

WATER PERMIT NO. 1577-1

Phone: 919-463-2827

Name of Applicant: Jerry W. Eller

Post Office Address: Rt 4, Box 444-E, Yadkinville NC 27055

Amount of Water Claimed: 0.08 cfs--35 gpm Total Acres: _____

Source of Water Supply: groundwater into storage pond

Water to be used for: livestock, fish & wildlife County: Butte

About 8 miles east of Belle Fourche

PRIORITY Date Received: 3-2-93 Fee: \$50.00 Remarks: _____

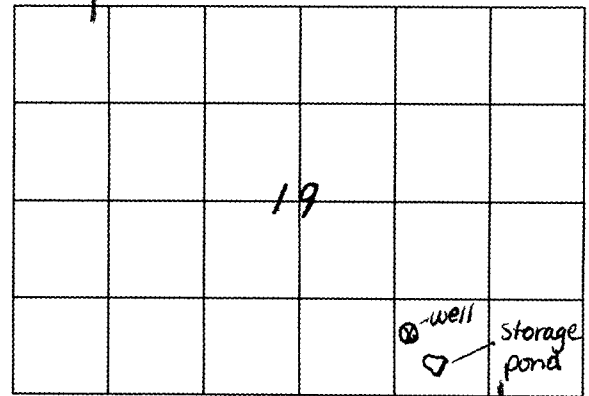
Corrected Application Received: 4-5-93 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 SE 1/4 19-T8N-R4E

Land to be Irrigated: _____



Well Log: Driller: Weston Engineering, Inc. Licensed YES X NO _____

Depth of Well: 998' REMARKS: _____

Type of Map: aerial PREPARED BY: Thomas G Quinn, SCS Reviewed and the Number

Assigned on: 4-12-93 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1577-1**

Date of first receipt of application March 2, 1993.

Date of return to applicant for corrections, amendments or changes March 9, 1993.

Date of receipt of corrected application April 5, 1993.

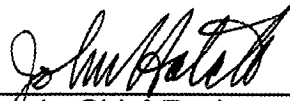
The Water Management Board approved Water Permit Application No. 1577-1 on July 7, 1993 for Jerry W. Eller, Rt 4, Box 444-E, Yadkinville NC 27055 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1577-1 appropriates 35 gallons per minute (0.08 cubic feet of water per second) from one well (Inyan Kara Formation) 998 feet deep located in the SE 1/4 SE 1/4 Section 19 into an existing 8 acre-feet storage dam located in the SE 1/4 SE 1/4 Section 19; all in T8N-R4E.
2. The water appropriated shall be used for the purpose of domestic use supplying water for a house and livestock watering and fish and wildlife production and may not exceed the amount of water needed for beneficial use for domestic and wildlife production.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is March 2, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. No flow from the well into the storage dam is authorized when the water level in the dam is within 6 inches of the primary outlet.
3. Approval of Water Permit No. 1577-1 authorizes storage of 8.0 acre feet of water.

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 uses other than irrigation

(type or print)

Mail to:

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

No. 1577-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Belle Fourche Post, Box 400, 57717
(office use only)



Application For Permit To Appropriate Water Within The State Of South Dakota

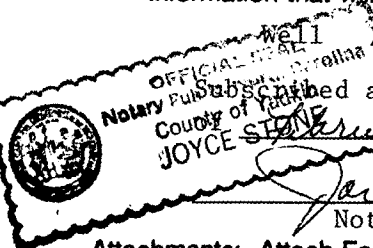
Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☒ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☒ Other Livestock
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Jerry W. Eller Phone 919-463-2827
Mailing Address Rt. 4, Box 444-E Yadkinville State NC 27055
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.08 *CFS or 35 **GPM 8ac-ft storage ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Deep Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Well is located in the SE1/4 SE1/4 Sec. 19-T. 8N-R. 4E.
- County or counties where water will be used Butte
- Annual period during which water is to be used Jan - Dec
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)



Subscribed and sworn to before me this 26 day January, 19 93.
Joyce Stone My Commission expires: Oct 30, 1993
Notary Public

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

STATE OF SOUTH DAKOTA)

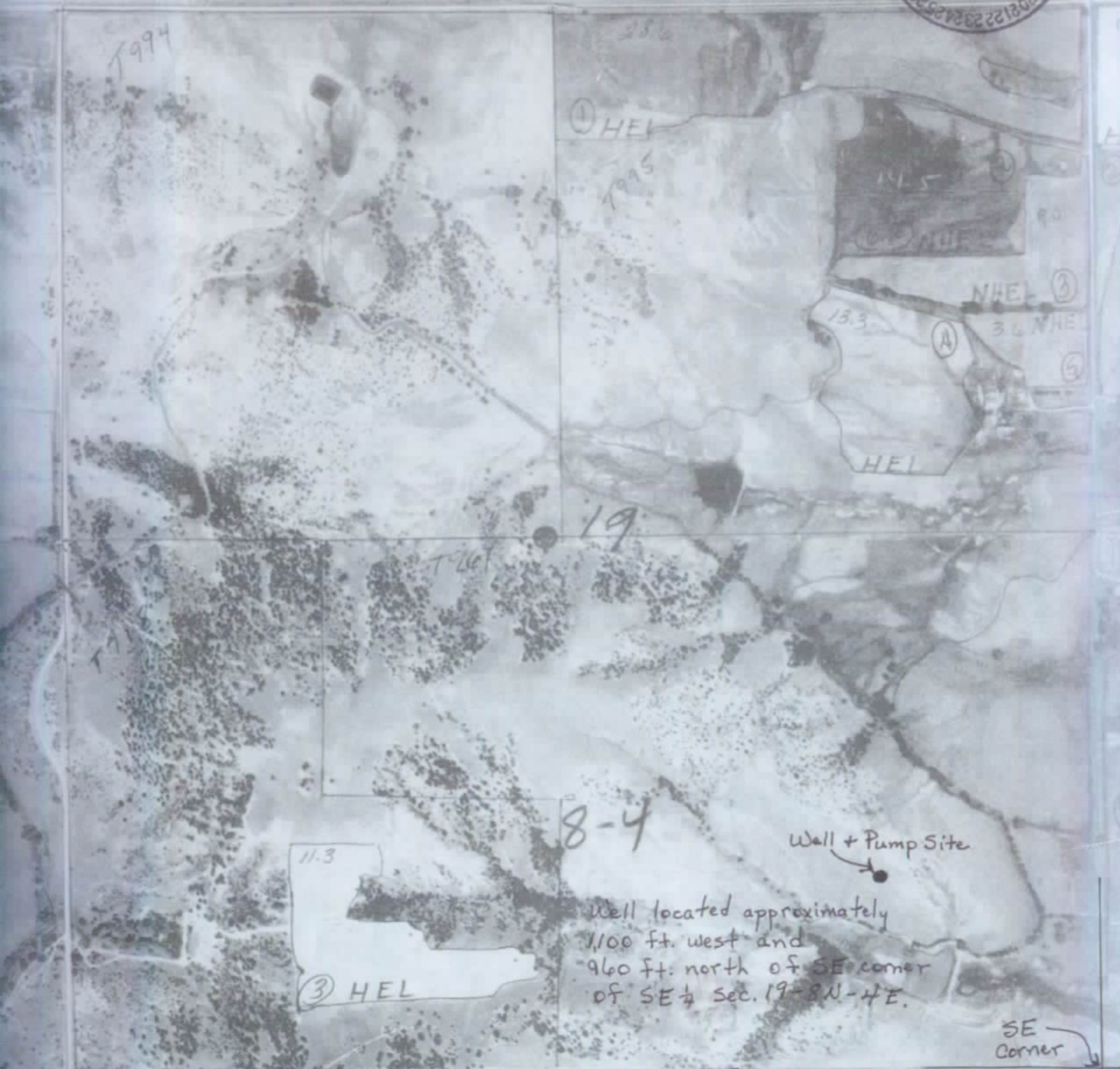
County of _____)ss

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19 _____

NOT TO SCALE



Thomas G. Quinn
District Conservationist
Soil Conservation Service
Belle Fourche, SD

RECEIPT

413708

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 5, 19 93

RECEIVED OF Jerry W Eller, Rt 4 Box 444E, Yadkinville, NC 27055

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

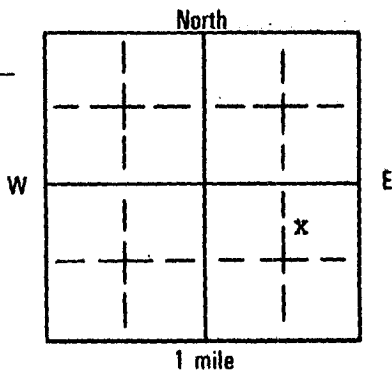
Fee for Application for Permit No. <u>1577-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 SE 1/4 Sec 19 Twp 8 Rg 4County ButtePlease mark well
location with
an "X"Well Completion Date 6-1-92

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>15.5</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>1007</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 1007-surface FEETWhat is grouting material? type III cement, 2% bentoniteIf cement, number of sacks? 110 sxDescribe grouting procedure pressure grouted using
pump down plug method. cement circulated to
surface.What was grout weight? 14.2 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information well shot perforated using
22.7 gram strip jets 41 shots @ 908-948Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain 15# HTH tabletsBacteriological analysis ☒ YES ☐ NOLaboratory sent to Twin City Testing

Well Owner:

Name Jerry EllerAddress Rt. 4 Box 44E Yadkinville, NC 27055

Well Log: _____ Depth _____

Formation	From	To
<u>Pierre Shale</u>	<u>surface</u>	<u>115</u>
<u>Graneros Group</u>	<u>115</u>	<u>700</u>
<u>Fall River</u>	<u>700</u>	<u>825</u>
<u>Lakota</u>	<u>825</u>	<u>998</u>



STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 22 PSIGPM flow 35 through 2 inch pipeControlled by ☐ Valve ☒ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped well flow 35 gpm open flow☐ Bailed Describe: after 48 hours☐ Other. _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 604

And this report is true and accurate.

Drilling firm Weston Engineering, Inc.

Signature of License Representative _____

Signature of Well Owner _____

Date Oct. 12, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 1992

Jerry Eller
Rt. 4 Box 44E
Yadkinville NC 27055

Dear Mr. Eller:

A well driller's report filed by Weston Engineering, Inc shows that they completed a new well for you which flowed at 35 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please let us know the valve setting on your well (in GPM) by December 31, 1992 so we know whether or not you need a water permit. Enclosed is a postage free envelope you can use to send us the information or, contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



Jerry W. Eller
Rt. 4, Box 444-E
Yadkinville, NC 27055

December 10, 1992

Mr. Ron Duvall
Natural Resources Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

After receiving your letter dated November 25, 1992, we contacted Weston Engineering, Inc. concerning the valve setting on the subject well. Weston informs me that the flow is restricted to my house by reducers, not a valve. The flow was substantiated at 35 GPM. The excess is fed into a stock pond and is used for cattle water.

Please advise if more information is needed.

Sincerely,


Jerry W. Eller

js



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1992

Jerry W. Eller
Rt. 4 Box 444-E
Yadkinville, NC
27055

Dear Mr. Eller:

I am responding to your December 10, 1992 letter concerning the flow rate from your well.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as the use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM.

Households, farms and ranches that exceed reasonable domestic use require a water permit.

In your letter you stated that the flow to your house is rated at 35 GPM which will require obtaining a water permit. If you don't want to apply for a water permit, you will need to restrict the flow rate of your well to 18 GPM or less.

Enclosed are application forms with an instruction sheet. Please inform me on your final decision by January 15, 1993.

Very truly yours,

RON DUVAL
Natural Resources Engineer



January 13, 1993

Jerry Eller
Rt. 4 Box 44E
Yadkinville, NC 27055

Dear Mr. Eller:

This is a follow up to my November 24, 1992 letter concerning the possibility that you may need a water permit for your water use. No response has been received.

The well driller's report filed by Weston Engineering, Inc indicates the new well is capable of producing 35 Gallons Per Minute (GPM). A water permit is needed if you are using the amount of water identified on the well completion report. If you are using less water than identified on the well completion report, then the following information will tell you whether or not you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. You don't need to apply for a water permit, unless your water use exceeds reasonable domestic use. However, WE NEED TO HEAR FROM YOU concerning how much water you are using. Please identify either the pump rate (GPM) or flow rate (GPM) if you have a flowing well. If your water use exceeds reasonable domestic use, you will need to submit an application for a water permit using the forms previously sent to you.

Please use the enclosed postage free envelope to send us the information on your pump rate/flow rate or your completed application by January 29, 1993 or contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1993

Jerry Eller
Rt. 4 Box 44E
Yadkinville, NC 27055

Dear Mr. Eller:

This is a follow up to my November 24, 1992 and January 13, 1993 letters concerning the possibility that you may need a water permit for your water use. No response has been received.

The well driller's report filed by Weston Engineering, Inc indicates the new well is capable of producing 35 Gallons Per Minute (GPM). A water permit is needed if you are using the amount of water identified on the well completion report. If you are using less water than identified on the well completion report, then the following information will tell you whether or not you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. If your water use exceeds reasonable domestic use, you will need to apply for a water permit. We have not heard whether or not you plan to reduce the 35 GPM flow from your well. Please respond.

Please use the enclosed postage free envelope to return the water permit applications previously sent to you by March 1, 1993, or contact Barry McLaury at 605-773-3352.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

JERRY W. ELLER
Rt. 4, Box 444-E
Yadkinville, NC 27055



February 26, 1993

Water Rights Division
Joe Foss Building
523 East Capitol
c/o 500 East Capital
Pierre, SD 57501-5070

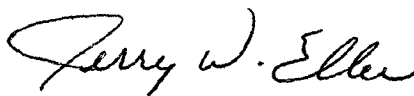
Gentlemen:

Enclosed are copies pertaining to the well on my property in Butte County, South Dakota. I am sorry for delays that I have caused but not being familiar with the rules and regulations pertaining to such a well I have had a lot of difficulties in making the application.

A word of explanation may be helpful. In 1992 I built a house in Butte County. With the house I had to have a well, the information of which is attached. Because the well resulted in a free-flowing well, the water is being used to feed an adjacent pond which is used for fish and wildlife and as a water supply for my cattle operation. The pond is not new and susceptible to significant variations in the amount of water it contains based on seasonal conditions. With the water from the well I am now able to allow cattle in this pasture year round. However, as emphasized earlier, this is not a newly constructed pond.

I have signed the application below the information pertaining to the well and have had my signature notarized. However, it is my feeling that the appropriate place for my signature was pertaining to construction which is not applicable to this situation. Hopefully this information is sufficient for your determination.

Sincerely,


Jerry W. Eller

JWE/js

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1993

Jerry W. Eller
Rt 4, Box 444-E
Yadkinville NC 27055

Dear Mr. Eller

In regard to your water permit application received on March 2, 1993, the following information needs to be submitted and clarified in order to process your application.

1. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map 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. Aerial photos purchased at the local county Agricultural Stabilization and Conservation Service (ASCS) or Soil Conservation Service (SCS) office work well.
2. Please complete Item No. 4 of the application giving the legal description of the location of the well.
3. Your letter makes reference to the water flowing into a pond. Please complete as much information as possible on Item No. 3, Water Storage Dams, of the Supplemental Information sheet (such as surface area, depth, storage capacity in acre feet). From this information we can determine if the pond is a dam, dugout or slough and if anything additional will be required.
4. The filing fee for this application will be \$50.00.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 1993

Jerry W. Eller
Rt 4, Box 444-E
Yadkinville NC 27055

Dear Mr. Eller:

We have received the information requested regarding your water permit application. Enclosed is a copy of the aerial photo which indicates the location of the well. From the aerial photo, it would appear that the location of the pond would also be in the SE 1/4 SE 1/4 Section 19-T8N-R4E. Is this correct? If we do not hear from you, we will presume that is the correct location of the pond and continue processing your application.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 1577-1
for Jerry W. Eller
May 7, 1993

Application No. 1577-1 proposes to appropriate 35 gpm (0.08 cfs) from one well approximately 998 feet deep located in the SE 1/4 SE 1/4 of section 19 into an existing 8 acre-feet storage dam located in the SE 1/4 SE 1/4 of section 19; all in T8N R4E in Butte County. The water is used for livestock watering and provides habitat for fish and wildlife.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara Group consists of three formations which are in descending order the Fall River, Fuson and Lakota Formations. Both the Fall River and Lakota Formations are generally considered aquifers. The Inyan Kara is described as interbedded sandstone, sand, shale and siltstone which is approximately 250 feet thick in this area (Allen, 1984). The Inyan Kara underlies 1.43 million acres and contains an estimated 57.6 million acre feet of recoverable water in storage in Butte County (Allen, 1984). The aquifer is confined and under artesian conditions. The well completion report filed with the application indicates the well is completed into the Lakota with shot perforations from 908 to 948 feet below land surface. The well will flow 35 gpm through a 2 inch line and has a shut in pressure of 22 psi.

The Division of Water Rights monitors an observation well LA-90B completed into the Inyan Kara (Fall River) located about 6 miles southwest of this application. Water levels for this well do fluctuate seasonally. In general the water level at this time is about 1 foot lower than at this same date three years ago. The water level trends indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation Water Right No. 466-1 which authorizes a diversion of 1.5 cfs from two wells completed into the Inyan Kara and located approximately 2 miles northwest of this application. There are no other permits/rights for water from the Inyan Kara any nearer. Interference will occur. Drawdown will occur as a result of this diversion; however, the magnitude of the drawdown should not be large at this distance. The operator of the Water Right No. 466-1 has indicated that the flow from his wells has diminished from 425 gpm when the well was first drilled to a flow of less than 100 gpm in 1985. This change can be attributed to two factors, first declining water levels and second, problems with the well related to maintenance.

CONCLUSIONS

1. Water is available from the Inyan Kara.

2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of this diversion. This is not expected to adversely affect any existing water user with adequate wells. Some wells may require pumping in order to sustain a constant yield.
3. This well is constructed in accordance with SD Well Construction Standards. This well must be valved or controlled in order to prevent the waste of water.
4. This application authorizes diversion into a small storage dam. Diversions from the well cannot be allowed if the dam is full.



for James A Goodman
Natural Resources Engineer

Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

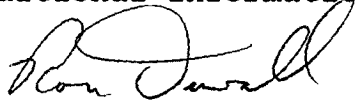
Water Rights, 1993, Unpublished Observation Well Records for the Inyan Kara Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1577-1, Jerry W. Eller

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. 1577-1, Jerry W. Eller, Rt 4 Box 444-E, Yadkinville, NC 27055.

The Chief Engineer is recommending DEFERRAL of Application No. 1577-1 until the applicant provides information on the operation of the well to control the flow to the amount of water needed.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
May 18, 1993

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1577-1, Jerry Eller

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1577-1, Jerry Eller, Rt. 4, Box 444-E, Yadkinville, North Carolina 27055.

The Chief Engineer is recommending APPROVAL of Application No. 1577-1 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 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.
2. No flow from the well into the storage dam is authorized when the water level in the dam is within 6 inches of the primary outlet.
3. Approval of Water Permit No. 1577-1 authorizes storage of 8.0 acre feet of water.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 30, 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.

May 20, 1993

Jerry W. Eller
Rt 4 Box 444-E
Yadkinville, NC 27055

Dear Mr. Eller:

We have reviewed Water Permit Application No. 1577-1 to appropriate 35 gallons per minute from one well for livestock and to provide habitat for fish and wildlife production. The Chief Engineer is recommending DEFERRAL of the application until you provide information on the operation of the well to control the flow to the amount of water needed. Enclosed is a copy of the report and recommendation on the application.

You can proceed with publication of the notice of hearing for deferral of Application No. 1577-1 by instructing the newspaper to publish the Publication Notice and by appearing before the Water Management Board at the July 7, 1993, meeting. Do not send the enclosed letter to the newspaper unless you agree with Deferral of Application No. 1577-1, or intend to oppose the Chief Engineer's recommendation and request the Board to approve the application.

A notice of your intent to appropriate water has been enclosed in an envelope along with instructions to the newspaper to publish the notice on or before June 9, 1993. The notice of hearing needs to be published in the Belle Fourche Post printed at Belle Fourche, SD (Ph # 892-2528).

If you wish to proceed with this application, please send the enclosed envelope to the newspaper and authorize publication by June 1, 1993. The publisher will be instructed to publish your notice once each week for two consecutive weeks. We must receive Proof of Publication before the application can be considered by the Water Management Board.

If you need more time, you can delay publication and consideration of Application No. 1577-1 until a later Water Management Board meeting. This may provide you time to answer the concerns of the Chief Engineer prior to publication. If this is the case, do not send the enclosed envelope. Notify us of your intentions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1993

Belle Fourche Post
Box 400
Belle Fourche, SD 57717

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1577-1 to be published twice. Please publish the first notice on June 2, 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 Jerry W. Eller, Rt 4 Box 444-E, Yadkinville, NC 27055 (Ph # 919-463-2827).

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 9, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1577-1 to Appropriate Water

Notice is given that Jerry W. Eller, Rt 4 Box 444-E, Yadkinville, NC 27055 has filed an application for a water permit to appropriate 35 gallons per minute (0.08 cubic feet of water per second) from one well (Inyan Kara Formation) 998 feet deep located in the SE 1/4 SE 1/4 Section 19 into an existing 8 acre-foot storage dam located in the SE 1/4 SE 1/4 Section 19; all in T8N-R4E. The water is used for livestock watering and provides habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 1577-1 until the applicant provides information on the operation of the well to control the flow to the amount of water needed.

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 June 28, 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 a.m., July 7, 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 July 7, 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 June 28, 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 June 28, 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; 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. 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 Belle Fourche Post

printed and published in Belle Fourche

County of Butte and State of

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

June 2, 1993

June 9, 1993

Cost of Printing: _____

55.57

Faye D. Pate
(Signature)

Accountant

(Title)

6-9-93
(Date Signed)

NOTICE OF HEARING on Application No. 1577-1 to Appropriate Water

Notice is given that Jerry W. Eller, Rt. 4 Box 444-E, Yadkinville, NC 27055 has filed an application for a water permit to appropriate 35 gallons per minute (0.08 cubic feet of water per second) from one well (Inyan Kara Formation) 998 feet deep located in the SE 1/4 SE 1/4 Section 19 into an existing 8 acre-foot storage dam located in the SE 1/4 SE 1/4 Section 19; all in T8N-R4E. The water is used for livestock watering and provides habitat for fish and wildlife production.

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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 July 7, 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 June 28, 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; 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.

Robert E. Roberts,
Secretary,
Department of
Environment and
Natural Resources

216/2-9



MR. ERIC GRONLUND
Natural Resources Engineer



Dear Mr. Gronlund

I am writing to you to ask for approval of my Water Permit Application No. 1577-1

I talked today with Mr. Robert Hoopingarner who is employed by Wells Plumbing Co. of Belle Fourche, S.D. Mr. Hoopingarner who did the work on the subject well confirms that the flow at the well is ~~controlled~~ controlled by a 2" Ball Valve that can be adjusted to control the flow from 35 gals. per minute (maximum flow) down to 0 gals. per minute.

The well is capped so when the 2" ball valve is closed there is no flow. The piping to the house is located below ground level before the 2" Ball Valve, therefore water for the house is continuously available.

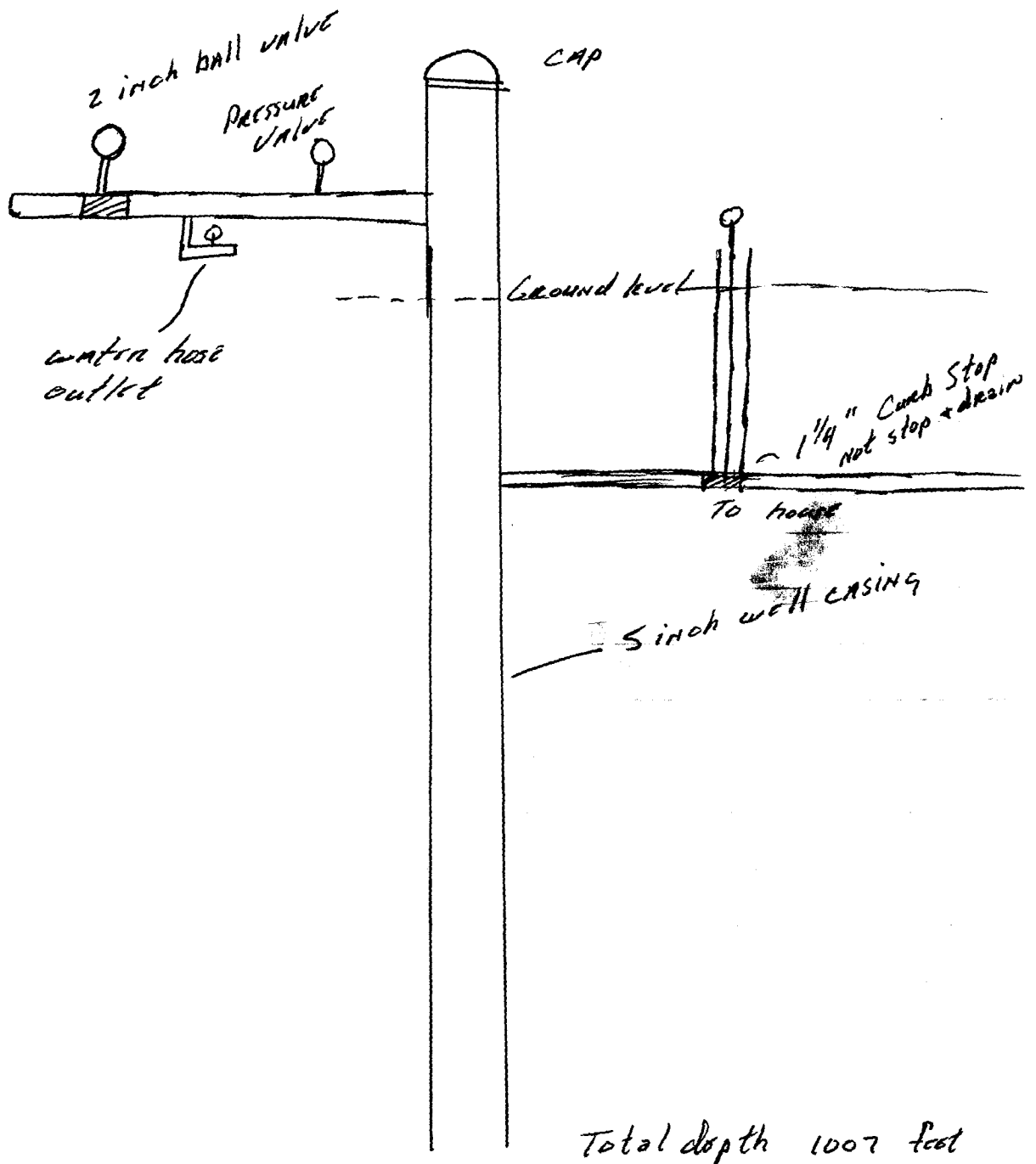
I sincerely hope that this will answer your questions. I have provided a sketch (attached) that was redrawn ~~from~~ by me from an original sketch provided to me by Mr. Hoopingarner at Wells Plumbing.

Respectfully

Lenny Eller

Rt. 4 Box 444-B

Yadkinville, N.C. 27055





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1993

Jerry Eller
Rt 4, Box 444-E
Yadkinville, NC 27055

Dear Mr. Eller:

Enclosed is a copy of the Chief Engineer's revised recommendation for Water Permit Application No. 1577-1. The deferral recommendation on your application has been revised based on your letter (received June 28, 1993). The letter provided information on the operation of the well to control the flow to the amount of water needed.

Qualification No. 2 of the revised recommendation is directed to ensure that the well is controlled when the dam is nearly full. This is to prevent the possibility of a waste of water occurring if well water is allowed to flow to the dam when dam is already spilling through the primary outlet.

I will present this revised recommendation for APPROVAL of Application No. 1577-1 to the Water Management Board at their meeting July 7, 1993.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Jerry W. Eller
Rt 4 Box 444-E
Yadkinville, NC 27055

Dear Mr. Eller:

Enclosed is Water Permit No. 1577-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1996

1577-1

Jim Strain
5125 Ridgeview
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as you requested, is a copy of Water Permit No. 1577-1. The water permit is currently listed in the name of Jerry W Eller. During our telephone conversation, you inquired about a well used for feedlot purposes in Section 19, T8N, R4E. Mr. Eller's permit is the only permit I could find in Section 19. Melvin Delzer has a permit for irrigation (copy enclosed) in Section 33, T8N, R4E, but I do not believe it is, connected to what you were interested in.

If you have any questions or would like me to check additional legal descriptions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 1998

1577-1

Jerry W. Eller
Rt 4, Box 444-E
Yadkinville, ND 27055

Dear Mr. Eller:

The investigation of your water use system was conducted on August 12, 1997, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1577-1. 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

415621

Pierre, January 28, 19 98

RECEIVED OF Chene, Inc. (Jerry W. Eller), 2100 Maynard Road, Yadkinville, NC 27055
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1577-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

John Hatch

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1577-1

DATE OF INVESTIGATION	August 12, 1997
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mike Dollinger, property manager RR1 Box 202 Belle Fourche SD 57717
NAME & ADDRESS OF PERMIT HOLDER	Jerry W Eller Rt 4 Box 444-E Yadkinville NC 27055
DIVERSION POINT LEGAL LOCATION	Well: $\approx$1,550 feet W and $\approx$ 1,200 feet N from the SE corner sec 19-T8N-R4E

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Weston Engineering, Inc
- 2) No. of Wells 1
- 3) Depth(s) 1,007 feet
- 4) Well log is available Y
- 5) Comment: completed 6/1/92

Casing:

- 1) Diameter 5 inches
- 2) Length 1,007 feet
- 3) Type Steel

Screen:

- 1) Type shot perforated
- 2) Length 40 feet
- 1) Static water level flows

DISTRIBUTION LINES OR CANALS:

Well is located on west side of cabin and supplies cabin, one house, six stock tanks, and maintains water level in a stock dam. There is some overflow from the stock tank near the cabin to prevent freeze up in the winter. No water was spilling from the dam.

DAM INFORMATION:

- 1) Height to crest 15 feet
- 2) Height to primary spillway 11 feet
- 3) Crest width 8 feet
- 4) Crest length 250 feet
- 5) Spillway width 24 inches
- 6) Approx. storage 8 ac-ft

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

Permit No. 1577-1
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, August 12, 1997, made a thorough examination of the water use system constructed by Jerry W Eller of Rt 4 Box 444-E, Yadkinville NC 27055 holder of Permit No. 1577-1, bearing the priority of March 2, 1993 authorizing the diversion of 0.08 cu. ft. per second and the storage of 8 acre-feet of the waters of ground water (Inyan Kara Formation) for domestic and wildlife purposes, in Butte County.

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

A. Works used to divert/transport the water:

Water flows from the well via pipeline to a cabin, one house, six stock tanks, and maintains water level in a stock dam. There is some overflow from the stock tank near the cabin to prevent freeze up in the winter. No water was spilling from the dam.

The system is in the following condition good. The point of diversion is located ≈1,550 feet W and ≈1,200 feet N from the SE corner sec 19-T8N-R4E (SW¼SE¼)*. The works are capable of diverting and conveying to the place of use 0.08 cu. ft. per second of water and storing 8 acre-feet of water which is to be used for domestic and wildlife purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.08 cfs and 8 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: December 18, 1997



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

* The diversion point is outside of the area described on the permit application. Based on the on-site investigation, the well appears to be about 500 feet north and west of the permitted location. The well was in place when the original application was filed. See the attached file documentation to correct the well location.

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Jerry W Eller

ADDRESS: Rt 4 Box 444-E, Yadkinville NC 27055

DATE: December 18, 1997 COUNTY: Butte

AUTHORITY:

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

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

The existing well was in place when the water right permit was applied for in 1993. There has been no change in water source or the amount of water appropriated.

- **Review of Existing Diversions**

The nearest well, as noted in the permit application report dated May 7, 1993, is located approximately two miles away. No wells could be located any closer to the well authorized by No. 1577-1. As noted in the report, adverse interference with other wells should not be a problem.

RECOMMENDED ACTION

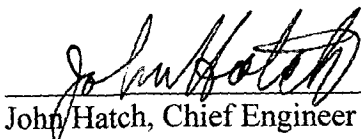
Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 that:

This change in location does not increase the potential for interference with existing diversions. In making this finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference.



John Hatch, Chief Engineer
Water Rights Program

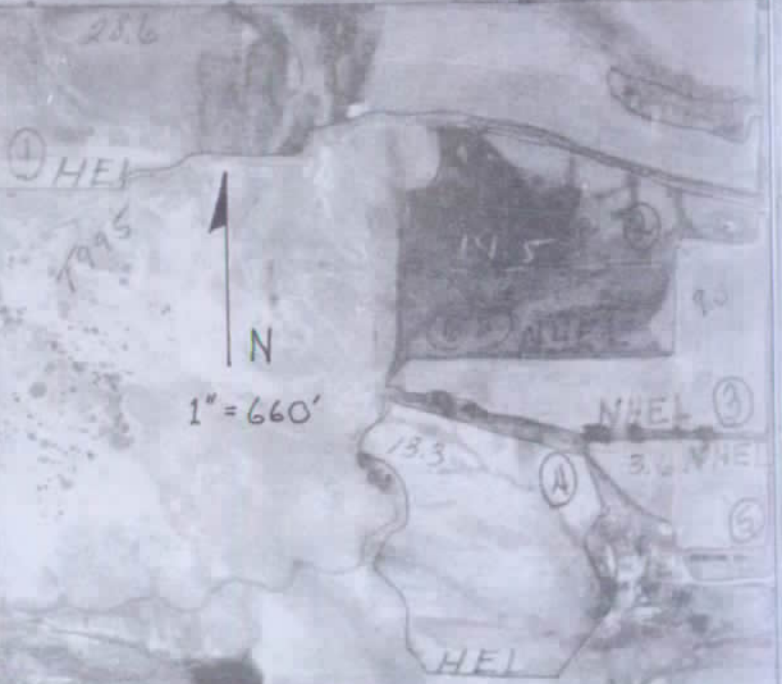
12-30-97

NOT TO SCALE

R. D. Durrall

Natural Resources Engineer

12/18/97



center of sec 19

8-4

well
≈ 1,550'
≈ 1,200'

11.3
③ HEL

19
30

19
30

No 1577-1

STATE OF SOUTH DAKOTA

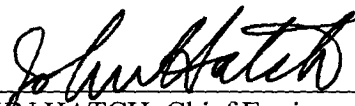
WATER LICENSE NO. 1577-1

(1) Jerry W Eller, Rt 4, Box 444-E, Yadkinville NC 27055 made Application No. 1577-1, March 2, 1993 for a water permit to divert 0.08 cubic feet of water per second and storage of 8 acre-feet of water from groundwater (one well), Butte County, South Dakota for domestic and wildlife purposes. Permit No. 1577-1, with a priority date of March 2, 1993 was approved July 7, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant 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 store 8 acre-feet of water and divert 0.08 cubic feet of water per second for beneficial use. The location of the well is 1,550 feet west and 1,200 feet north from the southeast corner (SW 1/4 SE 1/4) with the dam located in the SE 1/4 SE 1/4; both in Section 19-T8N-R4E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry W Eller, Rt 4, Box 444-E, Yadkinville NC 27055 the holder and/or owner of Water Permit No. 1577-1 is issued a license to appropriate water, the right to store 8 acre-feet of water and to divert 0.08 cubic feet of water per second from groundwater (one well) with a priority date of March 2, 1993 from the location specified in (2) of this license domestic and wildlife purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1577-1 and subject to South Dakota State Law.

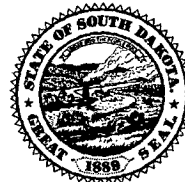

JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

FEB 27 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

1577-1

Jerry W. Eller
Rt 4, Box 444-E
Yadkinville, NC 27055

Dear Mr. Eller:

Enclosed is Water License No. 1577-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415621 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1577-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

1577-1

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

JERRY W ELLER
RT 4 BOX 444-E
YADKINVILLE NC 27055

Dakota Ranches
R.R. 1 Box 201
Belle Fourche, SD 57717

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1577-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: INYAN KARA GROUP
Management Unit: NOT APPLICABLE

County: BUTTE
Pumping Pt. Legal: SEC 19-T008N-R04E
Type of Water Use: FISH AND WILDLIFE
PROPAGATION

- 1) Please estimate your year 2000 water use from the above water source: 1,084,200 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

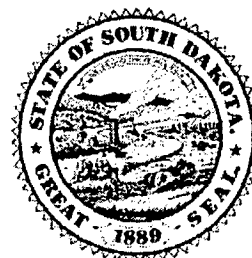
Comments:

3/12/00 Dolores Hollinger called
and stated Dakota Ranches
operates for Jerry W. Eller.
Permit didn't need to be
transferred KS

Contact Person: Michael or Dolores Dollinger

Telephone No: 605-892-3495

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.



Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

