4 Section 20, T9N, R4E

I/We understand that the validity of Water Right No. 1453-1 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 Two Dollars and Fifty Cents (\$2.50) 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 Victor Reid, the new owner, certify that the above information is true and correct.

Victor Reid
(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.

RECEIVED

DEC 17 2003

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 17, 2003

1453-1

Victor Reid
11968 Owl Creek Rd
Nisland SD 57762

Dear Mr. Reid:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 1453-1. The transfer has been completed.

The water right, formerly listed in the name of Lester E Reid is now listed in your name.

Enclosed is your Receipt No. 000984 in the amount of \$2.50. You may keep this for your records. If you have any questions, please contact me.

Sincerely,

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

enclosure



1453-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: VICTOR REID, 11968 OWL CREEK RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1453-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1453-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 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) 1453-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

denr.sd.gov

February 3, 2016

1453-1

Victor Reid
11968 Owl Creek Rd
Nisland SD 57762

Dear Mr. Reid:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1453-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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