

WATER PERMIT NO. 1574-1

Phone: 456-2760

Name of Applicant: Darrel Cox

Post Office Address: RR 1, Box 14, Vale SD 57780

Amount of Water Claimed: 0.49 cfs Total Acres: 34 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Butte

About 9 miles SE of Newell

PRIORITY Date Received: 1-14-93 Fee: \$150 Remarks: _____

Corrected Application Received: _____ Period of Annual Use: June 1 - Aug 31

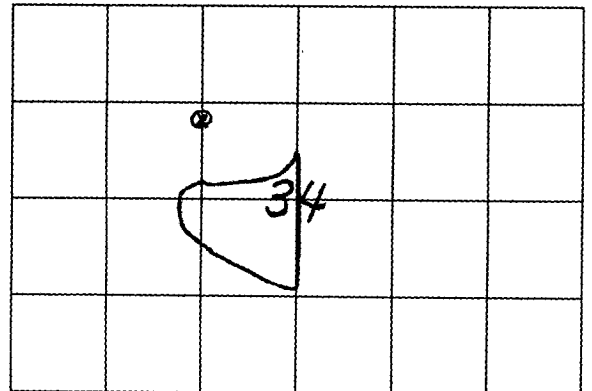
WATER QUALITY APPROVAL RECEIVED: 2-17-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: S 1/2 NW 1/4 Sec 34-T8N-R7E

Land to be Irrigated: N 1/2 SW 1/4 & S 1/2 NW 1/4

Sec 34-T8N-R7E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: soils map PREPARED BY: Thomas D. VerHelst, SCS Reviewed and the Number

Assigned on: 2-17-93 By: Karen Schlaak

SOUTH DAKOTA
WATER PERMIT NO. 1574-1 FOR IRRIGATION

Date of first receipt of application January 14, 1993.

Date Soil/Water Compatibility Permit received February 17, 1993.

The Water Management Board approved Water Permit Application No. 1574-1 on May 5, 1993 for Darrel Cox, RR 1, Box 14, Vale SD 57780 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. 1574-1 appropriates 0.49 cubic feet of water per second from the Belle Fourche River located in the S 1/2 NW 1/4 Section 34 to irrigate 34 acres located in the N 1/2 SW 1/4 and the S 1/2 NW 1/4 Section 34; all in T8N-R7E.
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: June 1 - August 31.
3. The date from which applicant may claim right is January 14, 1993.
4. One-fifth of the construction is to be completed on or before November 5, 1995.
5. All construction is to be completed on or before May 5, 1998.
6. Water is to be put to beneficial use on or before May 5, 2002.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Combination of diversions authorized by the Belle Fourche Irrigation Project and this Permit may not exceed 1.0 cfs per 70 acres.
3. Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

SEP 17 1993

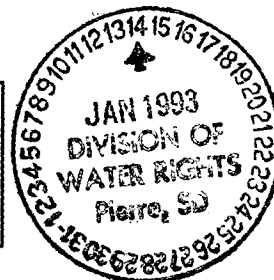
date

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1574-1 Hydrologic Unit 10120202
Basin Belle Fourche
Newspaper Butte Co. Valley Irrigator, Box 67, Newell
(office use only)



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

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

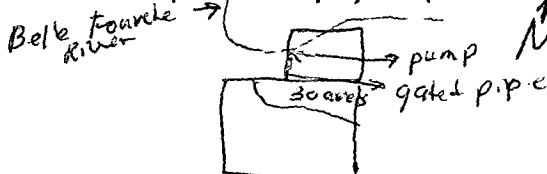
Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

- Name of Applicant Darrel Cox Phone 456-2760
Mailing Address RRI Box 14 Vale State S.D. 57180
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 25.49 *CFS or **GPM ***AF Total Acreage 34
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Belle Fourche River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
see map enclosed 3950' West & 1900' South of the Northeast Corner of
(S1/2 NW1/4) SEC 34, T8N-R7E County Butte
- County or counties where water will be used Butte
- Annual period during which water is to be used June July August June 1 - Aug 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 1/4 SW 1/4 Sec 34</u>	<u>25.6</u>	<u>NE 1/4 SW 1/4 SEC 34 T8N-R7E</u>	<u>25.6</u>
<u>SW 1/4 NE 1/4 SW 1/4 Sec 34</u>	<u>4.3</u>	<u>NW 1/4 SW 1/4 SEC 34 T8N-R7E</u>	<u>4.3</u>
<u>SE 1/4 NW 1/4 SW 1/4 Sec 34</u>	<u>3.6</u>	<u>SE 1/4 NW 1/4 SEC 34 T8N-R7E</u>	<u>3.6</u>
<u>SW 1/4 NW 1/4 SW 1/4 Sec 34</u>	<u>0.5</u>	<u>SW 1/4 NW 1/4 SEC 34 T8N-R7E</u>	<u>0.5</u>

- Type of Irrigation: Gravity: ☒ Towline: ☐ Center Pivot: ☐ Gun: ☐ Other (Specify): Tractor driven Barkley pump into plastic pipe (10")
- Crops to be irrigated: corn & alfalfa
- Give a description of the project. (Attach sheet if more space is needed)



Plan to supplement irrigation on 34 acres by pumping out of Belle Fourche River into 10" dia. gated pipe, also being irrigated through Belle Fourche Irrigation District

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

STATE OF SOUTH DAKOTA

County of Butte ss

I, Darrel Cox, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Darrel Cox

Subscribed and sworn to before me this 28th day of December 19 92

Barbara Swenson
Notary Public

Barbara Swenson
Notary Public

RECEIPT

413590

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 14, 1993

RECEIVED OF Carrel Cox, Cox's Dairy, RR 1 Box 15, Vale, SD 57788

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

Fee for Application for Permit No. <u>1574-1</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	150 00

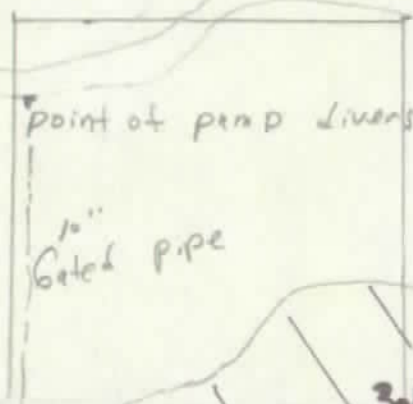
By John Hatch
Chief Engineer



Scale 1" = 660'



Belle Fourche River



point of pump diversion

10"
Gated pipe



34

34.0 acres irrigated with this pump

Butte County Line
Moade County Line

34-8-7

SE 1/4 SW 1/4

W 1/2 SW 1/4

NE 1/4 SW 1/4

SE 1/4 NW 1/4

MAP PREPARED BY:

Daniel Cox



2 Miles
10,000 Feet

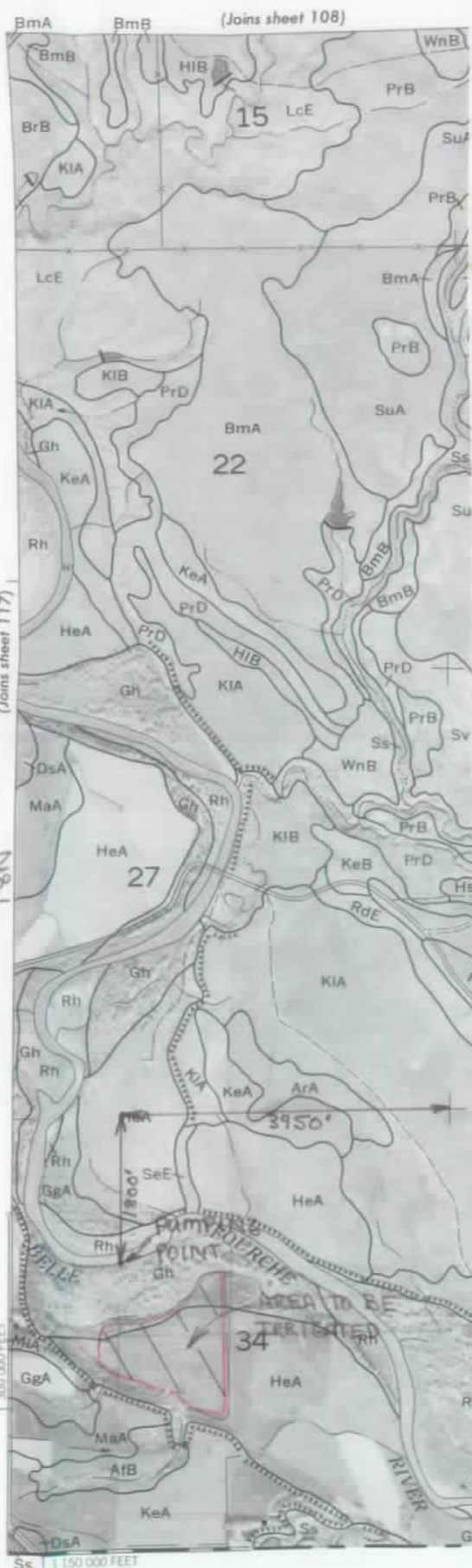
5,000

Scale 1:24,000

0 1,000 2,000 3,000 4,000 5,000
100,000 FEET

(Joins sheet 117)

T8N



Glenberg and Haverson soils (0 to 3 percent slopes) (Gh).—Some areas of this mapping unit are mostly Glenberg soils, some are mainly Haverson soils, and others consist of both soils in proportions that differ from one area to another. Areas are cut by overflow channels and meander scars and consequently have an uneven, very gently undulating surface. The Glenberg soil, commonly on low ridges and mounds, has a profile similar to the one described as representative of the Glenberg series, but in places the surface layer is loamy sand. The Haverson soil, in the smoother areas, has the profile described as representative of the Haverson series. Recently deposited sediment from mining commonly is on the surface in areas adjacent to the channels of Whitewood Creek and the Belle Fourche River below its confluence with Whitewood Creek.

Included with these soils in mapping are areas of Lohmiller soils in some of the meander scars and areas of soils that are more sandy or more gravelly than Glenberg soils.

These soils have low fertility. Available water capacity is moderate or high. Runoff is slow, and most areas are subject to flooding.

Cultivation is impractical in most places because the areas are narrow and are cut by stream channels. Most of the acreage is in native vegetation and is used for range, hay, and wildlife habitat. The native vegetation is tall and mid grasses and scattered native trees and shrubs. Overflow range site; capability unit VIw-3; windbreak group 10.

Haverson loam, 0 to 2 percent slopes (HeA).—This soil is on bottom land and low terraces mainly along the Belle Fourche River. Areas are irregular in shape and range from 5 to 200 acres in size.

Included with this soil in mapping are areas of Glenberg and Lohmiller soils. Also included are small areas of Dix and Mawer soils that have gravel at a depth of less than 40 inches.

This Haverson soil has low fertility. It takes in water readily and has high available water capacity. Runoff is slow. Most areas are seldom flooded.

Many areas are cultivated and are irrigated. The soil is well suited to all crops commonly grown under irrigation in the county. Water management is the main concern in irrigated areas. Conservation of moisture is the main concern in dryland areas. Silty range site; capability units I-3 irrigated and IIIc-2 dryland; windbreak group 1.

MAP PREPARED BY:
Thomas D. Van Helst
Thomas D. Van Helst
SCS, Belle Fourche

Appl No. 1574-1

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4747

WR#

OWNERS NAME: COX, DARREL

OWNERS ADDRESS: RR 1 BOX 14

VALE SD 57780

COUNTY LAND LOCATED IN: BUTTE PHONE: 456-2760

BELLE FOURCHE RIVER

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 3950' WEST & 1800' SOUTH OF THE NORTHEAST CORNER OF 34-T8N-R7E

Depth _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34-T8N-R7E	25.6		
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34-T8N-R7E	4.3		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34-T8N-R7E	3.6		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34-T8N-R7E	0.5		

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

3. CROPS TO BE IRRIGATED: CORN & ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: BELLE FOURCHE RIVER 7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

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.



Russell J. Hone
Director, Division of Conservation

FEBRUARY 16, 1993

Date

X APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

File No. 403-1A

1574-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Darrel Cox

ADDRESS: Vale, SD

COUNTY: Butte

DATE: 2/26/93

TELEPHONE: 456-2760

RE: Change of Diversion Point

COMMENTS: Today, I contacted Mr. Cox to ask him about the comment he had made on his 92 IQ stating he had changed the diversion point for Water Right No. 403-1A from Nine Mile Creek to Belle Fourche River. Mr. Cox said he had received approval from the Department of Ag and he thought that the new application he had with the Division to divert water from the Belle Fourche River was approved. I told him only the WMB or Chief Engineer is authorized to issue a water permit. I also told him he should not be irrigating from the Belle Fourche River until the WMB approves the application. He said the comments he made on his 92 IQ did not have anything to do with his old permit from Nine Mile Creek. He said he uses that water right and he wants to keep it.

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



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

Report on Water Permit Application No. 1574-1
Darrel Cox
February 25, 1993

Background

Water Permit Application No. 1574-1 requests appropriation of 0.49 cubic feet of water per second (cfs) from the Belle Fourche River. The diversion point will be located in the S1/2 NW1/4 Section 34, T8N-R7E, in Butte County. The water will be used to irrigate 34 acres located in the N1/2 SW1/4 and the S1/2 NW1/4 Section 34, T8N-R7E.

Discussion

The 34 acres in the application are presently irrigated by the Belle Fourche Irrigation Project. The applicant requests diversions from the Belle Fourche River as a supplement to the water from the Belle Fourche Reservoir. The combined diversion rate should not exceed the statutory limitation of 1 cfs for irrigation of each 70 acres.

The proposed diversion point is located below return flows from the Belle Fourche Irrigation Project and other irrigation in the area. There are no complaints on file regarding lack of water in the river below the proposed diversion point. However, an on-going rehabilitation program of the Belle Fourche Irrigation Project and consequent conservation measures may reduce return flows to the Belle Fourche River.

The only water user downstream between the proposed diversion point and Butte-Meade County Line is Water Right No. 722-1 for a diversion rate of 2.8 cfs from the Belle Fourche River. The applicant, authorized by Water Right No. 403-1A, irrigates 69 acres in the SW1/4 Section 34, T8N-R7E, using water from the Nine Mile Creek. The diversion point is located in Meade County.

Conclusions and Recommendations

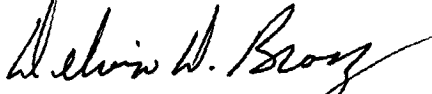
1. Flows in this reach of the Belle Fourche River are mainly dependent on irrigation return flows.
2. The 34 acres will be irrigated from both the Belle Fourche Irrigation Project and the Belle Fourche River. The combined diversion rate should not exceed the statutory limitation of 1 cfs for each 70 acres.
3. Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. If flows in this reach of the Belle Fourche River fall below what is needed, shutoff orders may need to be issued.

4. Due to flow availability and the small proposed diversion rate, no downstream senior water rights will be adversely affected.
5. If Water Permit Application No. 1574-1 is approved, it should be approved with following qualifications:
 - A) Flows must be by-passed for downstream domestic water use and prior water rights.
 - B) The Irrigation Questionnaire must be submitted annually.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



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

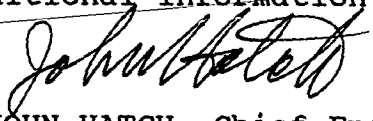
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1574-1, Darrel Cox

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. 1574-1, Darrel Cox, RR 1 Box 14, Vale, SD 57780.

The Chief Engineer is recommending APPROVAL of Application No. 1574-1 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Combination of diversions authorized by the Belle Fourche Irrigation Project and this Permit may not exceed 1.0 cfs per 70 acres.
3. Rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 4, 1993



**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.

March 11, 1993

Darrel Cox
RR 1 Box 14
Vale, SD 57780

Dear Mr. Cox:

Water Permit Application No. 1574-1 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 Butte Co. Valley Irrigator printed at Newell, SD (Ph # 456-2585). 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.



March 11, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Butte Co. Valley Irrigator
Box 67
Newell, SD 57760

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1574-1 to be published twice. Please publish the first notice on March 17, 1993, 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 Darrel Cox, RR 1 Box 14, Vale, SD 57780 (Ph # 456-2760).

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

FIRST TRANSMITTAL NOTICE

-----CUT HERE-----

No. _____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 17, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1574-1 to Appropriate Water

Notice is given that Darrel Cox, RR 1 Box 14, Vale, SD 57780 has filed an application for a water permit to appropriate 0.49 cubic feet of water per second from the Belle Fourche River located in the S 1/2 NW 1/4 Section 34 to irrigate 34 acres located in the N 1/2 SW 1/4 and the S 1/2 NW 1/4 Section 34; all in T8N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1574-1 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.

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 23, 1993. 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.

The Board will consider this application at 10:00 a.m., May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The May 5, 1993, 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 April 23, 1993.

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 Eric Gronlund by April 23, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Butte) ss

I, Faye D. Pate

certify that the attached printed Notice was

taken from the _____

Butte County Valley Irrigator

printed and published in Newell

County of Butte and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

March 17, 1993

March 24, 1993

Cost of Printing: \$2.40

Faye D. Pate
(Signature)

Accountant

(Title)

March 24, 1993

(Date Signed)



NOTICE OF HEARING
on Application No. 1574-1
to Appropriate Water

Notice is given that Darrel Cox, RR 1 Box 14, Vale, SD 57788 has filed an application for a water permit to appropriate 0.49 cubic feet of water per second from the Belle Fourche River located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34 to irrigate 34 acres located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 34, all in T8N-R7E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1574-1 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.

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 23, 1993. 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

Cont. on page 10...

Cont. from Page 9.

supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Board will consider this application at 10:00 a.m., May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The May 5, 1993, 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 April 23, 1993.

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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, 46-2A-20, 46-2A-21; 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Published Wed., March 17, 1993
and Wed., March 24, 1993
Butte Co. Valley Irrigator
Newell, South Dakota 57780



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Darrel Cox
RR 1 Box 14
Vale, SD 57780

Dear Mr. Cox:

Enclosed is Water Permit No. 1574-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 1999

1574-1

Darrel Cox
RR 1, Box 14
Vale, SD 57780

Dear Mr. Cox:

The investigation of your water use system was conducted on July 22, 1999, by Mark Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1574-1. Your final water right document, the Water License, can now be issued.

Statutes require 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 begin processing your Water License.

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

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416258

Pierre, _____ November 17, 19 99

RECEIVED OF Darrel Cox, RR 1, Box 14, Vale, SD 57788
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 1574-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Col. Hatch 

REPORT ON INSPECTION OF PERMIT NO. 1574-1

DATE OF INSPECTION: July 22, 1999

Contact Person & Address: Darrel Cox, RR 1 Box 14, Vale SD

DIVERSION POINT LEGAL LOCATION: located from the NW corner of Section 34

T8N-R7E: 1830 feet south and 1320 feet east Longitude: -103.26034 Latitude: 44.61337

WATER SUPPLY Source: surface water, Belle Fourche River

Pump\ Motor:

- | | |
|-----------------------------------|-----------------------------------|
| 1) Pump Make <u>Berkley</u> | 2) Pump Model <u>B60844</u> |
| 3) Capacity <u>225</u> GPM | 4) Motor Make <u>John Deere</u> |
| 5) Motor Model No. <u>JD 4000</u> | 6) Horsepower rating <u>95</u> hp |

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum 2) Size 10 inches 3) Length 1500 feet

SYSTEM TYPE:

Gated Pipe:

- 1) Length 1500 feet 2) Diameter of pipe 10 inches

CHEMIGATION:

- 1) Does chemigate no

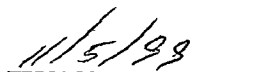
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

COMMENTS: The irrigator is having problems with bank erosion along the Belle Fourche River at the pump site.



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program



Date

Permit No. 1574-1
Belle Fourche River - Water District

Report Of Examination Of Works

On, July 22, 1999, I made a thorough examination of the water use system constructed by Darrel Cox of RR1 Box 14, Vale SD 57780 holder of Permit No. 1574-1, bearing the priority of January 14, 1993 authorizing the diversion of 0.49 cu. ft. per second of the waters of surface water (Belle Fourche River) for irrigation purposes, in Butte County.

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

- A. Works used to divert the water:
A Berkley 10 inch pump
- B. Works used to transport water to place of use:
1500 feet of 10 inch aluminum pipe.
- C. Works used to apply water to beneficial use:
Gated Pipe

The system is in the following condition fair. The point of diversion is located from the NW corner of Section 34 T8N-R7E: 1830 feet south and 1320 feet east with a longitude of -103.26034 and a latitude of 44.61337. The works are capable of diverting and conveying to the place of use 0.49 cu. ft. per second of water ~~and/or storing # acre feet of water~~ which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

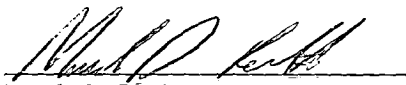
All land locatied in Section 34 T8N-R7E:

SE1/4 NW1/4 - 9 ac SW1/4 NW1/4 - 0.5 ac NW1/4 SW1/4 - 1.5 ac NE1/4 SW1/4 - 23 ac

comprising a total of 34 acres of land and the license should be issued for 0.49 cfs.

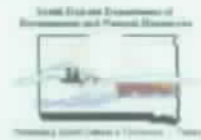
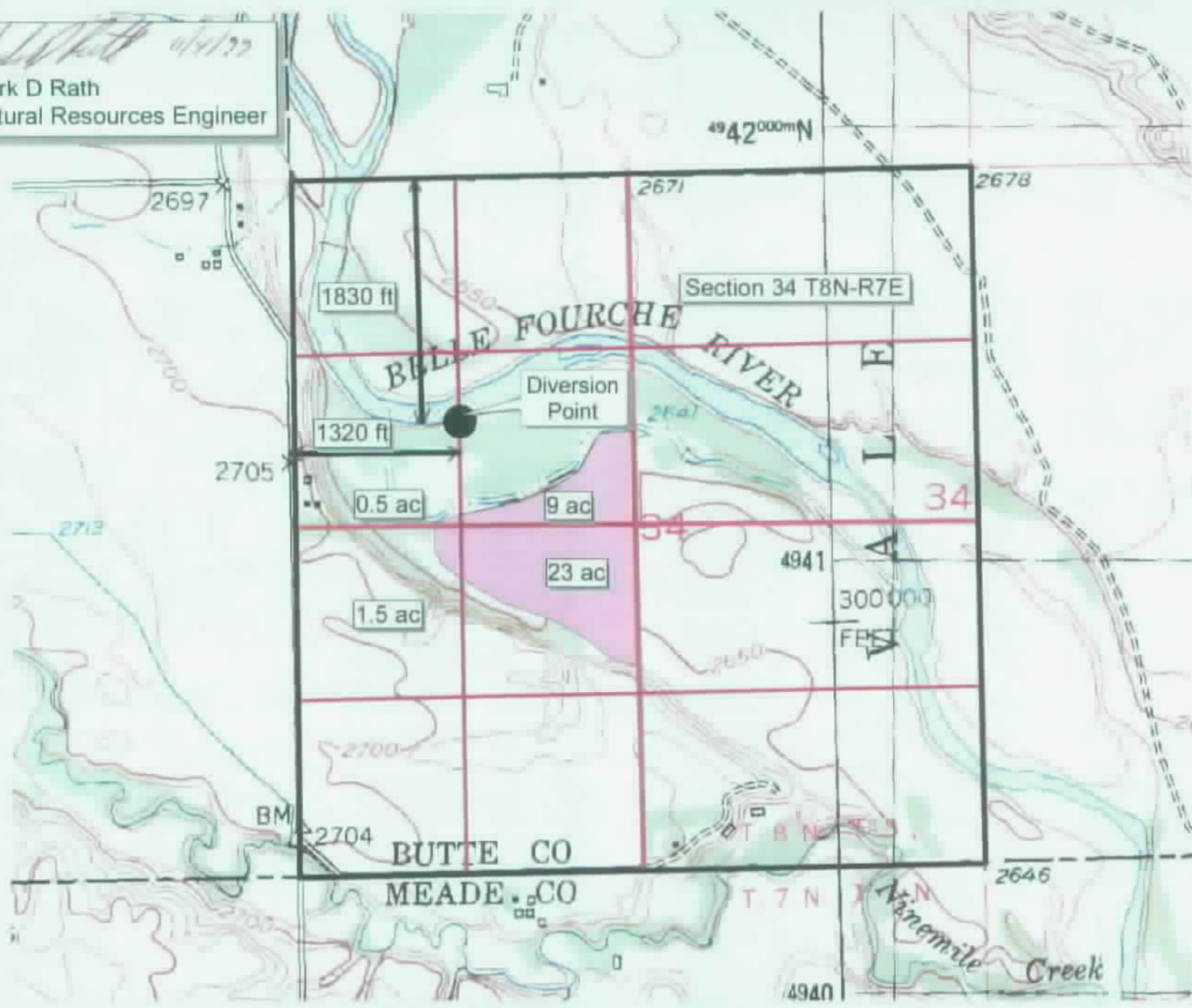
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

11/5/99
Date

M.D. Rath 4/4/77
Mark D Rath
Natural Resources Engineer



No. 1574-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1574-1

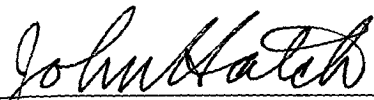
(1) Darrel Cox, RR 1 Box 14, Vale, SD 57788 made Application No. 1574-1, January 14, 1993 for a water permit to divert 0.49 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1574-1, with a priority date of January 14, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 1998 and for the application to beneficial use of said water on or before May 5, 2002.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.49 cubic feet of water per second for beneficial use. The location of the diversion point is 1,830'S and 1,320'E of the NW corner of Section 34, T8N, R7E (S ½ NW ¼)

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

Section 34, T8N, R7E	
SE ¼ NW ¼	9.0 acres
SW ¼ NW ¼	0.5 acre
NW ¼ SW ¼	1.5 acres
NE ¼ SW ¼	23.0 acres
Total	34.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Darrel Cox, RR 1 Box 14, Vale, SD 57788 the holder and/or owner of Water Right No. 1574-1 is issued a license to appropriate water, the right to use 0.49 cubic feet of water per second from the Belle Fourche River with a priority date of January 14, 1993 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1574-1 and subject to South Dakota State Law.


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

DEC 3 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

DEC 3 1999

1574-1

Darrel Cox
RR 1, Box 14
Vale, SD 57788

Dear Mr. Cox:

Enclosed is Water License No. 1574-1 and Receipt No. 416258 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1574-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures