

Considered: _____

WATER PERMIT NO. 1504-1

Phone: 456-2288

Name of Applicant: Butte Meade Sanitary Water District

Post Office Address: P.O. Box 5

Amount of Water Claimed: 1.23 cfs (add'l) Total Acres: 216 (no add'l)

Source of Water Supply: Groundwater and a 9.2 acre-foot dam

Water to be used for: irrigation & RWS County: Butte/Meade

About 5 miles NE of Belle Fourche

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12/14/91 Fee: \$150 Remarks _____

Corrected Application Received 12/24/91 Period of Annual Use April 1 - September 30

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

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

Diversion Point: _____

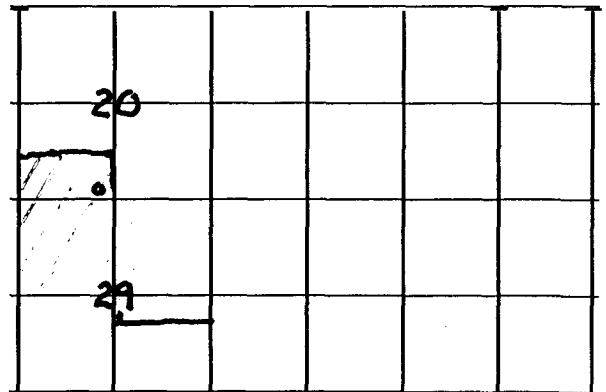
well - SE1/4 SW1/4 Section 20 T9N,R3E

Dam - NW1/4 NE1/4 Section 29; T9N,R3E

Land to be Irrigated: _____

S1/2 SW1/4 Section 20, NW1/4, NE1/4, N1/2 SE1/4

Section 29 T9N, R3E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 3400' REMARKS _____

Type of Map: Plat PREPARED BY: Steve Thingelstad Reviewed and the Number

Assigned on 1/7/91 By Eric Gronlund

SOUTH DAKOTA
WATER PERMIT No. 1504-1 FOR IRRIGATION

Date of first receipt of application December 14, 1990.
Date Soil/Water Compatibility Permit received May 6, 1976.
Date of return to applicant for corrections, amendments or changes
December 17, 1990.
Date of receipt of corrected application December 24, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1504-1 to Butte-Meade Sanitary Water District, PO Box 5, Newell SD 57760 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. 1504-1 appropriates 1.23 cubic feet of water per second (cfs) to increase the total diversion rate from one existing storage dam supplied with water from an existing flowing Madison Formation well and incidental surface runoff to irrigate 216 acres. Water Right No. 1096-1 appropriates 1.88 cfs to irrigate 216 acres from one existing flowing well, 3511 feet deep, located in the SE 1/4 SW 1/4 Section 20 and a dam (9.6 acre-feet storage capacity) located in the NW 1/4 NE 1/4 Section 29; all in T9N-R3E. The irrigated land is located in the S 1/2 SW 1/4 Section 20, N 1/2, N 1/2 SE 1/4 Section 29-T9N-R3E. This permit authorizes 1.23 cfs additional diversion rate from the dam to authorize a total combined diversion rate of 3.11 cfs to irrigate 216 acres. This permit does not authorize any increase in the diversion rate from the existing well and use of the water for irrigation is limited to overflow to the dam from the well.
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 - September 30.
3. The date from which applicant may claim right is December 14, 1990.
4. The date of approval of Permit No. 1504-1 is May 1, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Overflow from the 9.6 acre-feet storage capacity dam shall be kept to a minimum.

(continued)

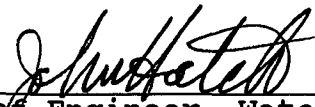
Water Permit No. 1504-1

Page 2

2. Approval of Permit No. 1504-1 authorizes maximum diversion from the dam for irrigation of 3.11 cfs. Authorized maximum diversion from the well is 1.33 cfs.

WATER MANAGEMENT BOARD

By:



Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 20 1992

(date)

(See instructions)

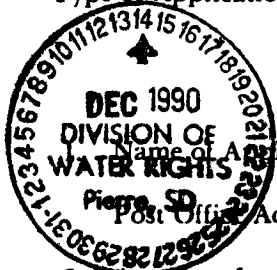
No. 1504-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Daily Belle Fourche Post, Box 400 57717

Meade Co. Times-Tribune, Box 69, Sturgis, SD 57785 (Wed)

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 _____



Name of Applicant Butte-Meade Sanitary Water District Phone No. 456-2288
Post Office Address P.O. Box 5 Newell State SD 57760
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 3.11 Total acres irrigated 216
3. Source of Water supply Flowing Madison well the
4. Location of point of diversion Well is located in the SE 1/4 of NW 1/4 of
Section 20; located at the intersecting section lines of Sections
20, 21, 29, 30, all in T9N, R3E, BHM County Butte
5. Counties where water will be used Butte, Meade
6. Annual period during which water is to be used January through December September 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in T9N-R3E

Land Description	No. Acres Irr.
S 1/2 SW 1/4 Sect 20	32
NW 1/4 NW 1/4 Sect 29	36
NE 1/4 NW 1/4 "	37
SW 1/4 NW 1/4 "	4
SE 1/4 NW 1/4 "	10

Land Description	No. Acres Irr.
NW 1/4 NE 1/4 Sect 29	19
SW 1/4 NE 1/4 "	31
SE 1/4 NE 1/4 "	37
NW 1/4 SE 1/4 "	1
NE 1/4 SE 1/4	9

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
9. Crops to be Irrigated: Corn, alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)

Increase of 1.23 cfs from the storage dam which is currently permitted for 1.88 cfs to irrigate same acreage under Water Right No. 1096-1 & 1096A-1.

No increase from the well is intended by this application.

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

STATE OF SOUTH DAKOTA)
County of Butte) ss

Kenneth E. Barker, attorney for
I, Kenneth E. Barker, 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 Kenneth E. Barker
Kenneth E. Barker

Subscribed and sworn to before me this 10th day of December 19 90.

Barbara Lamb
Notary Public

BARBARA LAMB
Notary Public, STATE OF SOUTH DAKOTA
My Commission Expires 1/1/92

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 11" Depth 3400'
- b) Casing Type 28 lb. steel Diameter 8 5/8" O.D. Thickness 5/16"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2800'
- f) Depth to Water (ground surface to water level) Flows to surface
- g) Distance to nearest existing domestic well:
On applicants property 380 rods On property owned by others 330 rods

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

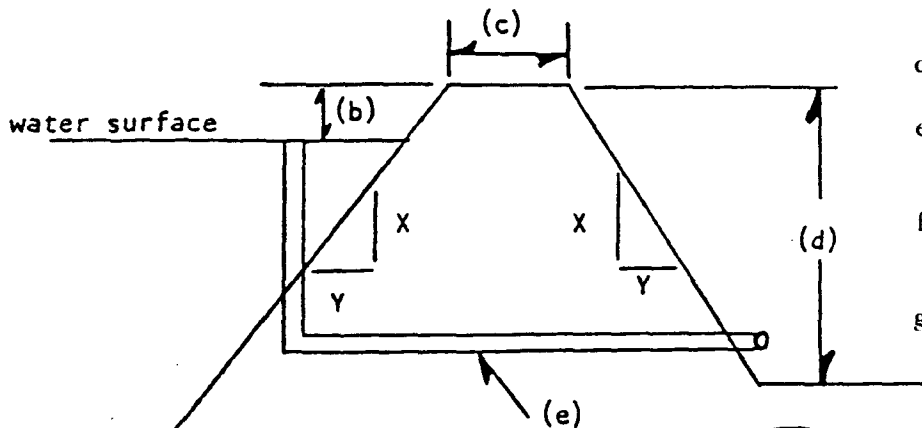
d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

g) X & Y Slope
Upstream _____

Downstream _____



Surface Area of Impoundment _____

Storage 9.2 acre feet

Drainage area above dam _____



Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412674

Pierre, December 27, 19, 1990

RECEIVED OF Quinn, Day & Barker, PO Box 370, Belle Fourche, SD 57527

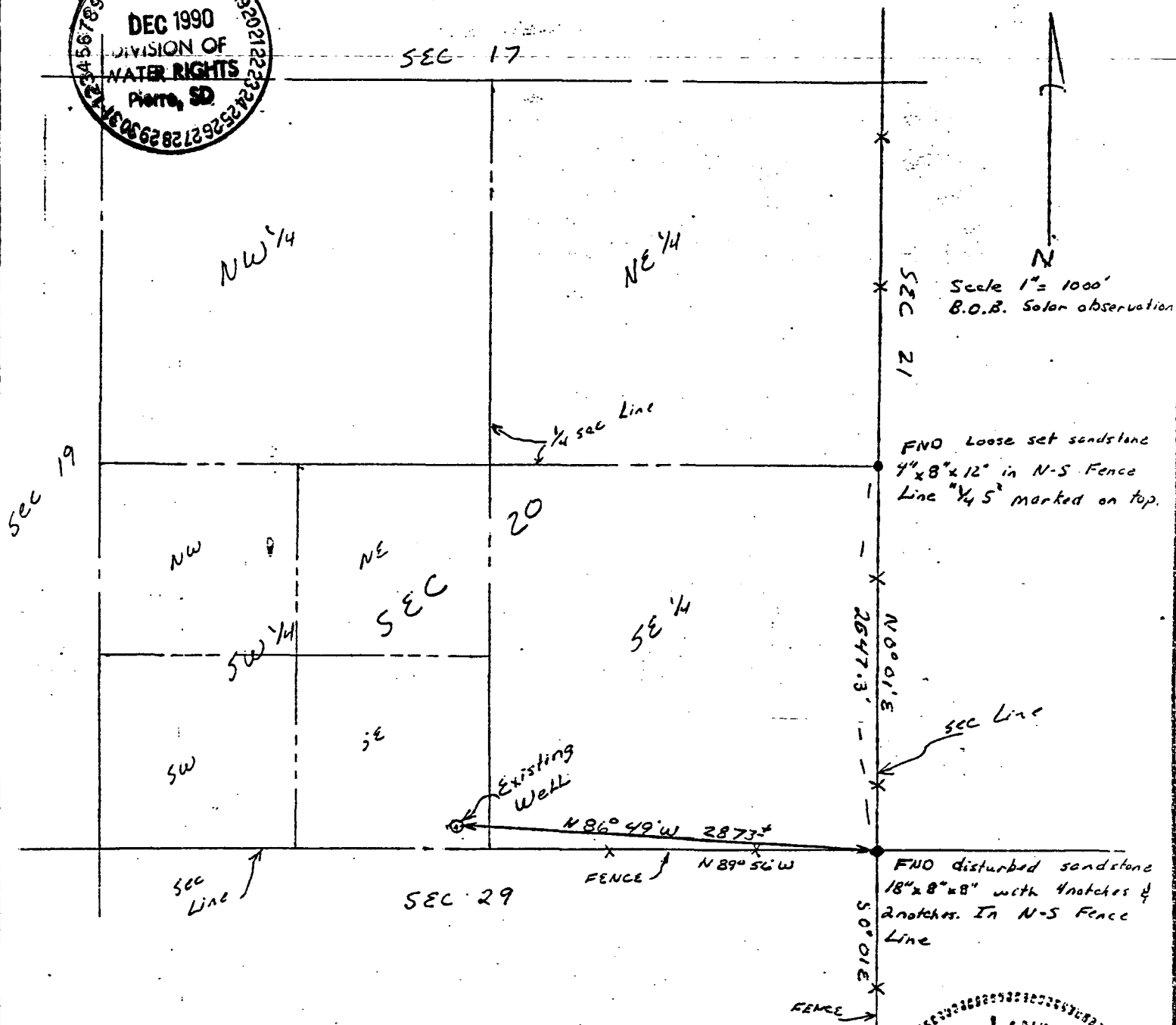
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1504-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	1500

By John Hatch / [Signature]
Chief Engineer

Map of Existing Well Location

SE 1/4 - SW 1/4 - Sec 20 T9N - R3E - BHM



1504-1



F M G, Inc.

1823 West Main
Rapid City, S. D. 57702

Project: Butte-Meade Sanitary Water

342-4105

BY: S.O.T.

LOCATION

20-T9N-R3E

JOB NO.

6673

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P. O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

September 18, 1990

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

BRADLEY A. SCHREIBER

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. Eric Gronlund
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096A-1 and 1496-1
Butte-Meade Sanitary Water District
Our File No. 1591.011



Dear Eric:

This is in response to John Hatch's letter of September 12, 1990.

First, in our last test, the well flowed 600 gpm.

Secondly, a pump will not be installed to increase the flow of the well, at least in the foreseeable future. Again, I am advised that the well is only flowing 600 gpm, rather than the 700 gpm your October 10, 1984 inspection revealed.

Thirdly, the entire 216 acres will continue to be irrigated as authorized by Water Right No. 1096-1.

Finally, the maximum pumping rate from the storage dam during periods of irrigation is 1400 gpm, using two pumps, one 40 hp and the other 60 hp. The storage dam contains 9.2 acre feet.

This will confirm my telephone conversation with you in which you stated that it appears that it will not be necessary to republish the Notice of Hearing on this matter because it was advertised for 1.88 cfs. Rather, the recommendation will probably be for 1.33 cfs, which is the rate at which the well is flowing at this time, at least based upon the best information we have.

If you have any further questions, please feel free to call.

Very truly yours,

Kenneth E. Barker

KEB/bl

cc: Dale Knutson
Greg Bryant

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN
MICHAEL W. DAY
KENNETH E. BARKER
ROBERT L. MORRIS
BRADLEY A. SCHREIBER

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

December 13, 1990

Mr. Eric Gronlund
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096A-1
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Eric:

Enclosed please find two copies of the Application for the correction in Water Right No. 1096A-1.

If you have any questions, please feel free to call.

Very truly yours,

Kenneth E. Barker

Kenneth E. Barker

KEB/pl

Enclosures





DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 17, 1990

Ken Barker
Quinn, Day & Barker
117 5th Avenue
P.O. Box 370
Belle Fourche, SD 57717-0370

Dear Mr. Barker:

This letter is in regards to the recent application submitted on behalf of the Butte-Meade Sanitary Water District to increase the diversion rate for the irrigation of 216 acres. The application filing fee for this application is \$150.

I am presuming that the legal description of the 216 irrigated acres is the same as the acres covered by Water Right No. 1096-1. Also, since this is for the irrigation segment of the permit, I believe the annual period during which water is to be used should be April 1 - September 30. Finally, I assume that the increase in the diversion rate is only from the storage dam and not from flowing Madison well. I have enclosed a copy of the application amended to clarify the intent of the application. Please let me know if you concur with these changes.

Please remit the \$150 filing fee and we will then proceed with processing this application. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure

QUINN, DAY & BARKER

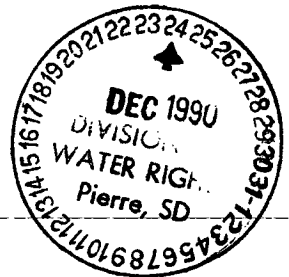
ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743



TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

BRADLEY A. SCHREIBER

December 19, 1990

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. Eric Gronlund
Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1096-1
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Eric:

This is in response to your letter of December 17, 1990 regarding changes in Water Right No. 1096-1. To confirm, the annual period during which the water will be used for irrigation purposes should be April 1 through September 30. Secondly, the increase in the diversion rate is from the storage dam and not from the Madison well.

In short, I concur with the changes that you have made in the permit. Thank you for that information.

Also please find enclosed the \$150 filing fee in the form of a check made payable to the Department of Water and Natural Resources.

Very truly yours,

Kenneth E. Barker

KEB/bl

Enclosure

REPORT ON APPLICATION NO. 1504-1
for Butte-Meade Sanitary
February 19, 1991

This application proposes to appropriate 1.23 cfs to increase the total diversion rate from an existing storage dam which is supplied from an existing flowing well and incidental surface runoff to irrigate 216 acres. Water Right No. 1096-1 authorizes 1.88 cfs to irrigate 216 acres from a 3511 feet deep well located in the SE 1/4 SW 1/4 of section 20 and a dam (9.6 acre feet storage capacity) located in the NW 1/4 NE 1/4 of section 29; all in T9N R3E BHM in Butte County. The irrigated land is located in the S 1/2 SW 1/4 of section 20 and N 1/2, N 1/2 SE 1/4 of section 29, all in T9N R3E. This application would authorize a total diversion of 3.11 cfs from the storage dam for irrigation of 216 acres. This application does not authorize any increase in diversion rate from the existing well.

AQUIFER - MADISON LIMESTONE (MDSN)

The Madison Limestone is a Mississippian age limestone and dolomite which is typically cavernous in the upper part and approximately 600 to 700 feet thick in this area (Peter, 1987). The Madison underlies 1.4 million acres and contains an estimated 57.6 million acre feet of recoverable water in Butte County alone (Allen, 1984). The aquifer is under artesian conditions and does flow at the land surface at this site.

The drillers' completion report for this well indicated 3197 feet of 7 inch casing is cemented in place and the well is completed open hole into the Madison to a reported depth of 3511 feet. The driller estimated a flow of 1000 gpm upon completion of the well.

The Division of Water Rights does not monitor any Madison observation wells in Butte County. There are three Madison monitoring wells in Lawrence County. Records for these are not sufficiently long enough to establish any trends but the record does indicate the Madison does respond to precipitation (recharge) or drought (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Madison permits/rights are Nos. 1481A-1 and 1229-1 for the City of Belle Fourche. These are approximately 4 to 5 miles west of this application. Interference is not expected to be a problem. This is an existing well and has been in use. The diversion rate from the well will not be increased but the well may be in use for longer time periods.

CONCLUSIONS

1. Water is available from the Madison Limestone.

2. Interference is not expected to be a problem.
3. This is a flowing well reportedly discharging 600 gpm. The flow from this well must be controlled and limited to the water needed. Any overflow from the storage dam due to flow from the well should be considered a waste of water.
4. The requested appropriation of 1.23 cfs is to increase the diversion rate from the storage dam only. The total diversion rate from the dam would be 3.11 cfs as specified by Permit No. 1096-1.
5. The well construction data available indicates the well was grouted in a manner consistent with present SD Well Construction Standards.
6. The total water allocated for irrigation purposes is 432 acre feet per year as specified by Permit No. 1096A-1. This water is only available when Butte Meade Sanitary Water District's needs are satisfied.
7. The total water authorized by Permit Nos. 1096A-1 and 1496-1 is 963 acre feet per year. This assumes a 1.33 cfs diversion for the entire year. Irrigation use would come out of this total authorization.
8. The first 648 acre feet of appropriation bears a priority date of April 16, 1976 (Right No. 1096-1) but only a portion [481.5 acre feet per year (1.33 cfs for RWS)] was transferred by the amended Permit No. 1096A-1. The remaining .55 cfs appropriated by No. 1096-1 was not transferred by No. 1096A-1 and there is some question about what happened to that water (166.5 acre feet). Permit No. 1496-1 appropriated 481.5 acre feet per year for the off irrigation season and bears a priority date of June 20, 1990.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, , SD DWNr, SDGS, Vermillion, SD, 57069.
- Peter, K.D., 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, SD

and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158,
USGS, Rapid City, SD, 57701.

Water Rights, 1991, Madison Observation Well Records for the Black
Hills Area, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1504-1, Butte-Meade Sanitary Water District

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. 1504-1, Butte-Meade Sanitary Water District, PO Box 5, Newell SD.

The Chief Engineer is recommending APPROVAL of Application No. 1504-1 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. Overflow from the 9.6 acre-feet storage capacity dam shall be kept to a minimum.
2. Approval of Permit No. 1504-1 authorizes maximum diversion from the dam for irrigation of 3.11 cfs. Authorized maximum diversion from the well is 1.33 cfs.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 20, 1991



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 NEWSPAPERS RIGHT AWAY.

March 21, 1991

Kenneth E. Barker
Quinn, Day & Barker
PO Box 370
Belle Fourche, SD 57717-0370

Dear Mr. Barker:

Water Permit Application No.1504-1 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 Publishers of the Daily Belle Fourche Post and Meade County Times-Tribune printed at Belle Fourche, SD and 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have 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 newspapers have 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

March 21, 1991

Meade County Times-Tribune
Box 69
Sturgis, SD 57785

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1504-1 to be published twice. Please publish the first notice on March 27, 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 Butte-Meade Sanitary Water District, PO Box 5, Newell, SD 57760.

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

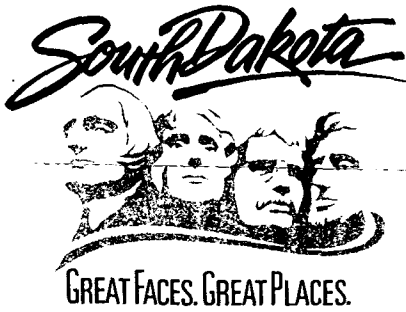
No. _____

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 21, 1991

Daily Belle Fourche Post
Box 400
Belle Fourche, SD 57717

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1504-1 to be published twice. Please publish the first notice on March 27, 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 Butte-Meade Sanitary Water District, PO Box 5, Newell, SD 57760.

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.

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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 March 27, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1504-1 to Appropriate Water

Notice is given that the Butte-Meade Sanitary Water District, PO Box 5, Newell, SD 57760 has filed an application for a water permit to appropriate 1.23 cubic feet of water per second (cfs) to increase the total diversion rate from one existing storage dam supplied with water from an existing flowing Madison Formation well and incidental surface runoff to irrigate 216 acres. Water Right No. 1096-1 appropriates 1.88 cfs to irrigate 216 acres from one existing flowing well, 3511 feet deep, located in the SE 1/4 SW 1/4 Section 20 and a dam (9.6 acre-feet storage capacity) located in the NW 1/4 NE 1/4 Section 29; all in T9N-R3E. The irrigated land is located in the S 1/2 SW 1/4 Section 20, N 1/2, N 1/2 SE 1/4 Section 29 T9N-R3E. This application, if approved, would authorize 1.23 cfs additional diversion rate from the dam to authorize a total combined diversion rate of 3.11 cfs to irrigate the 216 acres. This application does not authorize any increase in the diversion rate from the existing well and use of the water for irrigation is to be limited to overflow to the dam from the well.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1504-1 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 April 22, 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.

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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.

1. Rhonda Schultz

certify that the attached printed Notice
from the Daily Post

A newspaper which during the whole time of
said notice herein after stated, has been and
published in the

State of South Dakota

County of Butte and State of S
that the said notice was published in said new:
following two dates:

March 28

April 4

Rhonda Sch
(Signature)

Bookkeeper
(Title)

3-28-91
(Date Signed)

Cost of Printing: 68.56

5-88

NOTICE OF HEARING
on Application No. 1504-1
to Appropriate Water

Notice is given that the Butte-Meads Sanitary Water District, PO Box 5, Newell, SD 57760 has filed an application for a water permit to appropriate 1.23 cubic feet of water per second (cfs) to increase the total diversion rate from one existing storage dam supplied with water from an existing flowing Madison Formation well and incidental surface runoff to irrigate 216 acres. Water Right No. 1096-1 appropriates 1.88 cfs to irrigate 216 acres from one existing flowing well, 3511 feet deep, located in the SE1/4 SW1/4 Section 20 and a dam (9.6 acre-foot storage capacity) located in the NW1/4 NE1/4 Section 29; all in T9N-R3E. The irrigated land is located in the S1/2 SW1/4 Section 20, N1/2, N1/2 SE1/4 Section 29 T9N-R3E. This application, if approved, would authorize 1.23 cfs additional diversion rate from the dam to authorize a total combined diversion rate of 3.11 cfs to irrigate the 216 acres. This application does not authorize any increase in the diversion rate from the existing well and use of the water for irrigation is to be limited to overflow to the dam from the well.

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2/3/28-4/4

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County MEADE) ss.



I, Sharon Allison
 certify that the attached printed Notice was taken
 from the Meade County Times

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

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

March 27 1991

April 3 1991

Sharon Allison
 (Signature)

Billing Clerk
 (Title)

April 3 1991
 (Date Signed)

Cost of Printing: 6880

Water rights

Department of Water
 & Natural Resources
 Joe Foss Building
 523 East Capitol
 Pierre, South Dakota 57501

NOTICE OF HEARING
On Application No 1504-1
to Appropriate Water

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Publ. March 27, and
April 3, 1991
Meade County Times Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 20 1992

Kenneth E Barker
Butte-Meade Sanitary Water District
PO Box 5
Newell, SD 57760

Dear Mr. Barker:

Enclosed is Water Permit No. 1504-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

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

enclosures

Water Rights Program -- File Documentation

NAME: Butte-Meade Sanitary Water District c/o Dale Knutson, Manager

ADDRESS: PO Box 5, Newell SD 57760

DATE: October 10, 1997 **COUNTY:** Butte **TELEPHONE:** (605) 456-2288

RE: Status of Water Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1

COMMENTS:

On August 12, 1997 I spoke with Dale Knutson concerning the status of Water Right Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1. Mr. Knutson indicated that the flow rate from the well is 550 to 600 gpm when not being diverted into the system. Currently, the flow the water system is approximately 400 gpm with overflow going to the dam. According to Mr. Knutson, there is the possibility that more than 400 gpm will be diverted as system use grows. The time period to place water to beneficial use expires on October 3, 1999 as specified on Permit Nos. 1096A-1 and 1496-1. Mr. Knutson would like to wait with licensing of the permits since the diversion rate may increase to meet future demands on the system.

The irrigated acreage has been split between owners as follows:

Floyd E and Merel Wennberg

SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec 29

Lyndon S and Jane E Kok

SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec 29

The center pivots observed by Leroy Mernaugh, former staff engineer, during his investigation completed on October 10, 1984 are no longer in place. Mr. and Mrs. Wennberg were not available to discuss their portion of the permitted acreage and Lyndon Kok was out of town according to Tim Martin. Mr. Martin was at the site with a spade diverting water from a recently dug ditch. The ditch extended from near the flowing well through an alfalfa field. According to Mr. Martin, Lyndon Kok was experimenting using gravity flow via ditch to do some irrigating. I informed Mr. Martin that a portion of the area that the ditch could irrigate is outside of the permitted acreage and would need to be included on the permit if the ditch was to remain in place. The ditch amounted to furrow that you could create using a plowshare.

RECOMMENDED ACTION:

Based on comments by Mr. Knutson, licensing of the permits for rural water use should wait until the time period to place water to beneficial use expires in October 1999. If the changes made to the irrigation system remain in place, then a change in location of irrigated acreage will be needed.



Ron Duvall, Natural Resources Engineer
Water Rights Program