

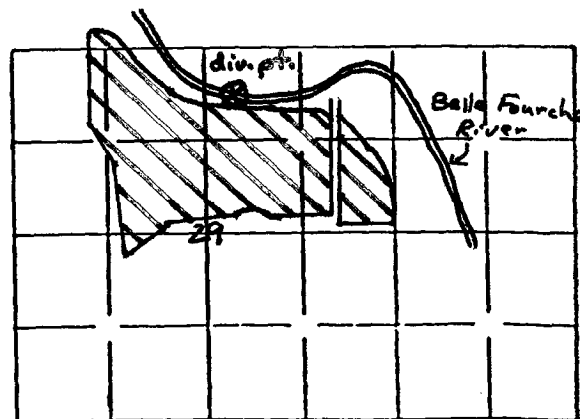
Considered: _____

WATER PERMIT NO. 1477-1MAP No. same 342-8632Name of Applicant Lynn M. FieldsPost Office Address 2702 Harney Place, Rapid City SD 57702Amount of Water Claimed 2.20 Total Acres 157Source of Water Supply Belle Fourche RiverWater to be used for irrigation County MeadeAbout 3 1/2 miles N of Elm Springs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Nov 8, 1989 Fee \$250⁰⁰ Remarks _____Corrected Application Received ~~Dec~~ Period of Annual Use Apr 1 - Oct 1WATER QUALITY APPROVAL RECEIVED Dec 26, 1989 APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES NO REMARKS _____Diversion Point Belle Fourche River: NW 1/4 NE 1/4
section 29-T5N-R13ELand to be Irrigated S 1/2 SW 1/4 section 20; NW 1/4,
NE 1/4, NE 1/4 SW 1/4 section 29; all in T5N-
R13EWell Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Brian Engle Reviewed and the Number
assigned on December 28, 1989 By Don Durrell

(See instructions)

No. 1477-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Meade Co Times-Tribune, Box 69, Sturgis
(WED) 57702

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

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

1. Name of Applicant Lynn M. Fields Phone No. (605) 342-8632
Address 2702 Harney Place Rapid City State South Dakota
(Street, RR or Box) (City) Zip Code 57702
Pierre, SD
2. Amount of water claimed (c.f.s) 2.2 cfs Total acres irrigated 157 acres
3. Source of water supply Belle Fourche River
4. Location of point of diversion Beginning at the northeast corner of Section 29
T-5-N R-13-E, proceed west 2300 feet, then south 650 feet to
point of diversion. NW¼ NE¼ County Meade
5. Counties where water will be used Meade
6. Annual period during which water is to be used April 1 - October 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 ¼ SW ¼ Sec. 20 T5N R13E	3
SE ¼ SW ¼ Sec. 20 T5N R13E	2
NW ¼ NW ¼ Sec. 29 T5N R13E	10
NE ¼ NW ¼ Sec. 29 T5N R13E	31
NE ¼ NE ¼ Sec. 29 T5N R13E	8
NE ¼ SW ¼ Sec. 29 T5N R13E	1

Land Description	No. Acres Irr.
SW ¼ NW ¼ Sec. 29 T5N R13E	1
SE ¼ NW ¼ Sec. 29 T5N R13E	28
NW ¼ NE ¼ Sec. 29 T5N R13E	17
SW ¼ NE ¼ Sec. 29 T5N R13E	24
SE ¼ NE ¼ Sec. 29 T5N R13E	32

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

Water will be pumped from the Belle Fourche River at a point described above for irrigation on 157 acres. Irrigation water will be conveyed to the field by pipe. Water will be applied by gravity system.

* Note: No WATER SAMPLE NECESSARY - DUE TO SEVERAL OTHER WATER SAMPLES TAKEN FROM THE RIVER FOR NEARBY IRRIGATION
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils ~~PROCESSED~~ information and any other technical information.

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

I, Lynn Fields, 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 Lynn Fields
Subscribed and sworn to before me this 6 day of November 19 89
Viola Barry
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 1477-1 FOR IRRIGATION

Date of first receipt of application November 8, 1989.

Date Soil/Water Compatibility Permit received December 26, 1989.

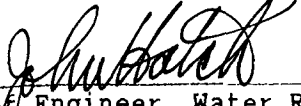
The Water Management Board approved Water Permit Application No. 1477-1 on March 7, 1990 for Lynn M Fields, 2702 Harney Place, Rapid City SD 57702 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1477-1 appropriates 2.20 cubic feet of water per second from the Belle Fourche River to irrigate 157 acres. The Belle Fourche River diversion point is to be located in the NW1/4 NE1/4 section 29 and the acreage to be irrigated is located in the S1/2 SW1/4 section 20; N1/2, NE1/4 SW1/4 section 29; all in T5N-R13E.
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: April 1 - October 1.
3. The date from which applicant may claim right is November 8, 1989.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

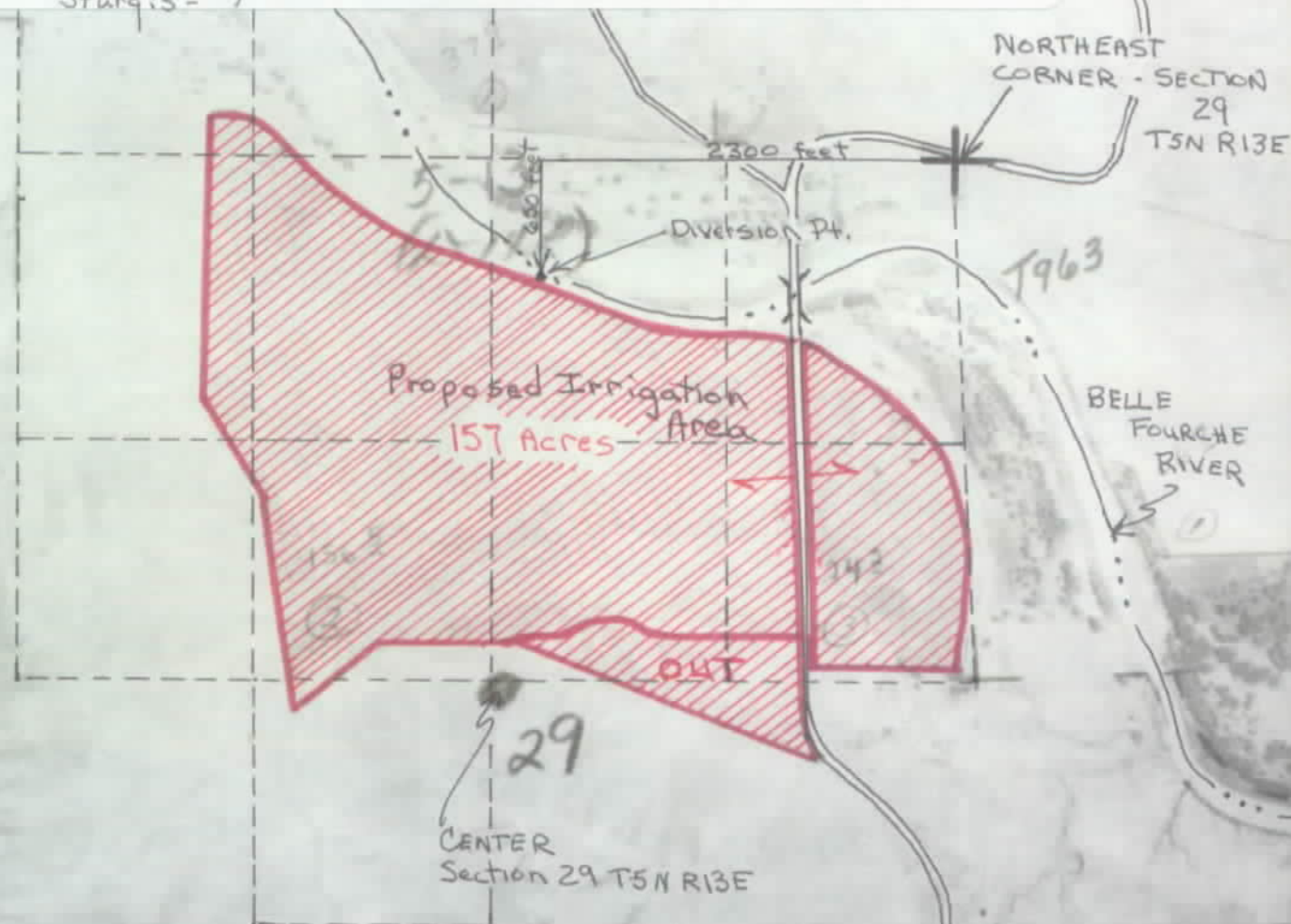
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 18 1990
(date)

Owner Lynn Fields Operator Same
County Meade State South Dakota Date 11/1/89
Approximate acres 157 acres Approximate scale 1" = 1000'
Cooperating with EIK Creek Conservation District
Plan identification For Proposed Irrigation Site Photo number
Assisted by Brian Engle - Soil Conservationist USDA Soil Conservation Service
Sturgis -



Appl. No. 1477-1 5-13

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4433

WR#

OWNERS NAME: Lynn M. Fields OWNERS ADDRESS: 2702 Harney Place
Rapid City, SD 57702

COUNTY LAND LOCATED IN: Meade PHONE: 342-8632

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Beginning at NE corner of 29-T5N-R13E Belle Fourche River

Depth _____

Legal Description	Acres	Legal Description	Acres
SW1/4 SW1/4 20-T5N-R13E	3	NE1/4 SW1/4 29-T5N-R13E	1
SE1/4 SW1/4 20-T5N-R13E	2	SE1/4 NE1/4 29-T5N-R13E	32
NW1/4 NW1/4 29-T5N-R13E	10	SW1/4 NW1/4 29-T5N-R13E	1
NE1/4 NW1/4 29-T5N-R13E	31	SE1/4 NW1/4 29-T5N-R13E	28
NE1/4 NE1/4 29-T5N-R13E	8	NW1/4 NE1/4 29-T5N-R13E	17
		SW1/4 NE1/4 29-T5N-R13E	24

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

3. CROPS TO BE IRRIGATED: Primarily Alfalfa with small grains.

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____ 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:

The area mapped as Swanboy (SaB) is a dense claypan with sodium salts present and is considered unsuitable for irrigation. For this reason this area shall be restricted from irrigation.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil/water compatibility permit by the Division, or the Commission.



Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

December 21, 1989

Date

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 8, 1939

RECEIVED OF Lynn Fields, 2702 Harvey Place, Rapid City, SD 57702

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

Fee for Application for Permit No. <u>1977-1</u> 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. _____		
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	

By [Signature]
Chief Engineer
John Hatch/ars

Report on Application No. 1477-1
Lynn M. Fields
January 2, 1990

Background

Water Permit Application No. 1477-1 requests appropriation of 2.20 cubic feet of water per second from the Belle Fourche River for irrigation of 157 acres. The diversion point will be located in the NW1/4 NE1/4 Section 29, T5N-R13E, in Meade County. The land to be irrigated is located in the S1/2 SW1/4 Section 20; NW1/4, NE1/4, and NE1/4 SW1/4 Section 29, T5N-R13E.

Discussion

The diversion point will be located below the point where return flows enter the Belle Fourche River from the Belle Fourche Irrigation District.

Flow records from the USGS Belle Fourche River gauging station, near Elm Springs, show an average discharge of 359 cubic feet per second, for 57 years of record. The gauging station is located in the NE1/4 NE1/4 Section 29, T5N-R13E, approximately 1/4 of a mile downstream from the proposed diversion point.

Conclusions and Recommendations

1. Surface runoff and return flows from the Belle Fourche Irrigation District have provided enough flow to meet the needs of the applicant.
2. The USGS gauging station below the diversion point shows a sufficient amount of water to be available.
3. Downstream water right holders and other irrigators will not be adversely affected by the application.
4. It is recommended that Water Right Application No. 1477-1 be approved with the low flow by-pass and the irrigation questionnaire qualifications.

M. Rassool Ahadi

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

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV
(605)773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1477-1, Lynn M. Fields

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. 1477-1, Lynn M Fields, 2702 Harney Place, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 1477-1 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. 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 12, 1990



Department of Water & Natural Resources

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

January 15, 1990

Meade Co Times-Tribune
Box 69
Sturgis, SD 57785

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1477-1 to be published twice. Please publish the first notice on or before January 24, 1990 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 Lynn M. Fields, 2702 Harney Place, Rapid City, SD 57702.

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 15, 1990

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

Lynn M. Fields
2702 Harney Place
Rapid City, SD 57702

Dear Mr. Fields:

Water Permit Application No. 1477-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

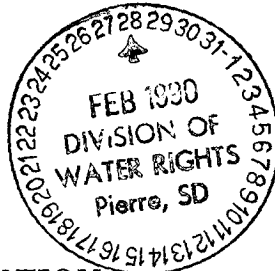
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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





AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Sharon Allison, being duly sworn
says: That the **Meade County Times-Tribune** is and, during all the time
hereinafter mentioned, was a weekly legal newspaper as defined in SDCL 17-2-
as amended, published at Sturgis, Meade County, South Dakota, by Allison
Publishing, Inc.; that affiant is and, during all of said times, was an employee
of the publisher of such newspaper and has personal knowledge of the facts
stated in this affidavit; that the notice, order or advertisement, a printed copy
of which is attached, was published in said newspaper for successive issues
bearing the following dates:

January 24	199 0	199
January 31	199 0	199
	199	199
	199	199
	199	199

that the full amount of the fee charged for publishing the same, to-wit,
sum of \$ 43.06, inures solely to the benefit of the publisher
of said newspaper; that no agreement or understanding for the division
the fee has been made with any person, and that no part of the fee has been
agreed to be paid to any other person.

Sharon Allison

Billing Clerk

Subscribed and sworn to before me this

31 day of January, 199 0

Jackie Allison

Notary Public, South Dakota

South Dakota Dept. of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501

NOTICE OF HEARING on Application No. 1477-1 to Appropriate Water

Notice is given that Lynn M. Fields, 2702 Harney Place, Rapid City, SD 57702 has filed an application for a water permit to appropriate 2.20 cubic feet of water per second from the Belle Fourche River to irrigate 157 acres. The Belle Fourche River diversion point is to be located in the NW 1/4 NE 1/4 Section 29 and the acreage to be irrigated is located in the S 1/2 SW 1/4 Section 20; NW 1/4, NE 1/4, NE 1/4 SW 1/4 Section 29; all in T5N-R13E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1477-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 23, 1990. 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 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 pro-

cess 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 23,
1990.

This application is made pur-

suant 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.

Publ. Jan. 24, 31, 1990

Meade County Times-Tribune

Instruction to Newspaper - Publish first Notice on or before January 24, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1477-1 to Appropriate Water

Notice is given that Lynn M. Fields, 2702 Harney Place, Rapid City, SD 57702 has filed an application for a water permit to appropriate 2.20 cubic feet of water per second from the Belle Fourche River to irrigate 157 acres. The Belle Fourche River diversion point is to be located in the NW1/4 NE1/4 Section 29 and the acreage to be irrigated is located in the S1/2 SW1/4 Section 20; NW1/4, NE1/4, NE1/4 SW1/4 Section 29; all in T5N-R13E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1477-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 23, 1990. 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 23, 1990.

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.



Department of Water & Natural Resources

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

JUN 18 1990

Lynn M Fields
2702 Harney Place
Rapid City SD 57702

Dear Mr. Fields:

Enclosed is Water Permit No. 1477-1 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 black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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.



1477-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: LYNN M FIELDS, HC 86 BOX 1A, ELM SPRINGS, SD 57736

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1477-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1477-1 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1477-1 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 on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LYNN M FIELDS
HC 86 BOX 1A
ELM SPRINGS SD 57736

4a. Article Number

2 119 141 556

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1/23/99

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X

Lynn M Fields

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1999

1477-1

Lynn Fields
20955 Elm Springs Rd
Elm Springs, SD 57736

Dear Mr. Fields:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 1477-1.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



June 4, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1477-1

Lynn M Fields
20955 Elm Springs Rd
Elm Springs SD 57736

Dear Mr. Fields:

On May 30, 2003 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1477-1, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 10, 2003

RECEIVED OF Lynn Fields, 20948 Elm Springs Rd, Elm Springs SD 57736-7701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	50.00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use _____		
Fee to retain Future Use Permit No. _____ after period of seven years. _____		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1677-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____	TOTAL	50.00

No. 60117

By Darlene E. Erbe

Chief Engineer gmm

**Permit No. 1477-1
Meade County**

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

Other permit/license(s) associated with project: **None**

Contact Person & Address: **Lynn Fields, 20955 Elm Springs Rd, Elm Springs, SD 57736**

Report of Examination Of Works

On **May 30, 2003**, I made a thorough examination of the water use system constructed by **Lynn Fields** holder of Permit No. **1477-1**, bearing the priority of **November 8, 1989** and authorizing the diversion of **2.20** cubic feet per second (cfs) of the waters of the **Belle Fourche River** for **irrigation** in **Meade County**.

The system is in the following condition: **Good**. The point of diversion is located in the **NW¼ NE¼ Section 29 T5S R13E 2660 feet East 790 feet South of the NW corner of Section 29** with a longitude of **W102.5723°** and a latitude of **N44.3705°**. The works are capable of diverting and conveying to the place of use **2.20 cfs** of water for irrigation of **157 acres**. Water has been put to beneficial use.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: **NA**
- 2) All structures, wells and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **Yes**
- 4) Exceptions to compliance are: **None**

Report on Specifics of the System

Pump\ Motor:

- | | |
|-------------------------------------|------------------------------------|
| 1) Pump Make: Berkley | 2) Pump Model: NA |
| 3) Capacity: ~ 1000 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: Ford 460 | 6) Horsepower rating: NA hp |

Distribution System:

- 1) Type: **Steel** 2) Size: **6 inches** 3) Length: **Varies feet**

System Type: Gravity Spreading

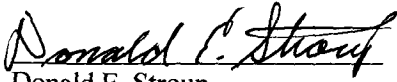
Acres Irrigated: All Section 29 T5N R13E

NW¼ NW¼	10
NE¼ NW¼	21
SW¼ NW¼	4
SE¼ NW¼	34
NE¼ SW¼	5
NW¼ NE¼	7
SW¼ NE¼	37
NE¼ NE¼	2

SE¼ NE¼	28
NE¼ SE¼	9

COMMENTS:

The system should be licensed for 2.20 cfs diversion rate to irrigate 157 acres.


Donald E. Stroup
Natural Resources Project Engineer
DENR, Water Rights Program

6/2/03
Date

Licensing of Acreage Outside of Permitted Area

NAME: Lynn Fields

ADDRESS: 20955 Elm Springs Rd, Elm Springs, SD 57736

DATE: 6/2/03 **COUNTY:** Meade **TELEPHONE:** 605 342 8632

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

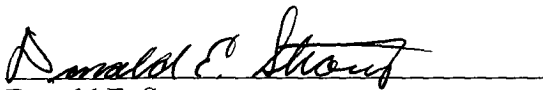
The acreage developed for irrigation is **157** acres as permitted. Nine (9) acres in the NE¼ SE¼ Section 29 T5S R13E of the 157 acres were developed outside of the area noted on the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the **nine (9)** acre area be included in the water license.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

1477-1
Lynn Fields
20955 Elm Springs Rd.
Elm Springs, SD 57736

T5N R13E

Diversion
Point

790'

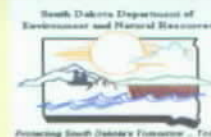
2660'

Boundary
Irrigated Acres

29



0 0.6 1.2 Mile



Donald E. Stroup
Natural Resources Project Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1477-1

(1) Lynn M Fields, 20955 Elm Springs Rd, Elm Springs SD 57736 made Application No. 1477-1, November 8, 1989 for a water permit to divert 2.20 cubic feet of water per second from the Belle Fourche River, Meade County, South Dakota for irrigation purposes. Permit No. 1477-1, with a priority date of November 8, 1989 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of water on or before March 7, 1999.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

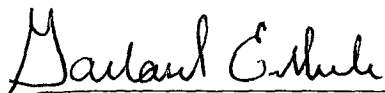
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1477-1 is issued a license, bearing a priority date of November 8, 1989 to appropriate 2.20 cubic feet of water per second from the Belle Fourche River to irrigate 157 acres.

The diversion point is located: 2,660 feet east and 790 feet south of the northwest corner of Section 29-T5S-R13E (NW ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 29-T5N-R13E			
NW ¼ NW ¼	10 acres	NW ¼ NE ¼	7 acres
NE ¼ NW ¼	21 acres	SW ¼ NE ¼	37 acres
SW ¼ NW ¼	4 acres	NE ¼ NE ¼	2 acres
SE ¼ NW ¼	34 acres	SE ¼ NE ¼	28 acres
NE ¼ SW ¼	5 acres	NE ¼ SE ¼	9 acres
Total 157 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1477-1 including the following now applicable qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 10 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 10 2003

1477-1

Lynn M Fields
20955 Elm Springs Rd
Elm Springs SD 57736

Dear Mr. Fields:

Enclosed is Water License No. 1477-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000825 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

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

enclosures

2008 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2008**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

Permit No. 1477-1

LYNN M FIELDS
20955 ELM SPRINGS RD
ELM SPRINGS SD 57736

Any address/ownership corrections?

Telephone No. _____

1. Did you irrigate in 2008? *yes ☐ **no ☒
*If yes, _____ acres were irrigated out of
the 157.00 acres covered by Permit No. 1477-1

**If no, check reason(s) for not irrigating:
sufficient moisture ☒ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☒, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

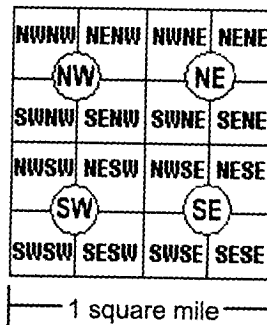
3. Did you apply chemicals or fertilizer through the
system in 2008? yes ☐ no ☐

4. If more than one water source is listed below, circle
each source used. **A. BELLE FOURCHE RIVER**

5. Provide your water use on the back of this form.

Comment Box HIGH COST OF PROPANE TO USE
IRRIGATION MOTOR.

FOR NEARLY 20 YEARS WE HAVE BEEN
IN CONTACT EVERY COUPLE OF YEARS
WITH YOUR OFFICE
CONCERNING THE REMOVAL OF "RIP
RAP" CARS THAT WERE PLACED IN
THE 1940'S & 1950'S, WHEN THE
(WEST OF THE BRIDGE)



Office use only

RECEIVED
OCT 28 2008
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1477-1

(see above section map for help reading legal descriptions)

sec 29-T005N-R13E, NW1/4NW1/4 - 10.00 acres
sec 29-T005N-R13E, NE1/4NW1/4 - 21.00 acres
sec 29-T005N-R13E, SW1/4NW1/4 - 4.00 acres
sec 29-T005N-R13E, SE1/4NW1/4 - 34.00 acres
sec 29-T005N-R13E, NW1/4NE1/4 - 7.00 acres
sec 29-T005N-R13E, SW1/4NE1/4 - 37.00 acres
sec 29-T005N-R13E, NE1/4NE1/4 - 2.00 acres
sec 29-T005N-R13E, SE1/4NE1/4 - 28.00 acres
sec 29-T005N-R13E, NE1/4SW1/4 - 5.00 acres
sec 29-T005N-R13E, NE1/4SE1/4 - 9.00 acres

NEW BRIDGE WAS ERECTED IN
1988 (NORTH OF ELM SPRINGS ON
THE BELLE FOURCHE RIVER) WE
WERE PROMISED THESE
UNSIGHTLY & USELESS CARS
WOULD BE REMOVED. WHEN
THE BELLE FOURCHE RIVER
FLOODED IN JUNE THESE
CARS CREATED A HUGE DAM
OF LOGS & TRASH WHICH
THEN TOOK OUT OUR FENCES.
SO WHEN ARE YOU GOING
TO REMOVE THESE CARS!!!

Please provide your 2008 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

1477-1

McMath, Genny

From: Wendte, Jim
Sent: Thursday, November 20, 2008 2:30 PM
To: Kallemeyn, Vonni
Cc: McMath, Genny
Subject: Lynn Fields - Belle Fourche River Car Body Concerns

Earlier today I called Lynn Fields about this issue. I explained that DOT in Pierre had searched their files for information about the 1988 bridge replacement and any commitments that may have been made about removing the car bodies upstream of the bridge.

I explained that DENR would not force removal of the car bodies. Since the car bodies have been on the riverbank since prior to the 1950s, our department can not require removal of the car bodies. DENR's position would be that removal of the car bodies would be the responsibility of the property owner if the property owner was so inclined.

I explained that I could not speak on behalf of DOT. But that it appeared to me that the DOT file research did not document any commitment or promise to remove the car bodies. Mr. Fields stated the commitment to remove the car bodies was a verbal commitment made by state DOT officials back in the 1985-1988 timeframe. He said that he made a mistake by not getting the issue documented in writing. He also stated that he has spoken to both state and county DOT officials about the issue off and on for years. But he could not provide names. Fields stated that about 5 years ago the Meade County highway superintendent committed to removing the vehicles but nothing happened. He said the current county highway superintendent just gives him the runaround.

Mr. Fields agreed with me this is not a DENR issue. His primary concern is protection of the bridge structure. Based upon what he saw during the June 2008 flood event, he is very concerned that similar flood events in the future could dislodge the car bodies resulting in damage to the bridge. We discussed that the bridges are periodically inspected by DOT or their contractors, and that if there was a real threat to the bridge that those inspections might document such.

In the end, I didn't not promise Mr. Fields anything. I said I would forward his concerns on as appropriate.

I'm sure the DOT folks know what bridge we are talking about, but it is located on the Belle Fourche River north of Elm Springs. Mr. Fields phone number is 605-798-2136.

Jim

11/24/2008



1477-1
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 24, 2013

NOTICE

TO: LYNN M FIELDS, 20955 ELM SPRINGS RD, ELM SPRINGS, SD 57736

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1477-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1477-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1477-1 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 on/or before **March 4, 2013**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 25, 2013

1477-1

Lynn M Fields
20955 Elm Springs RD
Elm Springs SD 57736

Dear Mr. Fields:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1477-1. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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