

Considered: \_\_\_\_\_

WATER PERMIT NO. 1499-1

Phone: 347-3145

Name of Applicant: Philip Bestgen

Post Office Address: RR 2, Box 24, Whitewood SD 57793

Amount of Water Claimed: add'l storage (3 AF) Total Acres: no add'l

Source of Water Supply: surface runoff & groundwater (flowing well)

Water to be used for: irrigation County: Meade

About 5 miles E of Whitewood

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C/L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 10-30-90 Fee: \$50 Remarks Application

is to increase storage capacity

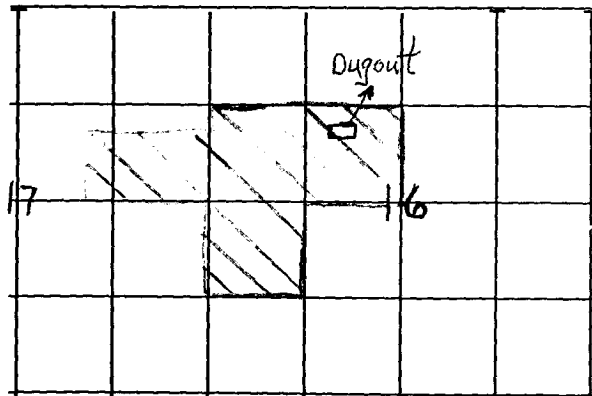
Corrected Application Received \_\_\_\_\_ Period of Annual Use April 1 - Nov 1

WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as Application YES x NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: dugout: SE 1/4 NW 1/4 16-T6N-5E

Land to be Irrigated: S 1/2 NE 1/4 Sec 17; S 1/2  
NW 1/4; NW 1/4 SW 1/4 Sec 16; all in T6N-R5E



Well Log: Driller: NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well: \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map: aerial photo PREPARED BY: Darrell Viq, SC8 Reviewed and the Number

Assigned on 10-30-90 By Karen Schlaak

**SOUTH DAKOTA**  
**WATER PERMIT No. 1499-1 FOR IRRIGATION**

Date of first receipt of application October 30, 1990.

Date Soil/Water Compatibility Permit received February 1, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1499-1 to Philip Bestgen, RR 2, Box 24, Whitewood, SD 57793 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1499-1 authorizes an additional 3.0 acre-feet of storage to supplement irrigation of 135.2 acres authorized for irrigation by Water Right/Permit Nos. 555-1, 556-1, and 1449-1. An additional pond (pond No. 3), 3.0 acre-feet storage capacity, is located below two existing ponds to impound seepage water from the existing ponds. A flowing well supplies the water for the ponds. Pond No. 3 is located in the SE1/4 NW1/4 Section 16 and the 135.2 acres are located in the S1/2 NE1/4 Section 17; S1/2 NW1/4, NW1/4 SW1/4 Section 16; all in T6N-R5E. This Permit does not authorize any increase in the 1.93 cubic feet of water per second diversion rate for irrigation of the 135.2 acres as authorized by Water Right/Permit Nos. 555-1, 556-1 and 1449-1.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 1.
3. The date of approval of Permit No. 1499-1 is February 7, 1991.
4. The date from which applicant may claim right is October 30, 1990.
5. One-fifth of the construction is to be completed on or before August 7, 1993.
6. All construction is to be completed on or before February 7, 1996.
7. Water is to be put to beneficial use on or before February 7, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Approval of Permit No. 1499-1 is subject to construction and maintenance of a bypass channel to prevent dry draw water from entering Pond No. 3.
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

MAR 7 1991  
\_\_\_\_\_  
(date)

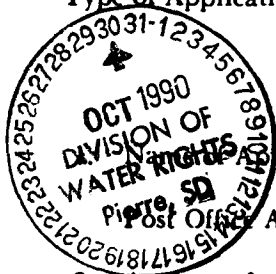
(See instructions)

No. 1499-1 Hydrologic Unit 10120202  
Basin Belle Fourche River  
Newspaper Meade Co. Times Tribune

Box 69, Sturgis 57785

# 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 Additional Storage
- Applicant Philip Bestgen Phone No. 605-347-3145
- Address RR 2, Box 24 Whitewood State SD Zip Code 57793  
(Street, RR or Box) (additional storage)
2. Amount of water claimed (c.f.s) 3.0 Ac Ft Total acres irrigated no add'l
3. Source of Water supply Dugout to intercept leakage from present irrigation pond
4. Location of point of diversion See original permit No. 556-1, No. 555-1, & No. 1449-1  
Location of new dugout storage pond - 1550' E and 1500S of NW corner of Sec. 16-  
T6-R5. SE 1/4 NW 1/4 Section 16 T6N-R5E County Meade
5. Counties where water will be used Meade
6. Annual period during which water is to be used April 1 to Nov. 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.



| Land Description                           | No. Acres Irr. |
|--------------------------------------------|----------------|
| <u>See original permit #556-1, #555-1</u>  |                |
| <u>and #1449-1 for location of</u>         |                |
| <u>land to be irrigated. No additional</u> |                |
| <u>acreage will be irrigated.</u>          |                |

| Land Description                     | No. Acres Irr. |
|--------------------------------------|----------------|
| <u>S 1/2 NW 1/4 Sect 16 T6N-R5E</u>  | <u>77.8</u>    |
| <u>NW 1/4 SW 1/4 Sect 16 T6N-R5E</u> | <u>17.4</u>    |
| <u>S 1/2 NE 1/4 Sect 17 T6N-R5E</u>  | <u>40.0</u>    |

Attach sheet if more space is needed

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

Pond needed to intercept leakage from existing irrigation reservoir  
which leaks.

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

STATE OF SOUTH DAKOTA)  
County of Meade)<sup>ss</sup>

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

Signed Philip Bestgen

Subscribed and sworn to before me this 26th day of October 19 90

Carlene M. Rosenkrantz  
Notary Public

My Commission expires 8/19/93

# RECEIPT

412404

## Division of Water Rights

### South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_ October 31 \_\_\_\_\_, 1990

RECEIVED OF Philip Bestgen, RR #2 Box 24, Whitewood SD 57793

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 _____ | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |       |       |
| Fee for Filing Transfer Form _____                                                                                         |       |       |
| 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 Jehu Hatch  
Chief Engineer

# 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 250' x 71' Depth 11.2'
- b) Depth to water (ground surface to water level) 0

## 3. Water Storage Dams

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width \_\_\_\_\_

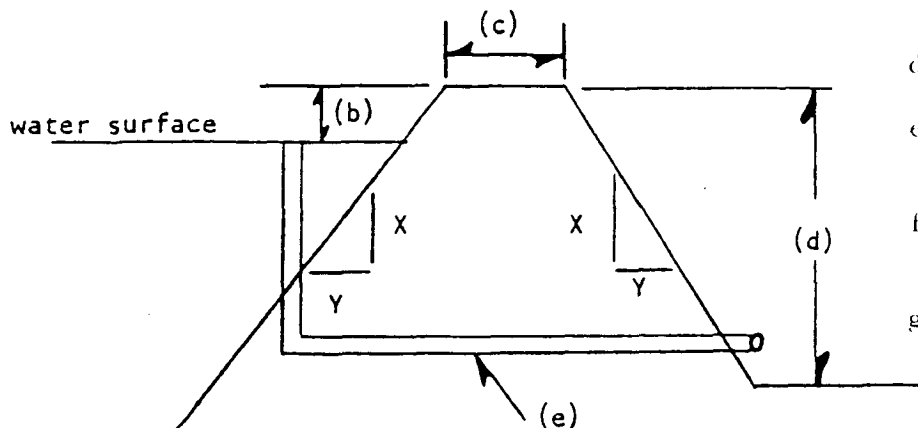
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_



# Supplemental Information

(type or print in ink)

Philip Bestgen  
R R 2 Box 2 C  
Whitewood SD  
Licence 1449-1

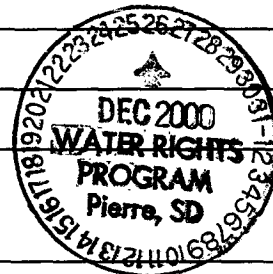
## 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 540'
- b) Casing Type Plastic Diameter 6" Thickness \_\_\_\_\_
- c) Screen Type steel Diameter 2 7/8" Thickness \_\_\_\_\_
- d) Gravel Pack Cement Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 380'
- f) Depth to Water (ground surface to water level) artesian
- g) Distance to nearest existing domestic well:
- On applicants property 1 3/8 mile On property owned by others 1 1/4 mile

The well has been completed - I was told we could have it dug as long as it was within reasonable distance from existing one and did not exceed 1179 ppm combined. Log included confirm this. I hope this is satisfactory.

Phil

|                  |       |
|------------------|-------|
| Year Constructed | _____ |
| Sanitary System  | _____ |
| Depth            | _____ |

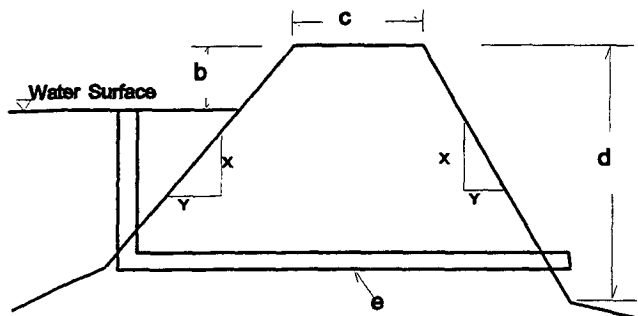


For one or more storage dams, please furnish the information requested below and to be shown on the map submitted with the application.

If a government agency was involved in the design of this dam, please give their

name and address:

\_\_\_\_\_  
\_\_\_\_\_

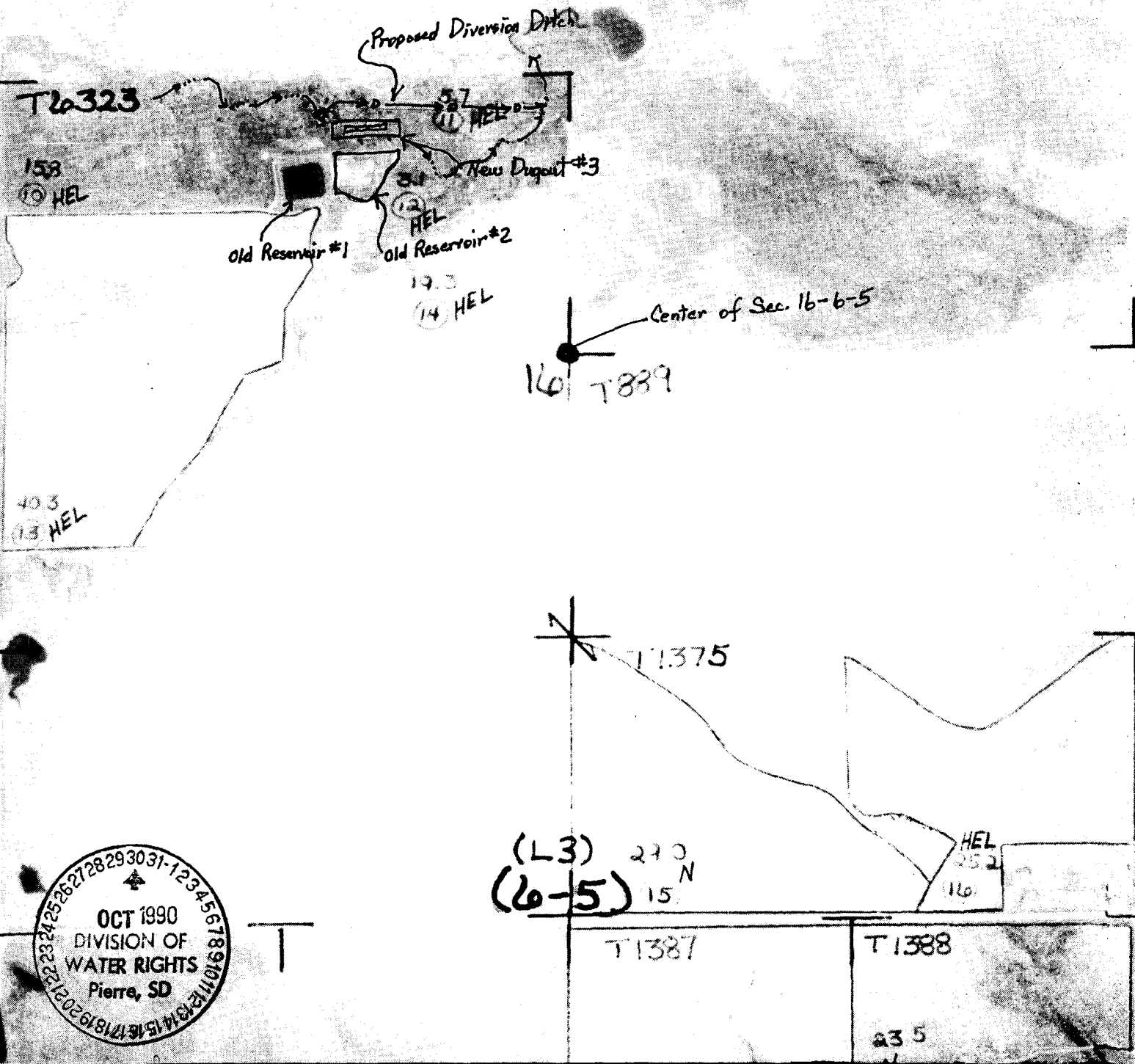


- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

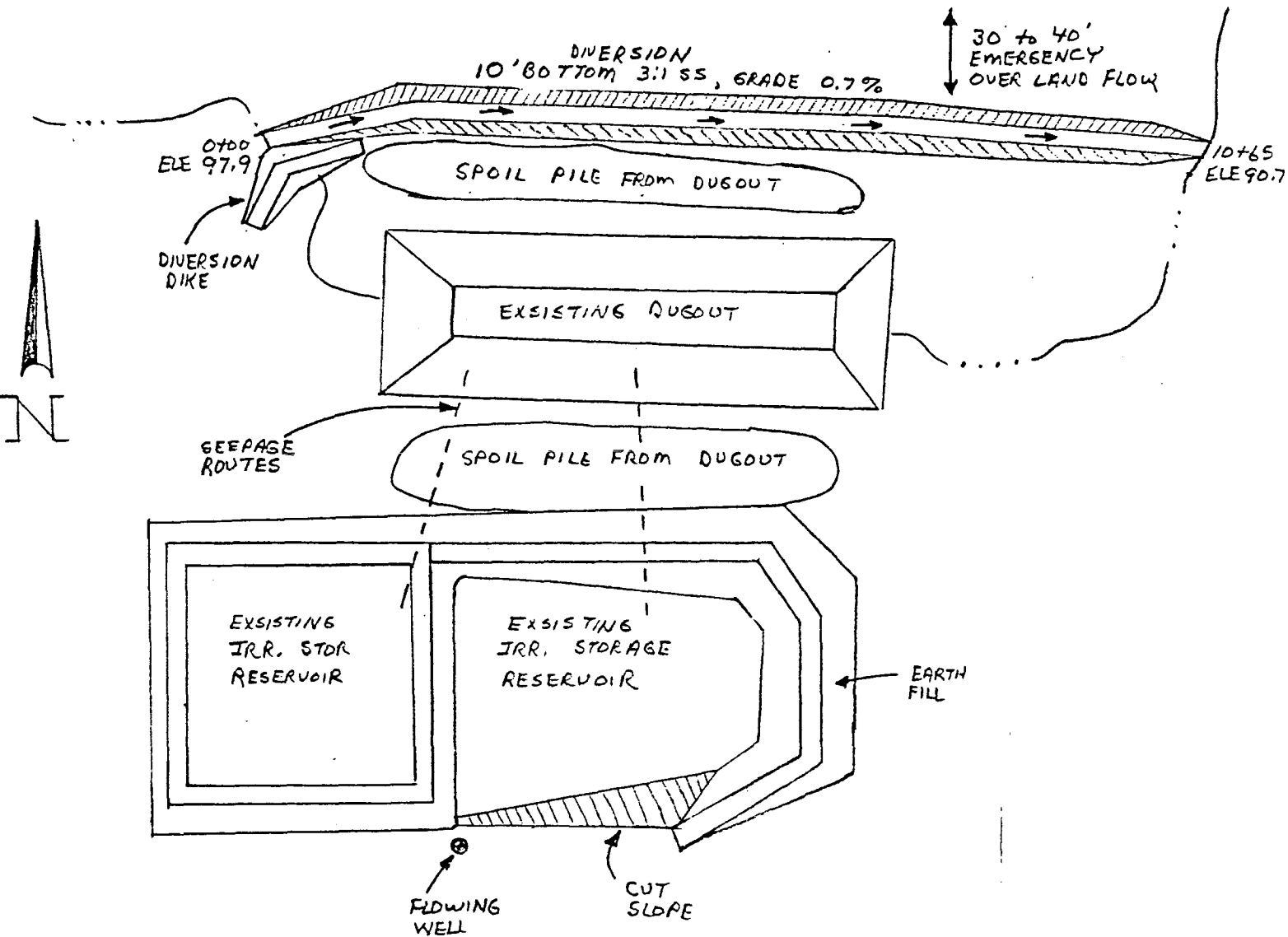
1499-1

CONSERVATION PLAN MAP

Owner Philip Bestgen Operator Philip & Roch Bestgen  
County Meade State South Dakota Date 10/26/90  
Approximate acres \_\_\_\_\_ Approximate scale 8" = 1 mile  
Cooperating with FIK Creek Conservation District  
Plan identification Darrell Vig Photo number \_\_\_\_\_  
Assisted by Darrell Vig, district conservationist USDA Soil Conservation Service



|                                         |                 |                                      |      |
|-----------------------------------------|-----------------|--------------------------------------|------|
| STATE<br>SOUTH DAKOTA                   |                 | PROJECT<br>PHILLIP BESTGEN DIVERSION |      |
| BY<br>G MILLER                          | DATE<br>10/3/90 | CHECKED BY                           | DATE |
| SUBJECT<br>ACTIVITY MAP FOR ARMY PERMIT |                 | JOB NO.<br>Sec. 16-6-5               |      |
|                                         |                 | SHEET _____ OF _____                 |      |



(Not to Scale)

NOTE: Diversion channel, Design A 736 cfs. @ V of 4.6 ft./sec.  
10 yr 24 hr. storm yield



Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT  
Division of Conservation

Office Use Only

4543

WR#

OWNERS NAME: PHILIP BESTGEN

OWNERS ADDRESS: RR 2, BOX 24

WHITEWOOD SD 57793

COUNTY LAND LOCATED IN: MEADE PHONE: (605) 347-3145

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 1550' East & 1500' South NW $\frac{1}{4}$  16-T6N-R5E (SE $\frac{1}{4}$  NW $\frac{1}{4}$  16-T6N-R5E)

Depth \_\_\_\_\_

| Legal Description                            | Acres | Legal Description | Acres |
|----------------------------------------------|-------|-------------------|-------|
| S $\frac{1}{2}$ NW $\frac{1}{4}$ 16-T6N-R5E  | 77.8  |                   |       |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-T6N-R5E | 17.4  |                   |       |
| S $\frac{1}{2}$ NE $\frac{1}{4}$ 17-T6N-R5E  | 40.0  |                   |       |
|                                              |       |                   |       |

2. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN ~~XXX~~ OTHER: (Specify) \_\_\_\_\_

3. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0376

7. ADJUSTED (SAR): 1.06

5. SALINITY (EC X 10<sup>6</sup>): 1100

8. PERCENT SODIUM 8.24

6. SODIUM (SAR): 0.43

Requirements:

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

The area adjacent to the drainage way shall not be irrigated to reduce potential streambank erosion.



XXX APPROVED

       DISAPPROVED

       WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

November 20, 1990

Date

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

Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4414

WR#

OWNERS NAME: Phillip Bestgen

OWNERS ADDRESS: RR 2, Box 24

Whitewood, SD 57793

COUNTY LAND LOCATED IN: Meade

PHONE: \_\_\_\_\_

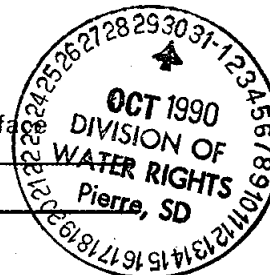
LEGAL DESCRIPTION:

1. LOCATION 1350' E & 1300' S of NW 16-T6N-R5W

☒ Well

☐ Surface

Depth: \_\_\_\_\_



| Legal Description        | Acres | Legal Description | Acres |
|--------------------------|-------|-------------------|-------|
| SW 1/4 NE 1/4 17-T6N-R5W | 4     |                   |       |
| SE 1/4 NE 1/4 17-T6N-R5W | 36    |                   |       |
|                          |       |                   |       |
|                          |       |                   |       |

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

3. CROPS TO BE IRRIGATED: Alfalfa

|                                                  |                                |
|--------------------------------------------------|--------------------------------|
| WATER QUALITY:                                   |                                |
| 4. WATER SAMPLE NUMBER: <u>88-0376</u>           | 7. ADJUSTED (SAR): <u>1.06</u> |
| 5. SALINITY (EC X 10 <sup>6</sup> ): <u>1100</u> | 8. PERCENT SODIUM: <u>8.24</u> |
| 6. SODIUM (SAR): <u>0.43</u>                     |                                |

Requirements:

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

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.

[Signature]  
Director, Division of Conservation

Date 10/17/87

☒ APPROVED ☒ REQUIREMENTS  
☐ DISAPPROVED  
☐ WAIVER

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







DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
215 NORTH 17TH STREET  
OMAHA, NEBRASKA 68102-4978

REPLY TO  
ATTENTION OF

October 19, 1990

SD Regulatory Field Office  
Federal Building, Room 317  
Pierre, South Dakota 57501

Mr. Phillip Bestgen  
Rural Route #2, Box 24  
Whitewood, South Dakota 57793

Dear Mr. Bestgen:

We have reviewed your request for Department of the Army authorization for the construction of a ditch plug and one thousand, sixty-five (1,065) linear feet diversion channel located in the northwest quarter ( $\frac{1}{4}$ ) of Section 16, Township 6 North, Range 5 East, Meade County, South Dakota.

Based on the information you provided, this office has determined that your proposed work within South Dakota is authorized by the Department of the Army Nationwide Permit found at 33 CFR § 330.5(a)(26). Enclosed is a fact sheet which fully describes this Nationwide Permit and lists the Special Conditions which must be adhered to for this authorization to remain valid.

Although an Individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

Should you at any time become aware that either a threatened or endangered species or their critical habitat exist within your project area, you must immediately notify this office.



This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to January 13, 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

If you have any questions concerning this determination, please feel free to contact this office at (605) 224-8531 and reference to Nationwide Permit application number SD-90-0351.

Sincerely,

*Steven E Naylor*  
James F. Suedkamp  
Regulatory Branch  
Operations Division

Enclosure



Philip Bestgen  
RR2, Box 24  
Whitewood, SD 57793

October 26, 1990

Water Rights Division DWNR  
Joe Foss Building  
Pierre, SD 57501

Dear Sir,

An application for additional water storage to existing Water Right Permit # 556-1, 555-1 and 1449-1 was denied by the Water Rights Commission this past spring on my land. The concern by the board was that a dugout was constructed in a dry draw. I am proposing to construct a diversion upstream from the dugout to divert all stream flow around the dugout.

Enclosed are two copies of Forms 2 and 2A, an aerial photo of the project area, a detailed sketch map of the diversion, Corp of Engineers permit to construct the diversion, a copy of the water quality test results and location notice. If there is anything I am missing, please let me know as soon as possible as we would appreciate this as on the board's agenda for their December meeting/hearing in Rapid City.

Sincerely,

*Philip Bestgen*

Philip Bestgen



## Conversation or File Documentation

NAME OF PERSON OR FILE:

Bestgen

ADDRESS: \_\_\_\_\_

COUNTY \_\_\_\_\_

DATE: \_\_\_\_\_

12/28/90

TELEPHONE \_\_\_\_\_

RE: \_\_\_\_\_

1499-1

## COMMENTS:

Copies of notice were sent to Fredie Hanson & Dennis Milet  
due to their previous opposition to the WP Application  
No. 1476-1.

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

NAME: Eric Hensley

Report on Water Permit Application No. 1499-1  
Philip Bestgen  
December 11, 1990

Background

Water Permit Application No. 1499-1 requests storage of an additional 3.0 acre feet of water. The water will be used as a supplemental supply for irrigation of 135.2 acres authorized for irrigation by Water Permit/Right Nos. 555-1, and 1449-1. The additional pond (Pond No. 3), 3.0 acre feet storage capacity, is located below two existing ponds to impound seepage water from the existing ponds. A flowing well supplies water for the ponds. Pond No. 3 is located in the SE1/4 NW1/4 Section 16 and the 135.2 acres are located in the S1/2 NE1/4 Section 17; S1/2 NW1/4, NW1/4 SW1/4 Section 16; all in T6N-R5E, in Meade County.

Discussion

On August 15, 1989, Mr. Bestgen submitted Water Permit Application No. 1476-1. The application was for storage of 3.0 acre feet of seepage water from two existing ponds (same as in Application No. 1499-1). The additional pond is located in a dry draw.

Water Permit Application No. 1476-1 was considered by the Water Management Board at the May 23, 1990 meeting. At that meeting, the Board denied the application due to opposition from the downstream water users. Downstream domestic water users, at the meeting, argued that due to the additional pond (Pond No. 3) they will not be able to receive runoff from the dry draw.

On August 23, 1990, by request from Mr. Bestgen, the ponds, the dry draw, and the location of the proposed bypass channel were inspected. Pin flags in the area showed where the channel will be located. During the inspection, Mr. Bestgen stated that he had no intention of storing water from the dry draw.

On October 30, 1990, the applicant submitted a plan showing a bypass for the dry draw. The plan was designed by the Soil Conservation Service in Meade County. The design is for a channel to the north of Pond No.3, with a capacity of 736 cubic feet of water per second with a 7% grade. The design guarantees that no water from the dry draw will enter Pond No.3

Conclusions

1. According to the plan, water from the dry draw will not enter Pond No.3
2. Approval of this application will not adversely affect downstream domestic water users.
3. Water in Pond No.3 is the seepage water from two existing ponds. Water for all three ponds is supplied by a flowing well.

4. Approval of Application No. 1499-1 does not authorize an increase in the diversion rate authorized by Water Right No. 555-1.

*M. Rassool Ahadi*

M. RASSOOL AHADI  
Natural Resources Engineer II

Approved By:

*Delvin D. Brosz*

DELVIN D. BROSZ, P.E.  
Natural Resources Engineer IV

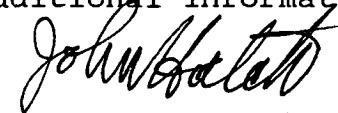
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1499-1, Philip Bestgen

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1499-1, Philip Bestgen, RR 2 Box 24, Whitewood, SD.

The Chief Engineer is recommending APPROVAL of Application No. 1499-1 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. Approval of Permit No. 1499-1 is subject to construction and maintenance of a bypass channel to prevent dry draw water from entering Pond No. 3.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer  
December 19, 1990



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

December 28, 1990

Philip Bestgen  
RR 2 Box 24  
Whitewood, SD 57793

Dear Mr. Bestgen:

Water Permit Application No.1499-1 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, 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 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 28, 1990

Meade Co. Times Tribune  
Box 69  
Sturgis, SD 57785

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1499-1 to be published twice. Please publish the first notice on January 9, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Philip Bestgen, RR 2, Box 24, Whitewood, SD 57793.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
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 January 9, 1991, with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING on Application No. 1499-1 to Appropriate Water

Notice is given that Philip Bestgen, RR 2, Box 24, Whitewood, SD 57793 has filed an application for a water permit for an additional 3.0 acre-feet of storage to supplement irrigation of 135.2 acres authorized for irrigation by Water Right/Permit Nos. 555-1, 556-1, and 1449-1. An additional pond (pond No. 3), 3.0 acre-feet storage capacity, is located below two existing ponds to impound seepage water from the existing ponds. A flowing well supplies the water for the ponds. Pond No. 3 is located in the SE 1/4 NW 1/4 Section 16 and the 135.2 acres are located in the S 1/2 NE 1/4 Section 17; S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 16; all in T6N-R5E. A diversion ditch will be constructed upstream from pond No. 3 to divert all stream flow around the pond. This application does not authorize any increase in the 1.93 cubic feet of water per second diversion rate for irrigation of the 135.2 acres as authorized by Water Permit/Right Nos. 1449-1, 555-1, and 556-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1499-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1499-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 7, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 7, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 28, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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,

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 County Meade ) ss.

I, Belinda Tennis

certify that the attached printed Notice was taken  
 from the Meade County Times-Tribune

A newspaper which during the whole time of publication of  
 said notice herein after stated, has been and is printed and  
 published in the \_\_\_\_\_

City of Thurgis

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

Jan 9, 1991

Jan 16, 1991

Belinda Tennis  
 (Signature)

Billing Clerk  
 (Title)

Jan 16, 1991  
 (Date Signed)

Cost of Printing: \$6.50



## Water appropriation hearing set Feb. 7

Department of  
 Water & Natural  
 Resources

Joe Foss Building  
 523 East Capitol  
 Pierre, SD 57501

### NOTICE OF HEARING

On Application No. 1499-1

To Appropriate Water

Notice is given that Philip Bestgen, RR 2, Box 24, Whitewood, SD 57793 has filed an application for a water permit for an additional 3.0 acre-feet of storage to supplement irrigation of 135.2 acres authorized for irrigation by Water Right/Permit Nos. 555-1, 556-1, and 1449-1. An additional pond (pond No. 3) 3.0 acre-feet storage capacity, is located below two existing ponds to impound seepage water from the existing ponds. A flowing well supplies the water for the ponds. Pond No. 3 is located in the SE 1/4 NW 1/4 Section 16 and the 135.2 acres are located in the S 1/2 NE 1/4 Section 17; S 1/2 NW 1/4, NW 1/4 SW 1/4 Section 16; all in T6N-R5E. A diversion ditch will be constructed upstream from pond No. 3 to divert all stream flow around the pond. This application does not authorize any increase in the 1.93 cubic feet of water per second diversion rate for irrigation of the 135.2 acres as authorized by Water Permit/Right Nos. 1449-1, 555-1, and 556-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1499-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant

must be filed by January 28, 1991.

The petition must be accompanied by 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1499-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 7, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 7, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be received by January 28, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses accord-

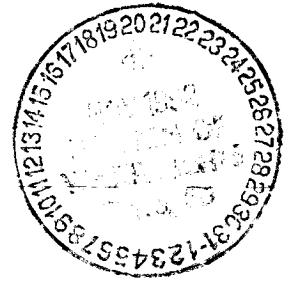
ing to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9

46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publ. Jan. 9, 16, 1991

Meade County Times-Tribune



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

Date Nov 18, 1992

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

FROM: Philip Bestgen RR2 Box 24 Whitecourt SD 57793  
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. 1499-1.

Water Permit No. 1499-1 states that the diversion system is to be constructed by \_\_\_\_\_, and that the water it put to beneficial use by \_\_\_\_\_.

The diversion system was completed on July 1, 1991.  
Applying the water to beneficial use was completed on \_\_\_\_\_.

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

Philip Bestgen  
signature



DEPARTMENT OF WATER & NATURAL RESOURCES

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

MAR 7 1991

Philip Bestgen  
RR 2 Box 24  
Whitewood, SD 57793

Dear Mr. Bestgen:

Enclosed is Water Permit No. 1499-1 For Irrigation as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 4, 1995

1499-1

Philip Bestgen  
RR 2, Box 24  
Whitewood, SD 57793

Dear Mr. Bestgen:

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. 1499-1, 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.

**Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Division  
523 E. Capitol  
Pierre, SD 57501-3181**

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,

Cheryl F. Frost  
Secretary  
Water Rights Division  
(605) 773-3352

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

# RECEIPT

414494

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ May 8, 19 95

RECEIVED OF Philip Bestgen, RR 2 Box 24, Whitewood, SD 57793

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. <u>1499-1</u>          | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Water  
Chief Engineer

**Permit No. 555-1, 1449-1, and 1499-1**  
**Belle Fourche - Water District**

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

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

I have this day made a thorough examination of the water use system constructed by Philip Bestgen of RR #2, Box 24, Whitewood, SD 57793 holder of Permit Nos. 555-1, 1449-1, and 1499-1, bearing the priority of March 21, 1961; September 26, 1988; and October 30, 1990 authorizing the diversion of 0.26; 1.93; cu. ft. per second and the storage of 3.0 acre-feet of the waters of groundwater for irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Water from the well flows into Pond #1. The pump is located at Pond #3.  
A Berkeley Pump, 550 gallons per minute capacity.  
Case 930 Tractor, 85 horse power.

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

740 feet of steel and rubber hose.

C. Works used to apply water to beneficial use:

A Nelson Gun, 350 gallons per minute capacity.

The system is in the following condition Very good. The point of diversion is located Well: approximately 1050 feet west and 750 feet north from the center of Section 16; Diversion point: approximately 1050 feet west and 1040 feet from the center of Section 16, all in T6N-R5. The works are capable of diverting and conveying to the place of use 0.78 cu. ft. per second of water and storing 3.0 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 T6N-R5E**

**Section 17**

SE1/4 NE1/4      32.0    ac.  
SW1/4 NE1/4      4.0    ac.

**Section 16**

SW1/4 NW1/4      40.0    ac.  
NW1/4 SW1/4      28.0    ac.  
SE1/4 NW1/4      31.2    ac.

comprising a total of 135.2 acres of land and 3.0 acre-feet of storage. The license should be issued for 0.78 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: July 26, 1994



M. Rassool Ahadi,  
Natural Resources Engineer III  
DENR, Water Rights Division

# **REPORT ON INSPECTION OF PERMIT NOS. 1449-1, 1499-1, and 555-1**

**DATE:** July 26, 1994

Other permit(s) associated with the project: 555-1 and 556-1

**DIVERSION POINTS LEGAL LOCATION:** SE1/4 NE1/4 Section 16, T6N-R5E

## **WELL INFORMATION:**

- 1) Well Drilling Firm: Floyd Drain
- 2) No. of Wells 1
- 3) Depth(s) 440 feet
- 4) Well log is available N
- 5) Comment: Water from the well flows into a pond

## **Casing:**

- 1) Diameter 6 inches
- 2) Length 390 feet
- 3) Type Steel

## **Screen:**

- 1) Type None
- 2) Length feet
- 3) Static water level Flowing feet

**Pump:** Water is pumped from Pond #3

- 1) Make Berkeley
- 2) Model 4BJRBMCCW
- 3) Size 6 inch IN, 4 inch OUT
- 4) Capacity 550 GPM

## **Motor:**

- 1) Make Case-930
- 2) Model No. No tag
- 3) Horsepower rating 85 hp

**DISTRIBUTION LINES OR CANALS:**

- 1) Type Steel            2) Size 4 inches            3) Length 40 feet

40 feet is the distance from the well to Pond #1

**SYSTEM TYPE:****Gun:**

- 1) Make Nelson  
2) Nozzle size 2 inches  
3) Capacity 350 GPM  
4) Hose size 4 inches

Comments : Water from the well flows into Pond #1. Water from Pond #1 flows into Pond #2.  
Seepage from these two ponds is captured in Pond #3

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y  
2) Special qualifications to permit being abided by Y  
3) All structures, wells and lands on map Y  
4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

T 1364

(6-5)

Pond #3

Pond #1

T 6323

40.0  
new well  
Pond #2

1.2

19.3 20.0  
(14) HEL

28.0

40.3  
(13) HEL

160 T889

WELL

DIV. POINT

August 10, 1994

Nashad, Nat. Res. Engineer III

T 1375  
T 6323

(L3) 29.0  
(6-5) (15) N

HEL  
25.2  
(16)

T 1387

T 1388

Interwood S D  
RR 2 Box 24-57793  
May 10 1998

Dept. of Environment & N.R.  
Pierre, S.D.



Dear Sirs,

I am in receipt of a letter from you dated May 4, 1995 in which you state that I have fulfilled my requirements for license for permit No. 1499-1. You requested a fee of \$50.00 to complete the processing. I sent you a check dated May 5, 1995 check no. 8224. To date I have not received the license. I would appreciate your cooperation in this matter.

Sincerely

Philip Bestgen

**File No. 1499-1**

## **Water Rights Program -- File Documentation**

**NAME:** Philip Bestgen

**ADDRESS:** RR 2, Box 24, Whitewood SD 57793

**DATE:** November 2, 1998      **COUNTY:** Meade

**RE:** Licensing of No. 1499-1

### **COMMENTS:**

On October 28, 1998 Mr. Bestgen called to determine the status of licensing Water Permit No. 1449-1 for which he had sent in the license fee. After reviewing the file, I asked Mr. Bestgen if the 3 acre-feet pond was in fact 3 acre-feet in size and if a bypass channel had been constructed around the pond as required by permit qualification. Mr. Bestgen indicated that the pond and bypass channel had been staked out by the Natural Resources Conservation Service and constructed accordingly.



Ron Duvall, Natural Resources Engineer  
Water Rights Program

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1499-1

(1) Philip Bestgen, RR 2 Box 24, Whitewood SD 57793 made Application No. 1499-1, October 30, 1990 for a water permit to impound 3.0 acre-feet of water to irrigate acres authorized by Water Right/Permit Nos. 555-1 and 1449-1, Meade County, South Dakota. Permit No. 1499-1, with a priority date of October 30, 1998 was approved February 7, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 7, 1996 and for the application to beneficial use of said water on or before February 7, 2000.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on November 20, 1992. The *Notice* stated the diversion system was completed and the water placed to beneficial use on July 1, 1991.

Permits associated with this water use system:

- Water Right No. 555-1 – with a priority date of March 21, 1961, authorizes diversion of 0.26 cfs from a well to irrigate 95.6 acres.
- Water Permit No. 1449-1 – with a priority date of September 26, 1988, authorizes 2 storage ponds and the irrigation of 40 additional acres.
- Water Permit No. 1499-1 – with a priority date of October 30, 1990, authorizes an additional storage pond (3.0 acre-feet storage capacity).

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

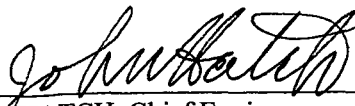
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and impound 3 acre-feet of water (pond #3) and is entitled to divert 0.78 cubic feet of water per second for beneficial use. The location of the well is 1,050 feet west and 750 feet north from the center of Section 16-T6N-R5E (SE ¼ NW ¼) and the storage ponds are also located in the SE ¼ NW ¼ Section 16-T6N-R5E.

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

| All in T6N-R5E |            |            |             |
|----------------|------------|------------|-------------|
| Section 16     |            | Section 17 |             |
| SW ¼ NW ¼      | 40.0 acres | SE ¼ NE ¼  | 32.0 acres  |
| NW ¼ SW ¼      | 28.0 acres | SW ¼ NE ¼  | 4.0 acres   |
| SE ¼ NW ¼      | 31.2 acres |            |             |
| Total          |            |            | 135.2 acres |

\* land in Section 16 is also irrigated from Spring Creek dry draws as authorized under Water Right No. 556-1  
Combinations of diversions shall not exceed one cfs per 70 acres.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Philip Bestgen, RR 2 Box 24, Whitewood SD 57793 the holder and/or owner of Incorporated Water Right No. 1499-1 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from groundwater (one well) and impound 3 acre-feet of water (pond #3) with priority dates March 21, 1961 (95.6 acres), September 26, 1988 (40 acres) and October 30, 1990 (3 acre-feet storage pond) from the location specified in (2) of this license. The water 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 Incorporated Water Right No. 1499-1 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

NOV 5 1998

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

NOV 5 1998

1499-1

Philip Bestgen  
RR 2, Box 24  
Whitewood, SD 57793

Dear Mr. Bestgen:

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

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

Very truly yours,

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

ks  
enclosures

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

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

NAME: Phil Bestgen

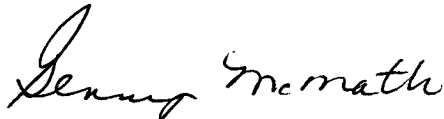
DATE: September 8, 2000

RE: additional diversion point

**COMMENTS:**

Mr. Bestgen called to see if he could add an additional well to his system as authorized by Water Right No. 1499-1. He said he was reading in the literature that we sent him that he could add wells if he didn't use more water. I told him that was correct. He could add an additional well without going through the permitting process if 1) the well was in the same water source, 2) he didn't use additional water, and 3) he didn't intend on irrigating more acres.

I told him to write us a letter explaining what he wanted to do and we would take it from there. It sounded like he would be sending us something soon.



Genny McMath  
Environmental Scientist

Sept. 8, 2000  
RR 2 Box 24  
Whitewood, SD  
57793



Dept. of Environment & Natural Resources  
Joe Foss Bldg.  
523 East Capitol  
Pierre, SD 57501-3181

This letter is to notify you that I intend to drill a well, within 300 ft. of well designated in water license No. 1499-1, in compliance with SAID LICENSE, as verified by telephone call made to the Department.

Sincerely,

*Philip Bestgen*  
Philip Bestgen



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 19, 2000

Philip Bestgen  
RR 2 Box 24  
Whitewood SD 57793

Dear Mr. Bestgen:

We are in receipt of your request to authorize construction of an additional well under Water License No. 1499-1. This water license authorizes a flowing well which flows into a series of three ponds prior to irrigation of 135.6 acres. Water License No. 1499-1 is the product of three water rights incorporated into a single water license. A copy of the water license is enclosed.

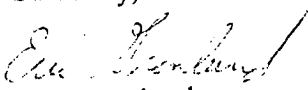
You are requesting to drill an additional well within 300 feet of the existing well. State law provides that additional wells may be approved if the additional well is from the same source of water, no additional water is appropriated and no new land is to be irrigated. Your letter does not provide enough information for use to fully review the request. Please provide the following information.

- Mark the proposed location of the new well on the enclosed map.
- Complete Item No. 1 (Well Information – Proposed Construction) on the enclosed Supplemental Information form. This is to ensure the new well will be constructed into the same formation as the existing well.
- What is the existing flowing well producing (in gallons per minute) at this time? The combined rate of both wells can not exceed 0.26 cfs (117 gpm) or a new water right permit will be required.

Mr. Bestgen, I have enclosed a self addressed stamped envelop for you to submit this information. As soon as we receive this information, we will proceed to see if your request for an additional well may be approved without going through the formalized water right permitting process.

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

Sincerely,

  
Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure

## **Approval of an Additional Diversion Point**

---

**NAME:** Philip Bestgen

**ADDRESS:** RR 2 Box 24, Whitewood SD 57793

**DATE:** January 4, 2001      **COUNTY:** Meade      **TELEPHONE:**

### **BACKGROUND:**

Philip Bestgen holds Water License No. 1499-1 for irrigation in Meade County. Water License No. 1499-1 incorporates the applicable portions of Water Right No. 555-1 and Water Permit Nos. 1449-1 and 1499-1 into one water license. The water license authorizes diversion of 0.26 cubic feet of water per second (117 gpm) from one well into three storage ponds all located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T6N, R5E. Water may be diverted from the ponds at a rate of 0.78 cfs (350 gpm) for irrigation of 135.2 acres located in the S $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 16 and the S $\frac{1}{2}$  NE $\frac{1}{4}$  Section 17; all in T6N, R5E.

Mr. Bestgen has requested authorization for an additional well to be constructed into the same water source approximately 300 feet west of the existing well. The additional well is located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 16, T6N, R5E.

### **AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The well authorized under Water Right No. 1499-1 is constructed into the Inyan Kara Formation at a depth of 440 feet. The additional well is 540 feet deep and also is constructed into the Inyan Kara Formation.

No additional appropriation of water is being requested. The original water permit appropriates 0.26 cfs (117 gpm) from the flowing well and 0.78 cfs from the ponds for application of water to the irrigated land. The total capacity of the two flowing wells will be 117 gpm.

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells on file within a two mile radius of the Bestgen wells. The only existing water permit from the Inyan Kara Formation within this radius is held by Mr. Bestgen. A review of well completion records in Water Right files found thirteen domestic/stock wells within this radius constructed into the Inyan

Kara Formation. This review reflects only those well completion reports on file with the Water Rights Program.

### **CONCLUSION**

- This additional well does not appropriate additional water.
- The additional well is constructed into the Inyan Kara which is the same water source as the existing well authorized by Water Right No. 1499-1.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.
- There has been no record of complaint on Bestgen's diversion of water adversely impacting neighboring wells.

### **RECOMMENDED ACTION**

Based on the above criteria, it is recommended that the additional diversion point be authorized by Water Right No. 1499-1.



Eric Gronlund  
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 17, 2001

Philip Bestgen  
RR 2 Box 24  
Whitewood SD 57793

Dear Mr. Bestgen:

I am writing in regard to your request to authorize an additional well under Water Right No. 1499-1. Water Right No. 1499-1 appropriates 0.26 cubic feet of water per second (117 gpm) from a Inyan Kara Formation well located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T6N, R5E. Water from this flowing well is diverted to storage ponds and is then applied to 135.2 irrigated acres at a diversion rate of 0.78 cfs.

The new well is located in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16, T6N, R5E and is constructed into the same water source as the existing wells. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. The additional well shall be valved and the flow reduced to the amount needed or to a minimum when not being used. A new water right permit will be necessary if the wells are allowed to flow at a rate greater than 117 gallons per minute.

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

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program

1499-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

OCT 08 2015

1499-1  
1762-1  
1762A-1

Philip Bestgen  
21044 Avalanche Rd  
Whitewood SD 57793

Dear Mr. Bestgen:

Enclosed is Water License No. 1762A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1762A-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**Note:** Upon licensing, the applicable portions of Water Right No. 1499-1 and Water Permit No. 1762-1 were incorporated into Water License No. 1762A-1.