

Considered: _____

WATER PERMIT NO. 1520-1

Phone: 892-2361

Name of Applicant: Jeral and Dianne Shear

Post Office Address: HCR 30, Box 151, Belle Fourche, SD 57717

Amount of Water Claimed: 0.23 cfs Total Acres: 16

Source of Water Supply: Groundwater

Water to be used for: irrigation County: Butte

About 4 miles s of Belle Fourche

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4/26/88 Fee: \$150 Remarks _____

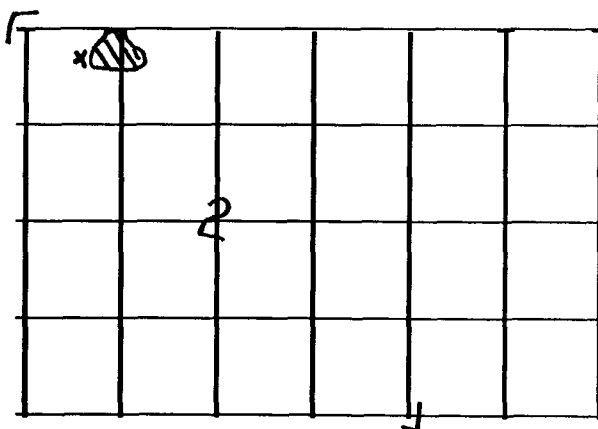
Corrected Application Received 3/21/91 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 4/29/91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW1/4 NW1/4 Section 2, T7N, R2E

Land to be Irrigated: N1/2 NW1/4 Section 2, T7N, R2E



Well Log: Driller: Graf Licensed YES X NO _____

Depth of Well: 1465 REMARKS _____

Type of Map: Topo PREPARED BY: Tom Verhelst Reviewed and the Number

Assigned on 5/9/91 By Eric Gronlund

**SOUTH DAKOTA
WATER PERMIT No. 1520-1 FOR IRRIGATION**

Date of first receipt of application April 26, 1988.

Date Soil/Water Compatibility Permit received April 29, 1991.

Date of return to applicant for corrections, amendments or changes April 27, 1988.

Date of receipt of corrected application March 21, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1520-1 to Jeral or Dianne Shear, HCR 30, Box 151, Belle Fourche SD 57717 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. 1520-1 appropriates 0.23 cubic feet of water per second from one well (Minnelusa Formation) 1465 feet deep located in the NW 1/4 NW 1/4 Section 2-T7N-R2E for domestic use and for irrigation of 16 acres. The irrigated acreage is to be located in the N 1/2 NW 1/4 Section 2-T7N-R2E.
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: January 1 - December 31 for domestic use and June 1 - September 30 for irrigation purposes.
3. The date from which applicant may claim right is March 21, 1991.
4. The date of approval of Permit No. 1520-1 is July 24, 1991.
5. One-fifth of the construction is to be completed on or before January 24, 1994.
6. All construction is to be completed on or before July 24, 1996.
7. Water is to be put to beneficial use on or before July 24, 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. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. 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 Environment and Natural Resources

SEP 18 1991

date

(See instructions)

No. 1520-1 Hydrologic Unit
Basin Belle Fourche River
Newspaper Belle Fourche Daily
Box 400 57717

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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 Jeral or Dianne Shear Phone No. 892-2361
HC 30 Box 151
Post Office Address Belle Fourche State SD 57717
(Street, RR or Box) XXXXXX 0.23 cfs (City) Zip Code
- Amount of water claimed (c.f.s) 6.4 B.P.M. Total acres irrigated Approx 40 16
- Source of Water supply 1 well
- Location of point of diversion At Well - 350' South and 700' East of the North-
West corner of Sec 2, T1N-R2E (NW 1/4 NW 1/4)
County Butte
- Counties where water will be used Butte
- Annual period during which water is to be used Jan 1 - Dec 31 (Domestic) / June 1 - Sept 30 (Irrigation)
- 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>NW 1/4 NW 1/4 Sec 2</u>	
<u>Twp 7 R 2</u>	
<u>NW 1/4, NW 1/4 Sec 2, T1N-R2E</u>	<u>9</u>
<u>NE 1/4, NW 1/4 Sec 2, T1N-R2E</u>	<u>7</u>

Land Description	No. Acres Irr.
<u>NE 1/4 NW 1/4 Sec 2</u>	
<u>Twp 7 R 2</u>	

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: X Other: _____ (Specify) _____
- Crops to be Irrigated: Grassland - Irrigated Pasture
- Give a description of proposed project. (Attach sheet if more space is needed)

The well is to supply a house, livestock, one large dam to raise trout, irrigation, domestic, recreational uses.

Existing well supplies water for domestic and livestock use. Water from well is also used to provide ~~perma~~ dependable water for a trout pond. I would also like to irrigate a 16 acre meadow using two portable big gun sprinklers.

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

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

I, Jeral V. Shear, 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 Jeral V. Shear
Subscribed and sworn to before me this 11th day of March 19 91
Carrie Markeson
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 7 7/8 Depth 1397
- b) Casing Type 17 lbs Per Ft Diameter 5 1/2 Thickness 1/4 in
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1390
- f) Depth to Water (ground surface to water level) Flow
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 2700 Ft

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

UNKNOWN

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

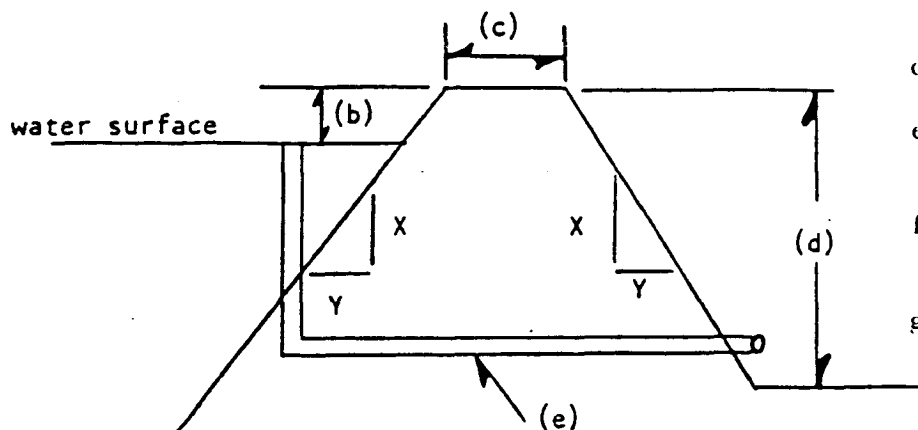
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Hwy 85

NORTH

Well
over Flow

Well

Targeted
Land

Section
marker

Ditch

center of
sec 3



Esther Olson
Program Assistant
3-18-91

App. No. 1520-1

(REDWATER 1:62 500)

103°52'30"
44°37'30"

BUFFALO 77 MI.
BELLE FOURCHE 3.3 MI.

50' R 2 E

2.3.4

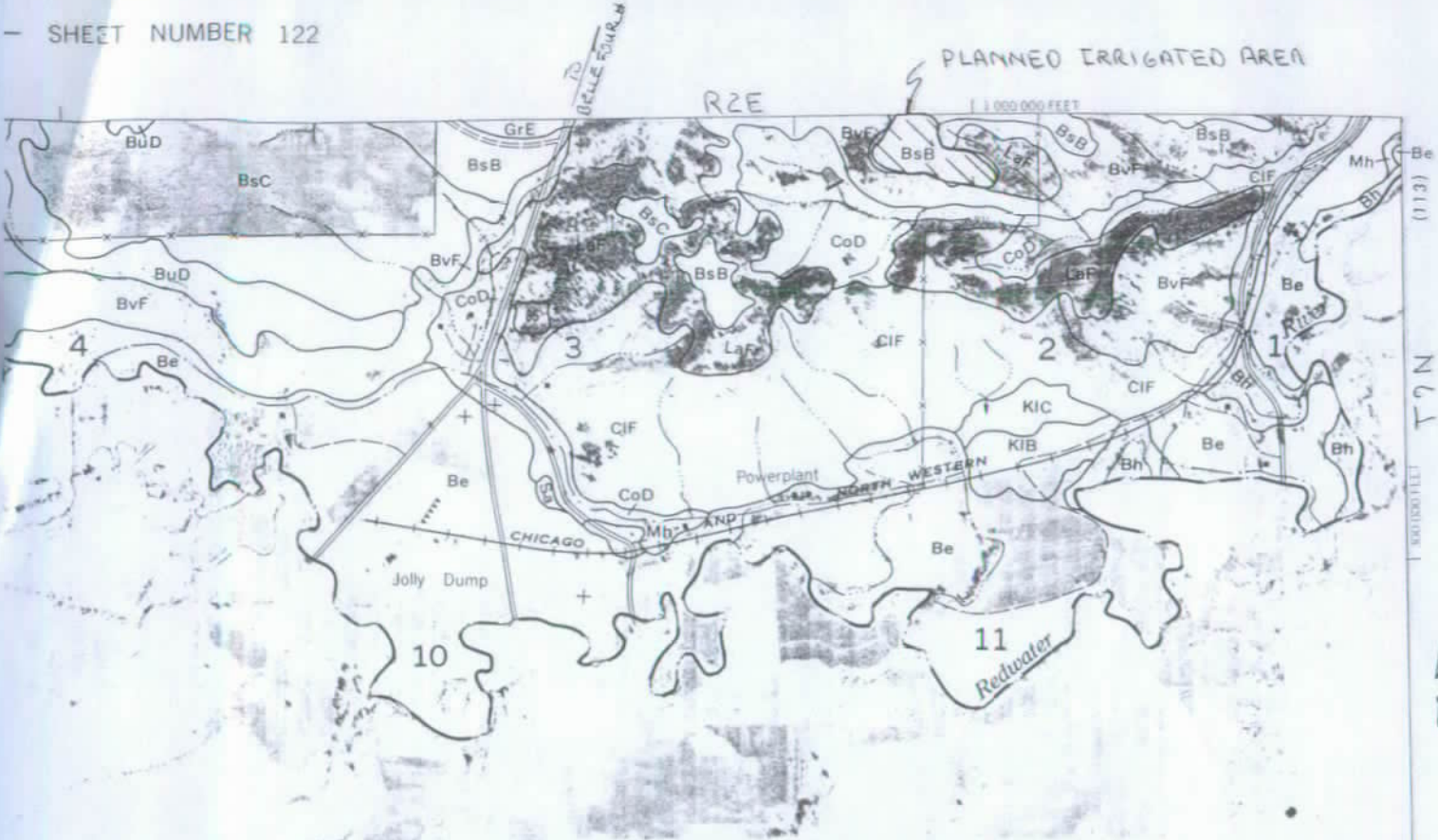


T. B. N.

T 7 N



MAP PREPARED BY:
THOMAS D. VER HELST
SCS, BELLE FOURCHE
Thomas D. Ver Helst



Boneek silt loam, 2 to 6 percent slopes (BsB).—
This soil is on high terraces and uplands. Areas are irregular in shape and range from 10 to 800 acres in size. This soil has the profile described as representative of the series.

Included with this soil in mapping are areas of soils that are similar to this Boneek soil, but depth to carbonates is less than 10 inches. Also included are areas of soils that are similar to this Boneek soil, but are less than 40 inches deep over bedrock.

This soil has medium fertility. It has moderate available water capacity. Runoff is medium. Some risk of erosion occurs in cultivated areas.

Winter wheat, barley, oats, and alfalfa are the main crops in cultivated areas. Other areas are in native grass and are used for grazing. Control of erosion is the main concern in management. Silty range site; capability unit IIIe-1; windbreak group 3.

Boneek silt loam, 6 to 9 percent slopes (BsC).—
This soil is on high terraces and uplands. Areas range from 10 to 100 acres in size.

Included with this soil in mapping are areas of soils similar to this Boneek soil, but depth to lime is less than 10 inches. Also included are areas of soils that are less than 40 inches deep over bedrock.

This Boneek soil has medium fertility. Available water capacity is moderate. Runoff is medium. Cultivated areas are susceptible to erosion.

Many areas are in native grass and are used for range. Small grain and alfalfa are the main crops. Control of erosion is the main concern in management. Silty range site; capability unit IVe-1; windbreak group 3.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412580

Pierre, _____ March 12, 19 91

RECEIVED OF Jeral or Dianne Shear, HCR 30 Box 151, Belle Fourche, SD 57717

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

Fee for Application for Permit No. <u>1520-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John Hatzel
(Signature)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

1520-1

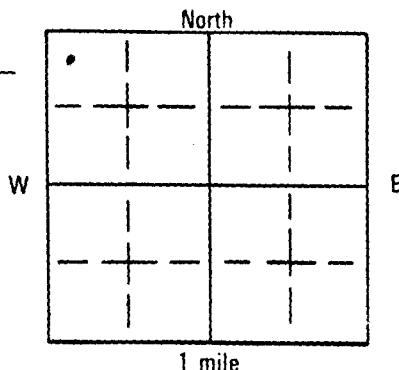
10-85

Location NW 1/4 NW 1/4 Sec 2 Twp 7 Rg 2

County

BUTTE

Please mark well location with an "X"

Well Completion Date 3-9-87

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>24</u> LB/FT	<u>8 7/8</u> IN	<u>0</u> FT	<u>110</u> FT	<u>12 1/4</u> IN
<u>17</u> LB/FT	<u>5 1/2</u> IN	<u>0</u> FT	<u>1397</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 1397 FEETWhat is grouting material? #2 CementIf cement, number of sacks? 200Describe grouting procedure 54' water 1 sk270 Gall Float shoe andHalliburton Cement PlugWhat was grout weight? No scales LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material Bottom Drilled out openSlot Size Hole 4 1/2" Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain 191 Clove 2000 4/1/87Bacteriological analysis ☒ YES ☐ NOLaboratory sent to Davis

Well Owner:

Name

Jerald Shear

Address

Belle Fourche

Well Log:

840 Fairview

Depth

57977

Formation

From

To

Yellow sand rich gray	0	50
Gray yellow Mamm Limestone	50	70
Yellow sand	70	85
Dark - light Gray	85	130
Gray siltstone	130	220
Gray shale siltstone	220	390
Red Pink	390	425
White Gray clay siltstone	425	585
Red Bed Sp. fish	585	1290
Limestone	1290	1325
Opalite	1325	1380
White Gray Blue	1380	1390
White sand	1390	1465

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 5 PSIGPM flow 150 through _____ inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

producing fine sand when open flowThis well was drilled under license # 327

And this report is true and accurate.

Drilling firm

GRT Drilling

Signature of License Representative:

Joe E. G. ref

Signature of Well Owner:

Jerald Shear

Date

3/9/87

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4607

WR#

OWNERS NAME: SHEAR, JERAL or DIANNE

OWNERS ADDRESS: HCR 30, BOX 151

BELLE FOURCHE, SD 57717

COUNTY LAND LOCATED IN: BUTTE

PHONE: 892-2361

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NW 1/4 NW 1/4 2-T7N-R2E (350' South & 700' East)

Depth _____

Legal Description	Acres	Legal Description	Acres
NW 1/4 NW 1/4 2-T7N-R2E	9		
NE 1/4 NW 1/4 2-T7N-R2E	7		

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

3. CROPS TO BE IRRIGATED: GRASSLAND - IRRIGATED PASTURE

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0151

7. ADJUSTED (SAR): 0.12

5. SALINITY (EC X 10⁶): 430

8. PERCENT SODIUM 1.57

6. SODIUM (SAR): 0.05

Requirements:

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 and Water Compatibility Permit by the Division, or the Commission.

Director, Division of Conservation

APRIL 20, 1991

Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

April 27, 1988

Jeral V Shear
840 Fairview Drive
Belle Fourche SD 57717

Dear Mr. Shear:

This letter is in to the water permit application submitted on April 26, 1988 for domestic, geothermal, recreational and irrigation purposes. The following information is needed to complete the water permit application:

- 1) I have taken the information which you returned and transferred the information to an application which allows the legal description of the land to be irrigated to be included. Please indicate the legal description of the land to be irrigated in question No. 7 on the enclosed application form. The application specifies that you are intending to irrigate approximately 10 acres. The amount of water that can be claimed to irrigate 10 acres is 64 gpm (1 cubic foot of water per 70 acre area). The amount of water needed to meet your domestic, recreational and geothermal needs should be in addition to the amount of water needed for irrigation use. Please differentiate between the amount of water needed for irrigation purposes and the amount needed for the other uses. The application must also signed and notarized.
- 2) A soils map outlining the land to be irrigated also needs to be submitted as stated on the enclosed instruction sheet. A water sample will also need to be sent to the Water Quality Lab in Brookings SD for purposes of the soil/water compatibility permit application.
- 3) I am also returning your application fee until the amount of water to be claimed is specified. Your letter stated 75 gpm; however, the application was for 150 gpm. The enclosed instruction sheet outlines the fee structure.
- 4) You also stated that the water is to be used in a small series of dams and one larger dam for raising trout. Information regarding the location and sizes of the dams needs to be submitted with the application. Enclosed are several Supplemental Information forms (Form 2A) which include questions regarding dam information (see No. 3). I am also returning the map so that the dams can be located on the map.

April 27, 1988
Jeral V Shear
Page 2

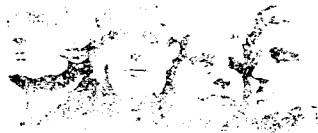
The water permit application can not be processed until all necessary information has been received. Please complete the enclosed application forms and contact me if you have any questions

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 11, 1991

Jeral V Shear
840 Fairview Drive
Belle Fourche SD 57717

Dear Mr. Shear:

On April 27, 1988, you submitted an application (copy enclosed) for a permit to appropriate water. You were notified on April 27, 1988 that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. Currently, a water permit for Jeral V Shear has not been found on file with the Division of Water Rights. If you believe you already have the required water permit, no longer use water or have no plans to develop your proposed project, please inform us.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by submitting the requested information or contacting me by March 15, 1991.

Sincerely,

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure



Dear Sir

Having completed our house and well, we decided not to put in a pool or heat exchanger at this time. The water that I plan to use is about 18 S.P.M. for the one dam, about 10 S.P.M. for the house and about 64 S.P.M. for the irrigation gun.

Jeral V Shear

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

March 14, 1991

Jeral and Dianne Shear
HC 30, Box 151
Belle Fourche SD 57717

Dear Mr. & Mrs. Shear:

In regard to your water permit application received on March 11, 1991, the following information needs to be submitted and/or clarified in order to process your application.

- ① Item No. 2 of the application indicates you will be irrigating approximately 40 acres. On the aerial photo submitted with the application, the irrigated land outlined appears to be only about 10 acres. Where will the other 30 acres be located? The additional acres will have to be outlined on the aerial photo. The land description of each quarter-quarter irrigated and the number of acres irrigated needs to be included in Item No. 7.
- ② On Item No. 4, the location of the point of diversion appears to be in the NW 1/4 NW 1/4 of Section 2-T7N-R2E. Would this be correct?
- ③ The aerial photo must be signed by one of the following: Registered Land Surveyor Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
- ④ A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility Permit.

The water permit application can not be considered until the application is complete and a Soil/Water Permit is obtained from the Department of Agriculture. Upon receipt of the above listed information, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure





DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 21, 1991

Jeral and Dianne Shear
HC 30, Box 151
Belle Fourche SD 57717

Dear Mr. & Mrs. Shear:

We have received your revised water permit application for irrigation of 16 acres. On Item No. 2, you indicated the amount of water claimed to be 0.45 cfs. Under State Statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.23 cfs for the 16 acres you intend to irrigate. We have made this change and will continue processing your application. Please let us know if you disagree with this change.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1520-1, Jeral and Dianne Shear

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1520-1, Jeral and Dianne Shear, HCR 30, Box 151, Belle Fourche, SD 57717.

The Chief Engineer is recommending APPROVAL of Application No. 1520-1 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. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. 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
June 17, 1991

REPORT ON APPLICATION NO. 1520-1
for Jeral and Dianne Shear
June 12, 1991

Application No. 1520-1 proposes to appropriate 0.23 cfs (103 gpm) from one well approximately 1465 feet deep located in the NW 1/4 NW 1/4 of section 2, T7N R2E to irrigate 16 acres located in the N 1/2 NW 1/4 of section 2, T7N R2E in Butte County.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation consists of alternating beds of sandstone, dolomite and limestone with minor amounts of shales. The Minnelusa is approximately 500 feet thick in this area and contains an estimated 43.2 million acre feet of recoverable in Butte County (Allen, 1984). The Minnelusa is under artesian conditions and does flow at the land surface at this site. The driller's report filed with this application indicates the top of the Minnelusa was at 1390 feet below land surface and the well was completed into sand to a depth of 1465 feet below land surface. The report indicates the well is capable of flowing 150 gpm and has a shut in pressure of 5 psi.

The Division of Water Rights monitors an observation well LA-62A (Redwater Well) which is completed into the Minnelusa and is located about 2 miles south of this application. Water levels for this well do fluctuate; however, there is no established trend and the water levels have been relatively constant since monitoring began in 1963 (Water Rights, 1991). Recharge to the Minnelusa occurs from infiltration of rainfall and snowmelt directly on the outcrop and by streamflow losses directly into the formation. Also the potential exists for water to move upward from the Madison Limestone into the Minnelusa. Recharge to the Minnelusa has not been quantified for this area.

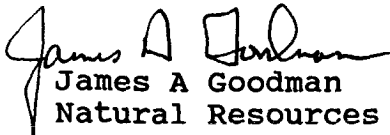
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permit/rights which obtain water from the Minnelusa. The closest existing diversion from the Minnelusa is over two miles away. Interference is not expected to be adverse. Drawdown can be expected to occur resulting from producing Minnelusa wells used primarily for irrigation located to the south in Lawrence County. Because this well has a low shut in pressure a slight change in water levels will require this well to be pumped to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The Minnelusa is under artesian conditions and drawdown due to pumping or allowing wells to flow can be expected. This should not adversely affect the ability of the aquifer to produce water, but may require the installation of a pump.

3. This is a flowing well and must be controlled to prevent the waste of water.
4. This well has been completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Ground Water and Streamflow Data, Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Minnelusa Observation Well Records for the Northern Black Hills, SD DENR, Division of Water Rights, Pierre, SD, 57501.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and 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.**

June 19, 1991

Jeral and Dianne Shear
HCR 30, Box 151
Belle Fourche, SD 57717

Dear Mr. and Ms. Shear:

Water Permit Application No. 1520-1 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 Belle Fourche Daily Post printed at Belle Fourche, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of 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 ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 19, 1991

Belle Fourche Daily Post
Box 400
Belle Fourche, SD 57717

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1520-1 to be published twice. Please publish the first notice on June 25, 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 Jeral and Dianne Shear, HCR 30, Box 151, Belle Fourche, SD 57717.

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 June 25, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1520-1 to Appropriate Water

Notice is given that Jeral and Dianne Shear, HCR 30, Box 151, Belle Fourche, SD 57717 has filed an application for a water permit to appropriate 0.23 cubic feet of water per second from one well (Minnelusa Formation) 1465 feet deep located in the NW1/4 NW1/4 Section 2, T7N, R2E to irrigate 16 acres. The irrigated acreage is to be located in the N1/2 NW1/4 Section 2, T7N, R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1520-1 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 July 12, 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. 1520-1 and 2) the chief engineer's recommendation, a Board meeting is scheduled for July 24, 1991, at 10:00 am in Kneip Room, Governors Inn, 700 W. Sioux Ave., Pierre SD. If this application is opposed or the recommendation is contested, the July 24, 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 July 24, 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 July 12, 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, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Butte) ss.



I, Rhonda Schult

certify that the attached printed Notice was taken
 from the Daily Post

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 Belle Fourche

County of Butte and State of South [D]
 that the said notice was published in said newspaper
 following two dates:

June 25, 1991
July 2, 1991

Rhonda Schult
 (Signature)

Bookkeeper
 (Title)

7-2-91
 (Date Signed)

Cost of Printing: \$58.70

NOTICE OF HEARING on Application No. 1520-1 to Appropriate Water

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2t6/25-7/2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

SEP 18 1991

Jeral or Dianne Shear
HC 30 Box 151
Belle Fourche, SD 57717

Dear Mr. & Mrs. Shear:

Enclosed is Water Permit No. 1520-1 authorizing construction of 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.



1520-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JERAL OR DIANNE SHEAR
HC 30 BOX 151
BELLE FOURCHE SD 57717

NOTICE

RE: Violation of Water Permit No(s) 1520-1

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1520-1. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1520-1 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1520-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

JERAL OR DIANNE SHEAR
HC 30 BOX 151
BELLE FOURCHE SD 57717

5. Signature (Addressee)

Dianne Shear

6. Signature (Agent)

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P837692617

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2/22/94

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1994

1520-1

Jeral or Dianne Shear
HC 30 Box 151
Belle Fourche, SD 57717

Dear Mr. & Mrs. Shear:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. I have completed a questionnaire for you based upon our February 22, 1994 telephone conversation. You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 1520-1.**

The questionnaire was completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

Water Rights Program -- File Documentation

NAME: Jeral & Diane Shear

ADDRESS: HCR 30, Box 151, Belle Fourche SD 57717

DATE: October 14, 1997 **COUNTY:** Butte **TELEPHONE:** 892-2361

RE: Status of Water Right Permit No. 1520-1

COMMENTS:

On August 11, 1997 an on-site investigation of Water Right Permit No. 1520-1 was completed with Jeral and Diane Shear. The well authorized by the permit is in place and water is being used to irrigate a portion of the permitted area, in the home, and overflow is used for stock watering in a small dam. According to Mr. and Mrs. Shear, the well is capable of producing the permitted diversion rate. To date only a portion of the yard area is being irrigated and overflow from the well (approximately 8 gpm) is used to supply the stock dam. Domestic water use was not included in the publication notice but water use in the home and to the stock dam is under 18 gpm so no permit is needed for the domestic use.

Mr. and Mrs. Shear indicated that they would like to irrigate that entire permitted area at some point. I told Mr. and Mrs. Shear that they had until July 24, 2000 to place the entire amount of water to beneficial use and that licensing of the permit could wait until then or until such time as the remainder of the acreage was irrigated. Mr. and Mrs. Shear requested that licensing of the permit be delayed. I informed Mr. and Mrs. Shear that I would send them a Notice of Completion of Works form and a location notice if I could not locate an existing location notice for the stock dam. No mention of the stock dam was made in the notice of hearing. After reviewing our files, I could not find an existing location notice.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 1997

Jeral and Diane Shear
HCR 30, Box 151
Belle Fourche SD 57717

Dear Mr. and Mrs. Shear:

I am writing in response to my on-site investigation of your water permit No. 1520-1 on August 11, 1997. Thank you for taking time to show me your water system.

As we discussed, you wanted to wait with licensing of your permit since you may irrigate the entire meadow area at some point in the future. According to your permit, you have until July 24, 2000 to place all of the water to beneficial use. I am enclosing a notice of completion of works (Form 10) for you to complete and send in after you have developed all of the permitted irrigation area. I am also sending you a Location Notice form for your stock dam. After reviewing our records, I can not find an existing location notice for the stock dam. A completed copy of this form needs to be filed with the county register of deeds and a copy with a \$10.00 filing fee to the water rights program. I have partially-completed the location notice for you based on my measurements of the dam during the day of the investigation.

If you have any questions, please contact me at (605) 773-3352. I will try to assist you in any way possible. Thank you again for taking time to help with the permit investigation.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 1999

1520-1

Jeral & Dianne Shear
HC 30 Box 151
Belle Fourche, SD 57717

Dear Mr. & Mrs. Shear:

Thank you for the prompt return of your 1999 irrigation questionnaires. As I was reviewing them, I noticed that the back side of one of the forms was not filled out.

Enclosed is the questionnaire pertaining to Water Permit No. 1520-1. The land authorized for irrigation under No. 1520-1 is 16 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2, T7N, R2E.

Please complete the form and return it to us by December 1st. A postage paid envelope is enclosed for your convenience in sending it back to us.

Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

Permit No. 1520-1
Belle Fourche River - Water District

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

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

I have this day, November 1, 2004, made a thorough examination of the water use system constructed by Jeral and Dianne Shear of 19261 Shear Rd, Belle Fourche SD 57717 holder of Permit No. 1520-1, bearing the priority of March 21, 1991 authorizing the diversion of 0.23 cu. ft. per second of the waters of Minnelusa Formation for domestic and irrigation purposes, in Butte County.

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

A. Works used to divert the water:

A Minnelusa Formation flowing well

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

Pipeline to risers/hydrants (see map for location) to connect a big gun. Also overflow from well may gravity flow to a pond

C. Works used to apply water to beneficial use:

A Kifco big gun

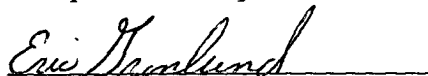
The system is in the following condition excellent. The point of diversion is located approximately 775 feet East and 365 feet south of the NW Corner (NW ¼ NW ¼) Section 2, T7N, R2E (lat/lon N44.60384 W-103.84621). The works are capable of diverting and conveying to the place of use 0.23 cu. ft. per second of water and storing approximately 4.0 acre-feet of water which is to be used for irrigation and domestic uses. Water has been put to beneficial use to the maximum extent as follows:

NW ¼ NW ¼	6 acres	NE ¼ NW ¼	7 acres
------------------	----------------	------------------	----------------

comprising a total of 13 acres of land and the license should be issued for 0.23 cfs and/or 4 acre-feet of storage (diversion for irrigation is 0.13 cfs, however, well is capable of flowing 100 gpm and may be used for domestic purposes at same time as being used for irrigation).

Applicable permit qualifications have been complied with: Yes X (see explanation with field investigation)

Exceptions to compliance are: Date Report Completed: December 10, 2004



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1520-1

DATE OF INVESTIGATION:	November 1, 2004
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jeral and Dianne Shear <u>19261 Shear Rd</u> <u>Belle Fourche SD 57717</u>
NAME & ADDRESS OF PERMIT HOLDER	
DIVERSION POINT LEGAL LOCATION	<u>approximately 775 feet East and 365 feet south of</u> <u>the NW Corner (NW ¼ NW ¼) Section 2, T7N,</u> <u>R2E (lat/lon N44.60384 W-103.84621).</u>

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: Graf Drilling
- 2) No. of Wells 1
- 3) Depth(s) 1465 feet
- 4) Well log is available Yes
- 5) Comment: constructed in 1987

Casing:

- 1) Diameter 8 5/8" & 5 1/2" inches
- 2) Length 0 - 110 & 0 - 1397 feet
- 3) Type Steel

Screen:

- 1) Type Open hole
- 2) Length _____ feet
- 3) Static water level _____ feet

Motor: Not applicable

- 1) Make
- 2) Model No.
- 3) Horsepower rating _____ hp

Pump: well free flows

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity 100 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type plastic
- 2) Size _____ inches
- 3) Length _____ feet

Gun:

Make Kifco Serial 380257 WRT5 Model B210

- 1) Nozzle size 2" inches
- 2) Capacity 60 GPM

- 3) Hose size approx, 2" inches

Based on the Kifco website I could not find a Model B210. Relying on information on capacity provided by Mr. Shear

DAM INFORMATION:

- 1) Height to crest 20 feet
- 2) Height to primary spillway approx. 15 feet
- 3) Height to secondary spillway
- 4) Crest width 12 feet
- 5) Crest length approx. 80 feet
- 3) Spillway length 40 feet
- 4) Spillway width approx. 12 feet
- 5) Approx. storage 4 ac-ft
- 6) Approx. storage to crest 10 ac-ft
- 7) Date constructed:

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

PERMIT QUALIFICATIONS:

Special qualifications to permit being abided by yes
(well is controlled)

- 1) All structures, wells and lands on map yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period irrigation on yard began prior to completion date

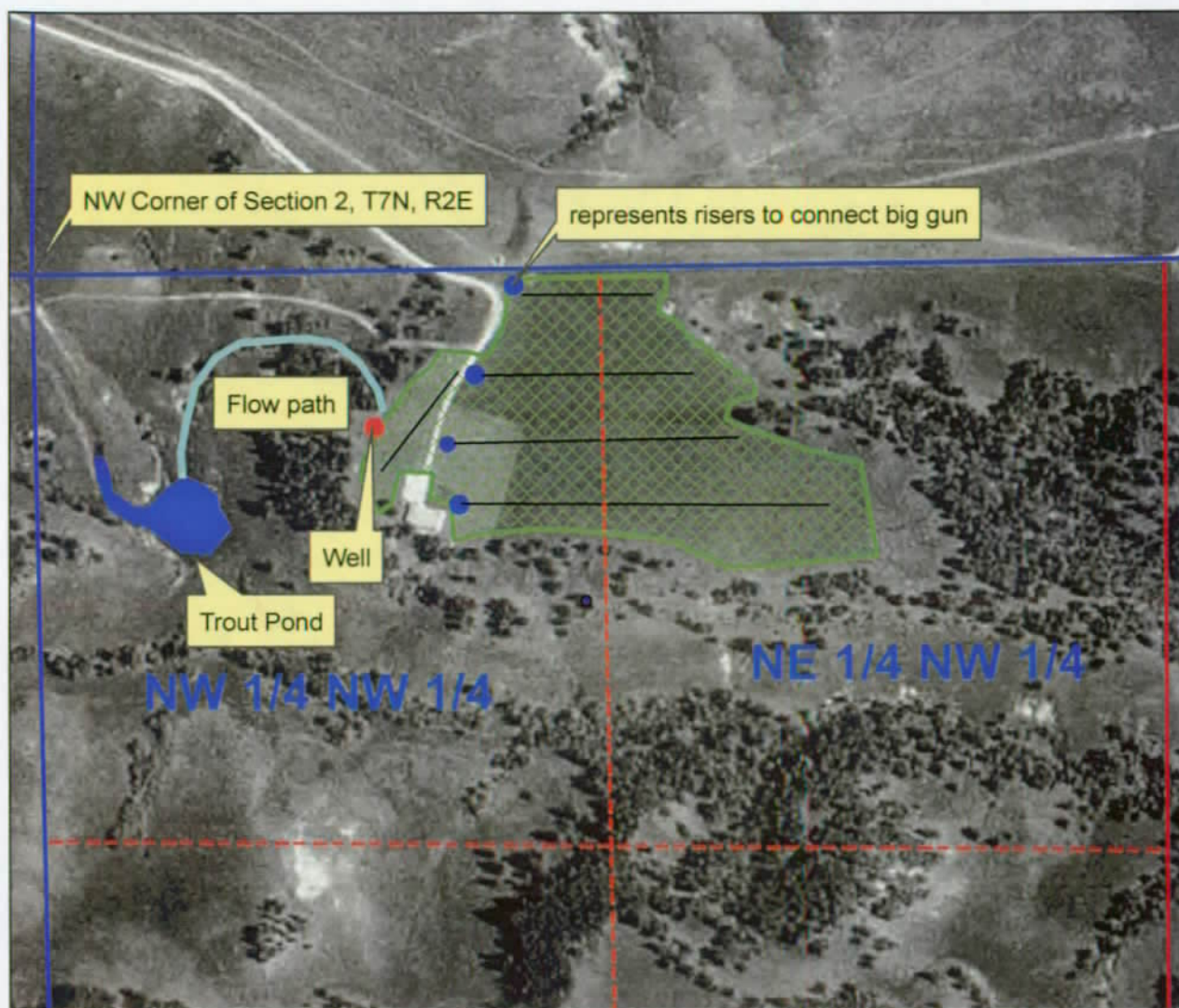
Additional comments to Licensing investigation of Water Permit No. 1520-1

The irrigation of the yard and meadow is conducted using a Kifco big gun capable of producing 60 gallons per minute according to Mr. Shear. The well is capable of flowing at a rate of 100 gpm. I recommend that the water right be licensed for 0.23 cfs (100 gpm). Water can be used up to 60 gpm for irrigation and the remaining 40 gpm production still be used for domestic purposes such as livestock watering, the home or maintaining of the pond.

The 4 acre foot pond was not included on the water permit as issued. However, the existence of the pond was clearly listed on the application when filed. Therefore, I believe it should be included on the license. The pond is on a dry draw and is of a small size that would be a domestic use of water and domestic use was listed on the public notice and permit.

Finally, the irrigation questionnaire database indicated works were not completed in 1997. The time to complete works is July 24, 1996. I looked at the actual 1997 irrigation questionnaire which indicates they did irrigate the yard area. I believe this qualifies as completing construction by 1996 (the well was drilled in 1987) and that the permit provides for the time to put water to beneficial use as July 2000.

Water Permit No. 1520-1, Jeral and Dianne Shear



0 250 500 1,000 1,500 2,000 Feet



Well is located approximately 775 feet east and 365 feet south of the NW Corner of Section 2, T7N, R2E (NW 1/4 NW 1/4)
Lat/Lon N44.60384 W-103.84621



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
Licensing investigation - November 1, 2004

Water Permit No. 1520-1, Jeral & Dianne Shear



Well near Home place



Trout Pond below house (dam is in the background) – the dam was drawn down in order to fish kill so that Mr. Shear could restock the pond.



December 20, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1520-1

Jeral and Diane Shear
19261 Shear Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Shear:

On November 1, 2004 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1520-1, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 6, 20 05

RECEIVED OF Jeral Shear, 19261 Shear Road, Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1520-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

0000007

By

Darland Eide
Chief Engineer
gm

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1520-1

(1) Jeral and Dianne Shear, 19261 Shear Rd, Belle Fourche SD 57717 made Application No. 1520-1, April 26, 1988 for a water permit to divert 0.23 cubic feet of water per second from groundwater (one well), Butte County, South Dakota for irrigation and domestic purposes. Permit No. 1520-1, with a priority date of March 21, 1991 was approved July 24, 1991 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 24, 1996 and for the application to beneficial use of water on or before July 24, 2000.

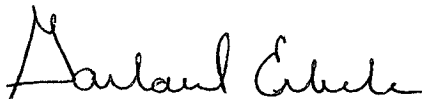
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 1520-1 is issued a license, bearing a priority date of March 21, 1991 to appropriate 0.23 cubic feet of water per second from groundwater (one well) to irrigate 13 acres and for domestic use (4.0 acre-feet storage dam).

The diversion point is located: 775 feet east and 365 feet south of the northwest corner (NW ¼ NW ¼) Section 2-T7N-R2E. The acres authorized for irrigation are as follows:

Section 2-T7N-R2E	NW ¼ NW ¼	6 acres
	NE ¼ NW ¼	<u>7 acres</u>
		13 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1520-1 including the following now applicable qualifications:

- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAR 25 2005

date





1520-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 25 2005

1658-1
1520-1

Jeral & Dianne Shear
19261 Shear Rd
Belle Fourche SD 57717

Dear Mr. & Ms. Shear:

Enclosed are Water License Nos. 1520-1 & 1658-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 001543 & 001607 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

NOTE: The applicable portions of No. 1652-1 are incorporated into Water License No. 1658-1

enclosures



1520-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JERAL OR DIANNE SHEAR, 19261 SHEAR RD, BELLE FOURCHE, SD 57717
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1520-1 & 1658-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1520-1 & 1658-1 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1520-1 & 1658-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1520-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2012

1520-1
1658-1

Jeral or Dianne Shear
19261 Shear Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Shear:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 1520-1 and 1658-1. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1520-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: JERAL OR DIANNE SHEAR, 19261 SHEAR RD, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1520-1 & 1658-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1520-1 & 1658-1 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

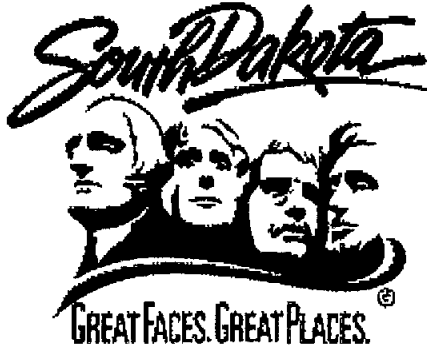
1. Suspend or cancel Permit No(s) 1520-1 & 1658-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1520-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2014

1520-1
1658-1

Jeral Shear
19261 Shear Rd
Belle Fourche SD 57717

Dear Mr. Shear:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 1520-1 and 1658-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



1520-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JERAL OR DIANNE SHEAR, 19261 SHEAR RD, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1520-1 & 1658-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1520-1 & 1658-1 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1520-1 & 1658-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1520-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

1520-1
1658-1

Jeral or Dianne Shear
19261 Shear Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Shear:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 1520-1 and 1658-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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