

WATER PERMIT NO. 1585-1

Phone: 642-2220

Name of Applicant: Richard D. Sleep

Post Office Address: HC 66, Box 14, Spearfish SD 57783

Amount of Water Claimed: 0.38-irri. 0.15-fish prop Total Acres: 27

Source of Water Supply: groundwater (same well used for VR Nos. 657-1 and 1584-1)

Water to be used for: irrigation & fish propagation County: Lawrence

About 3 miles NW of Spearfish

PRIORITY Date Received: 6-28-93 Fee: \$150 Remarks: _____

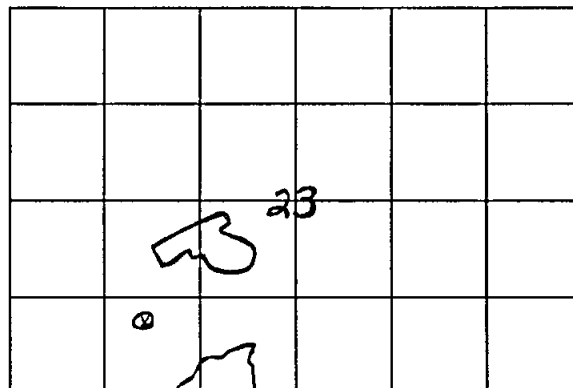
Corrected Application Received: 7-19-93 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: 7-30-93 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 Sec 23-T7N-R1E

Land to be Irrigated: SW 1/4 Sec 23-T7N-R1E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 425' REMARKS: _____

Type of Map: aerial PREPARED BY: Susan Bowar Reviewed and the Number

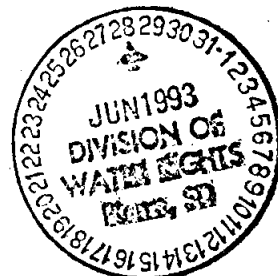
Assigned on: 8-3-93 By: Karen Schlaak

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. 1585-1 Hydrologic Unit 10/20203
Basin Belle Fourche River
Newspaper Spearfish Daily Queen City Mail
(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 Richard D. Sleep Phone 642-2220
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address HC 66 Box 14 Spearfish State S.Dak. 57783
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed fish prop - 0.15 *CFS or 70 **GPM ***AF Total Acreage 27
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply groundwater - 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 SW1/4 section 23-T7N-R1E
- County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Apr 1 - Oct 31 (irrigation); Jan 1 - Dec 31 (fish prop.)
- 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
<u>NW1/4 SW1/4 sec 23-T7N-R1E</u>	<u>6</u>
<u>NE1/4 SW1/4</u>	<u>7</u>
<u>SW1/4 SW1/4</u>	<u>2</u>
<u>SE1/4 SW1/4</u>	<u>12</u>

Land Description	Acres

Land Description	Acres

- Type of Irrigation: Gravity: ☐ Towline: ☒ Center Pivot: ☐ Gun: ☐ Other (Specify): _____
- Crops to be irrigated: alfalfa, small grain + millet or sudan grass
- Give a description of the project. (Attach sheet if more space is needed)

This application is to add 27 acres (two fields) to the irrigated acreage covered by Vested Right No. 657-1. These fields were added to the irrigated acreage approximately 12 years ago. Water from the well is also used for domestic use for fish propagation which began approximately 8 years ago.

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, Richard D. Sleep, 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

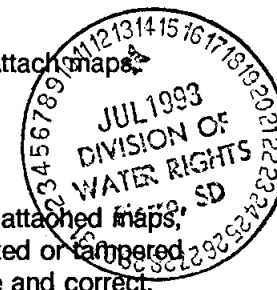
Richard D. Sleep

Subscribed and sworn to before me this 21st day of June 19 93

Pearl Geis

Notary Public

Pearl Geis - My commission expires 4-24-98



Supplemental Information

(type or print in ink)



1. Well Information - ~~Proposed~~ Construction

- a) Drill Hole Diameter _____ Depth 425'
- b) Casing Type steel Diameter 12" = 64' Thickness _____
126.5' = 6"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____

f) Depth to Water (ground surface to water level) _____

- g) Distance to nearest existing domestic well: This is the only well being used on this property
 On applicants property _____ On property owned by others app. one mile

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

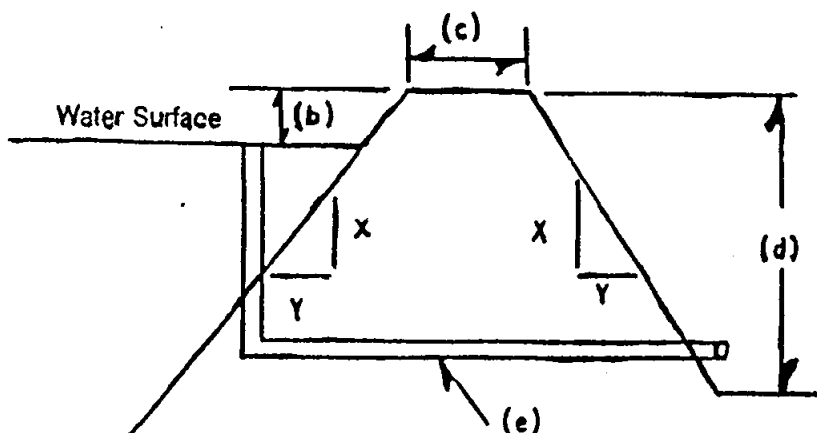
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 1585-1**

Date of first receipt of application June 28, 1993.

Date Soil/Water Compatibility Permit received July 30, 1993.

Date of return to applicant for corrections, amendments or changes July 7, 1993.

Date of receipt of corrected application July 19, 1993.

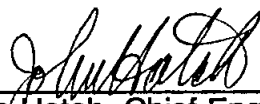
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1585-1 to Richard D. Sleep, HC 66, Box 14, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1585-1 appropriates 0.53 cubic feet of water per second (cfs) [0.38 cfs for irrigation and 0.15 cfs for fish propagation] from one (Minnelusa Formation) well 425 feet deep located in the SW 1/4 SW 1/4 Section 23-T7N-R1E. The 27 acres irrigated are located in portions of the SW 1/4 Section 23-T7N-R1E. This is the same well used to irrigate lands covered by Vested Water Right Nos. 657-1 and 1584-1.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31 (irrigation) and January 1 - December 31 (fish propagation).
3. The date from which applicant may claim right is June 28, 1993.
4. The date of approval of Permit No. 1585-1 is November 1, 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. 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. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 23 1993
date

RECEIPT

413817

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 28, 19 93

RECEIVED OF Richard D. Sleep, Sleep Ranch, HC 66 Box 14, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1585-1</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 <u>15</u> _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John Hatch

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4783

WR#

OWNERS NAME: SLEEP, RICHARD D.

OWNERS ADDRESS: HC 66 BOX 14

SPEARFISH SD 57783

COUNTY LAND LOCATED IN: LAWRENCE PHONE: 642-2220

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T7N-R1E

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T7N-R1E	6		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T7N-R1E	7		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T7N-R1E	2		
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23-T7N-R1E	12		

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

3. CROPS TO BE IRRIGATED: ALFALFA, SMALL GRAIN, AND MILLET OR SUDAN GRASS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 93-0416

7. ADJUSTED (SAR): 0.12

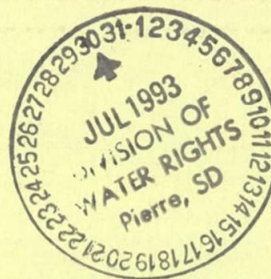
5. SALINITY (EC X 10⁶): 700

8. PERCENT SODIUM: 1.34

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.



Russell I. Stone
Director, Division of Conservation

XXX APPROVED

DISAPPROVED

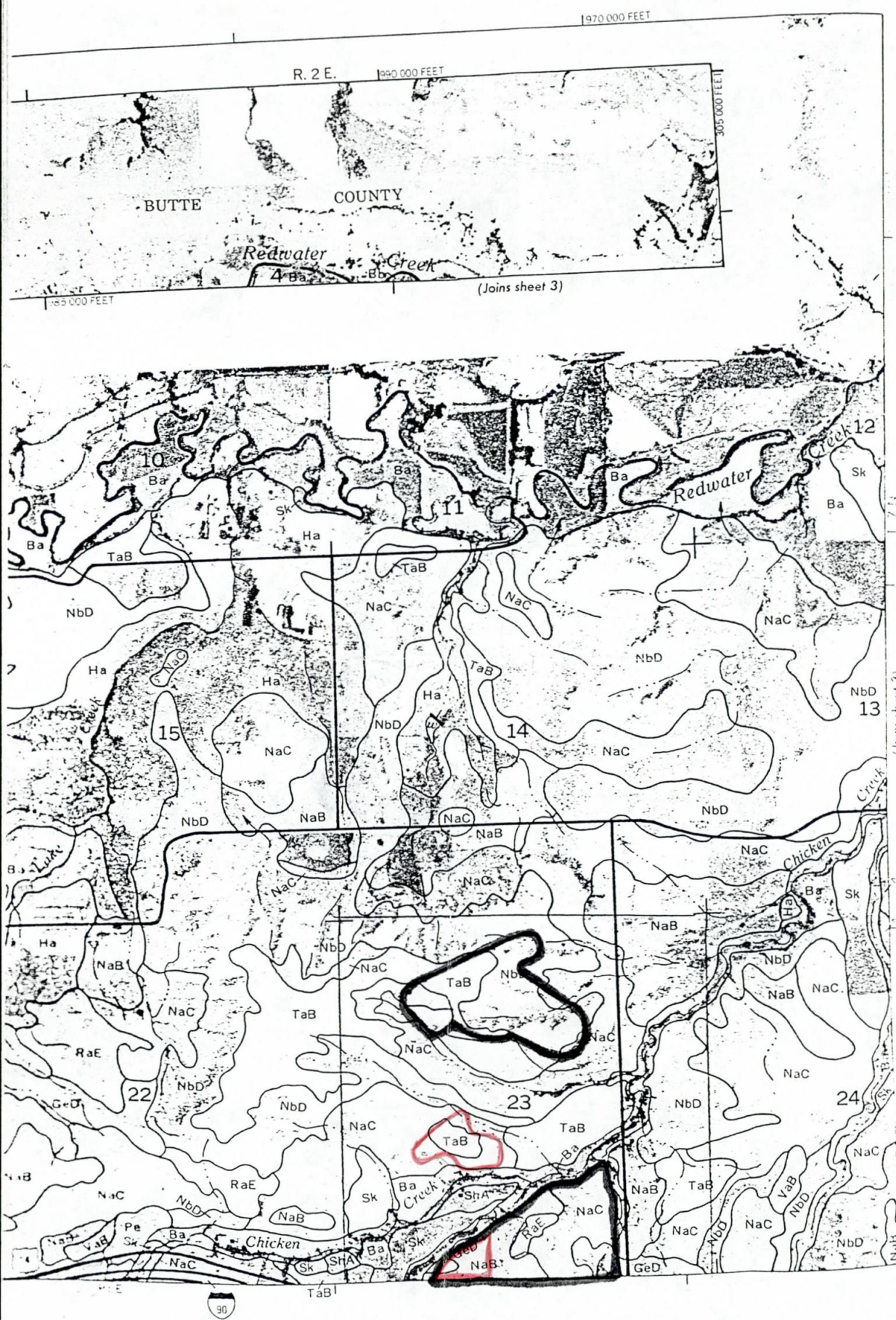
WAIVER

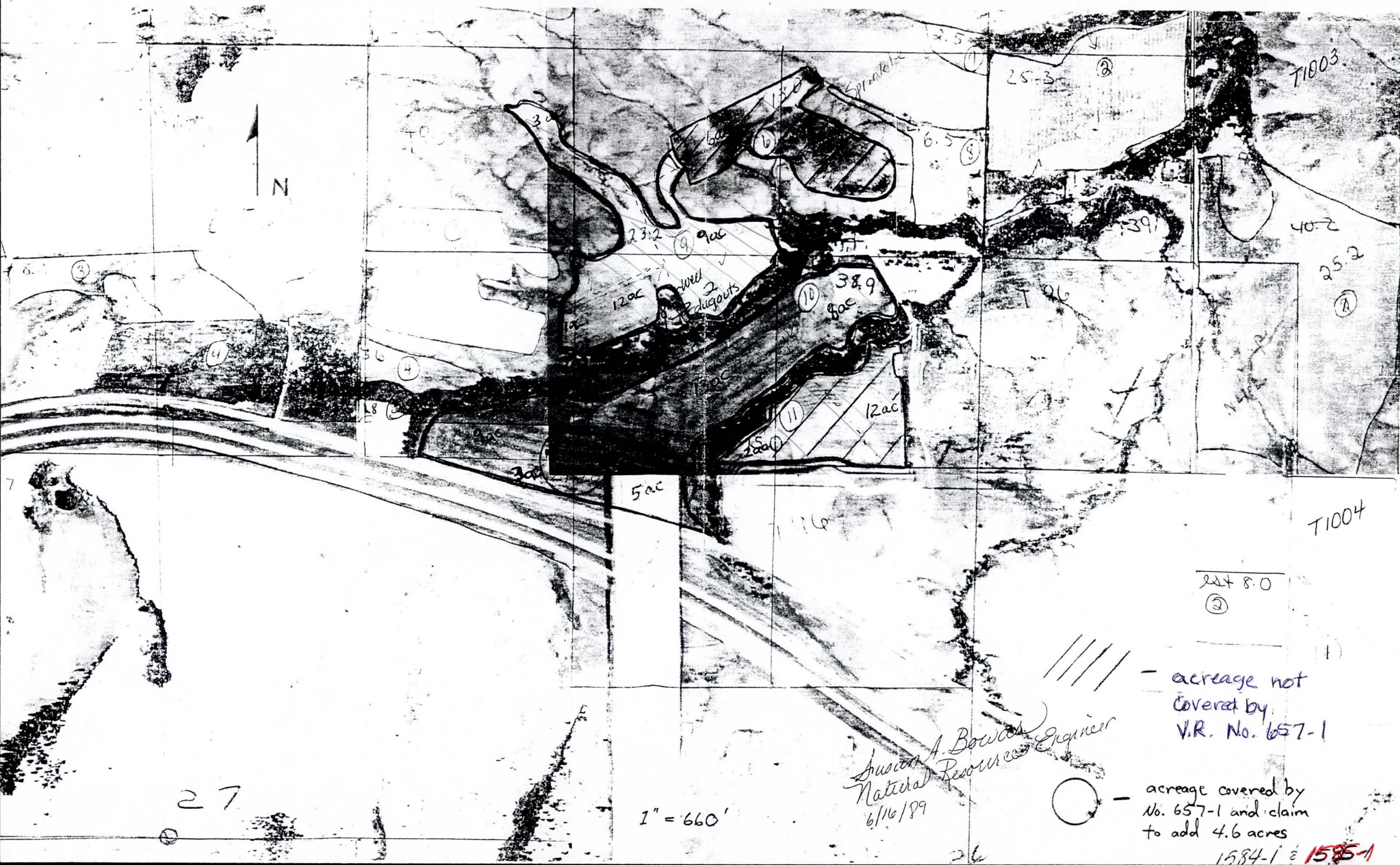
XXX REQUIREMENTS

JULY 27, 1993

Date

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







**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1993

Richard D. Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

We received your two water permit applications on June 28, 1993. On Item No. 2 of the application for irrigation and fish propagation, please indicate how much water (gallons per minute) is being diverted from the well for fish rearing. Since you submitted a filing fee of \$150.00 for this application, we are assuming this figure will be less than 75 gallons per minute.

Also, on Item No. 6, list the annual period during which water is to be used for the fish propagation portion of the application. If this is a continuous project, the annual period would be January 1 - December 31.

This water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture for the lands irrigated. Upon receipt of the above, further processing of the two applications 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 ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1993

Richard D. Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

In reviewing the soils map submitted with your application, it was noticed that the lands outlined in black on the soils map do not match the lands outlined on the aerial photo prepared by Susan Bower of our office. I have outlined section 23 on the soils map. From the soils map it would appear that some the irrigated land is located in the N 1/2 of Section 23. As you can see this does not match the location of the additional lands as indicated on the aerial photo. On the soils map I have outline in red on lands that I believe are the additional lands. Do you agree with this?

As stated in my previous letter, Item No. 2 of the application for irrigation and fish propagation must be completed. Please indicate how much water (gallons per minute) is being diverted from the well for fish rearing.

This water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture for the lands irrigated. The Department of Agriculture has indicated that they will need a water sample in order to process your application. Enclosed is the instruction sheet with the steps to follow for the sampling procedure.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Richard D. Sleep

ADDRESS: HC 66, Box 14, Spearfish SD 57783 COUNTY: Lawrence

DATE: July 19, 1993 TELEPHONE: 642-2220

RE: Pending application for irrigation

COMMENTS:

Richard Sleep called regarding my letter dated July 16, 1993. Mr. Sleep stated the lands originally outlined on the soils map were incorrect. He did not irrigate in the N 1/2 Section 23. The lands are in the SW 1/4 Section 23 as outline in red on the soils map.

Mr. Sleep indicated that 70 gallons per minute was the amount of water used for fish propagation.

Mr. Sleep further stated he had his daughter take the water sample to Brookings after July 4th.



Karen Schlaak
Natural Resources Analyst

FROM: Gronlund, Eric

TO: Kent Woodmansey

DATE: 09-23-93
TIME: 14:36

CC: Eric Gronlund

SUBJECT: Richard Sleep - NPDES

PRIORITY: R

ATTACHMENTS:

Mr. Sleep has a vested right for irrigation from a well out in Lawrence County. During a 1989 inspection by Susan Bowar of his VR for validation it was discovered that he irrigates more acreage than included on his original VR and that he had a trout raising operation that began approx. 8 years ago. Anyway here are the specifics on the trout raising operation:

He diverts up to .15 cfs (67.5 gpm) from the well for the fish raising operation which consisted in 1989 of:

- 2 tanks 4'W x 10'L x 2' deep
- 6 tanks 10' diameter x 2' deep
- 2 dugouts approx. 40' x 20' x 3' deep and 30' x 20' x 3' deep

All of the tanks receive water from the well. The tanks are interconnected and overflow from each set of tanks is directed into the dugouts. The dugouts function as settling ponds. Overflow from these dugouts discharge directly into Chicken Creek in Section 23, T7N, R1E.

Kent, this seems like a pretty small time operation but I doubt it has an NPDES Permit, if one is necessary. We finally after 4 years got them to get their water permit application in for the additional irrigation and fish operation. We're currently in the process of putting together a recommendation on their WP application.

What do you think? If one of your staff needs additional information have them contact me -- I think what I've outlined above pretty much covers my limited knowledge of his fish operation and discharge activity.

=====

REPORT ON VESTED RIGHT APPLICATION NO. 1584-1 AND WATER PERMIT
APPLICATION NO. 1585-1
for Richard D. Sleep
August 24, 1993

Vested Right Application No. 1584-1 proposes to add 4.6 acres of irrigated land. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs (374 gpm) from one well located in the SW 1/4 SW 1/4 of section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 of section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 of section 23, NW 1/4 NW 1/4 of section 26, NE 1/4 NE 1/4 of section 27; all in T7N R1E in Lawrence County. This application claims 0.07 cfs to irrigate 4.6 acres located in the areas listed above. The water use has a claimed priority date of June 10, 1955.

Water Permit Application No. 1585-1 proposes to appropriate 0.53 cfs (239 GPM) (0.38 cfs for irrigation and 0.15 cfs for fish propagation) from one well 425 feet deep located in the SW 1/4 SW 1/4 of section 23, T7N R1E. The 27 acres to be irrigated are located in the SW 1/4 of section 23, T7N R1E. This is the same well used to irrigate lands covered by Vested Water Right Claims Nos. 657-1 and 1584-1.

The fish propagation operation proposed by Application No. 1585-1 consists of eight tanks in which fish are raised on a periodic basis. Overflow from the tanks is discharged to two small dugouts which are intended to function as settling ponds. Overflow from the dugouts discharge into Chicken Creek.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation consists of interbedded sands, sandstones, limestone and dolomite and is approximately 500 feet thick in this area (Peter, 1987). The upper part of the Minnelusa Formation consists of mostly sandstones and is considered the Minnelusa aquifer (Peter, 1987). The general direction of water movement in the Minnelusa in the area of this application is from south to north. The Minnelusa underlies 199,680 acres and contains an estimated 5.591 million acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The aquifer is areally extensive around the entire Black Hills. The aquifer is confined and under artesian conditions at this location. This is a free flowing well and must be valved or controlled in order to prevent the waste of water.

Information supplied by the driller A.L. Draine indicates that the well is cased with 64 feet of 12" surface casing, 180 feet of 8" casing cemented in hole and 126.5 feet of 6" casing from the Minnekahta to the Minnelusa. The well reportedly flowed 900 to 1000 gpm when drilled in 1955.

The Division of Water Rights monitors two Minnelusa observation wells which are within 5 miles of this site. Water levels for these wells do respond to climatic conditions, that is, rising

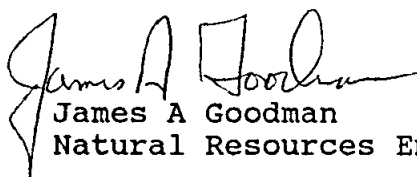
water levels during wet years and declining water levels during dry years. In the Peters report, the hydrographs for the Minnelusa aquifer have shown little change or trends since the 1950's. Although the report does indicate a decline in head in the Spearfish area of as much as 99 feet. The two Water Right observation wells in the area indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is about 1 mile to the north. Interference is not expected to be a concern. This is an existing well and has been in use for many years with no apparent problems. Since this is a flowing well and the aquifer is confined and under artesian conditions drawdown will occur when diversions take place. Apparently the drawdown is not significant enough to cause any problems with the production well so it is not anticipated that drawdown is adverse in the area.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of diversions. This is not expected to be adverse.
3. This is an existing well and has been in use for many years.
4. The information available indicates that the well was drilled in 1955. The well completion would not comply with existing SD Well Construction Standards. The new standards would require grouting of the Opeche Formation (116 feet) which was not done originally. This well has been in service for many years with no apparent problems.
5. There is a discharge of water into Chicken Creek as part of the fish raising operation portion of Application No. 1585-1. An NPDES permit is not required at this time.
6. This a free flowing well. The well must be controlled and managed to prevent the waste of water.
7. The additional 0.07 cfs and 4.6 acres can be recognized as a vested right.



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.

Peter, K.D., D.P. Kyllonen, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, USGS, Rapid City, SD, 57701.

Water Rights, 1993, Unpublished Observation Well Data for Lawrence County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

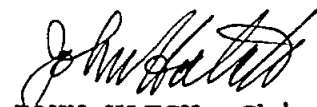
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1585-1, Richard D. Sleep

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. 1585-1, Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1585-1 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. 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. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. 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.
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
August 25, 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.**

October 5, 1993

Richard D. Sleep
HC 66 Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Vested Water Right Application No. 1584-1 and Water Permit Application No. 1585-1 for irrigation and fish propagation use have 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 Spearfish Daily Queen City Mail printed at Spearfish, SD (Ph # 642-2761). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 1993

Spearfish Daily Queen City Mail
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice on Application Nos. 1584-1 and 1585-1 to be published twice. Please publish the first notice on October 13, 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 Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 (Ph # 642-2220).

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 applications until proof of publication has been received.

Sincerely,

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 October 13, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 1584-1
and NOTICE OF APPLICATION NO. 1585-1 to Appropriate Water

Notice is given that Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 has filed applications to validate a vested water right claim and for a water permit.

Vested Water Right Application No. 1584-1 is for 0.07 cubic feet of water per second (cfs) to irrigate 4.6 additional acres. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs from one well located in the SW 1/4 SW 1/4 Section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 Section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26, NE 1/4 NE 1/4 Section 27; all in T7N-R1E with a priority date of June 10, 1955. This application claims 0.07 cfs from this same well to irrigate 4.6 acres located in the areas listed above. The water use has a claimed priority date of June 10, 1955.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1584-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of June 10, 1955, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Application No. 1585-1 is for a water permit to appropriate 0.53 cfs (0.38 cfs for irrigation and 0.15 cfs for fish propagation) from one well 425 feet deep (Minnelusa Formation) located in the SW 1/4 SW 1/4 Section 23-T7N-R1E. The 27 acres irrigated are located in portions of the SW 1/4 Section 23-T7N-R1E. This is the same well used to irrigate lands covered by Vested Water Right Claim Nos. 657-1 and 1584-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1585-1 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.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

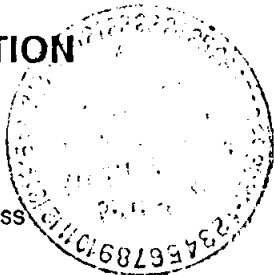
Any person interested in opposing or supporting the applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss 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 November 1, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing

address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to the applications. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Lawrence) ss1. Laurie Hardin

certify that the attached printed Notice was

taken from the Dept of Env.printed and published in BH PioneerCounty of Lawrence and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:Oct 13, 1993Oct 20, 1993Cost of Printing: \$57.35

Laurie Hardin
(Signature)

Accts. Receivable
(Title)

10-20-93
(Date Signed)

**NOTICE TO VALIDATE
VESTED WATER RIGHT
APPLICATION NO. 1584-1
and NOTICE OF APPLICATION
NO. 1585-1 to Appropriate Water**

NOTICE IS GIVEN that Richard D. Sleep, HC 86 Box 14, Spearfish, SD 57783 has filed applications to validate a vested water right claim and for a water permit.

Vested Water Right Application No. 1584-1 is for 0.07 cubic feet of water per second (cfs) to irrigate 4.6 additional acres. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs from one well located in the SW 1/4 SW 1/4 Section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 Section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26, NE 1/4 NE 1/4 Section 27, all in T7N-R1E with a priority date of June 10, 1955. This application claims 0.07 cfs from this same well to irrigate 4.6 acres located in the areas listed above. The water use has a claimed priority date of June 10, 1955.

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#127
October 13, 20

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Richard Sleep - WP Appl. No. 1585-1

ADDRESS: COUNTY: Lawrence

DATE: 9/28/93 TELEPHONE: 642-2220

RE: Discussion with Kelli Buscher

COMMENTS:

I contacted Kent Woodmansey and Kelli Buscher of the PSC Program regarding the possibility of a discharge to Chicken Creek from Mr. Sleep's small fish raising operation. I provided them with the information Mr. Sleep provided in his water permit application on the size of the tanks, the use of two dugouts which act as settling ponds (operation of the system, etc.). Although this is a fairly small operation, the main concern was that the discharge is to Chicken Creek which is classified as a cold water fishery.

I received a call back from Kelli who said she had discussed this with Kent and they had decided at this time an NPDES Permit would not be required. However if there was a complaint in the future, Mr. Sleep may be required to apply. She said she would contact Mr. Sleep with this information.

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

NAME: Eric Lundberg

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Richard Sleep -- WP Application No. 1585-1

ADDRESS: COUNTY: Lawrence

DATE: 9/28/93 TELEPHONE: 642-2220

RE: Call regarding the fish raising operation

COMMENTS:

Mr. Sleep returned my phone call regarding the fish raising portion of Application No. 1585-1. I stated that last week Kelli Buscher had called and got ahold of his wife who said that they no longer raised fish. I stated that the reason Kelli called was that when raising fish he stated in the application that there is a discharge into Chicken Creek and she needed specifics to determine whether a NPDES Permit would be required. Mr. Sleep indicated that he had sold his fish in June but planned get some more eggs and raise fish in the future. Since he is hard to get ahold of, I gave him Kelli's phone number (773-3351) and he was going to call her.

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

NAME:

Eric Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 23 1993

Richard D. Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

The Water Management Board has validated the enclosed Vested Water Right Nos. 657-1 and 1584-1. These validations give legal status to the claims and are the final documents for your vested rights. Enclosed is Vested Right Water License No. 1584-1 which reflects the acreage and diversion rate as validated by the Board. The applicable portions of No. 657-1 have been incorporated into this Water License.

Water Permit No. 1585-1 for irrigation and fish propagation is also enclosed.

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

Very truly yours,

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

enclosure

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1585-1

I have this day, November 16, 2016 made a thorough examination of the water use system constructed by Richard Sleep, 20017 Mill Creek Rd, Spearfish, SD 57783 of Permit No. 1585-1, bearing the priority of 6/28/1993 authorizing the diversion of 0.53 cu. ft. per second of water from 1 well for irrigation and fish propagation purposes in Lawrence County.

Inspection contact & relationship to permit holder, if applicable: **Richard Sleep, owner**
605-642-2220

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: A.L. Draine (June 1955)
- 2) No. of Wells 1
- 3) Depth(s) 425 feet
- 4) Well log is available: Yes (well log is included with permit application for VR #657-1)

Casing:

- 1) Diameter 12" 0 to 64', 8" 64 to 244', 6" 244 to 370'
- 2) Length 370 feet
- 3) Type Steel

Screen:

- 1) Type N/A
- 2) Length - feet
- 3) Static water level Flowing

Well capacity shown as 900 – 1,000 gpm on well log with permit application for VR #657-1 in 1962.
Operator estimates current flow rate as approximately 1,000 gpm.

Pump:

- 1) Make ----
- 2) Model ----- centrifugal booster
- 3) Size ---
- 4) Capacity 900 GPM
- 5) Horsepower rating 50 hp

Note: Pump make and model illegible due to corrosion. Operator stated pump capacity at 900 gpm.

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

- 1) Type PVC pipe
- 2) Size 6 inches
- 3) Length approx. 4,680 feet

Comments: **The buried pipeline serves the acreage authorized under Vested Water Right No. 1584-1**

C. Works used to apply water to beneficial use:

Towline/hand move:

- 1) Length 2,640 feet
- 2) Diameter 3"
- 3) Capacity 500 - 600 gpm (estimated)
- 4) Acres 27

Comments: The well has not been used for raising fish since the mid 1990's. A 2" line from the well to the farmstead supplies the house and corrals.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No
The well is valved and the flow reduced to the amount needed and is equipped with a pressure gauge, however records of pressure fluctuations are not being kept and operator was unaware this was a requirement.
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
 List any extended period of nonuse: **none**
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in fair condition with the point of diversion located as follows:
1,148' N and 715' E of SW corner Section 23 T7N R1E (44.549825, -103.968659)
2. The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water (600 gpm) which is to be used for sprinkler irrigation and domestic use. Water has been put to beneficial use (irrigation) to the maximum extent as follows:

Section 23 T7N R1E

NW ¼ SW ¼ 4.9 acres

NE ¼ SW ¼ 7.5 acres

SW ¼ SW ¼ 1.7 acres

SE ¼ SW ¼ 12.9 acres

comprising a total of 27.0 acres of land and the license should be issued for 0.38 cfs .

Note: The license is issued for the statutory limit of 1 cfs for each 70 acres.

All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Water Permit 1585-1 appropriated 0.38 cfs for irrigation and 0.15 cfs for fish propagation from one Minnelusa well. The well is no longer being used for raising fish. This well is also used to irrigate 63 acres covered by Vested Water Right No. 1584-1.



Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: 11/17/2016



well, pump and associated plumbing



piping and valves to north and south pipelines



Abandoned fish tanks, well enclosure in background

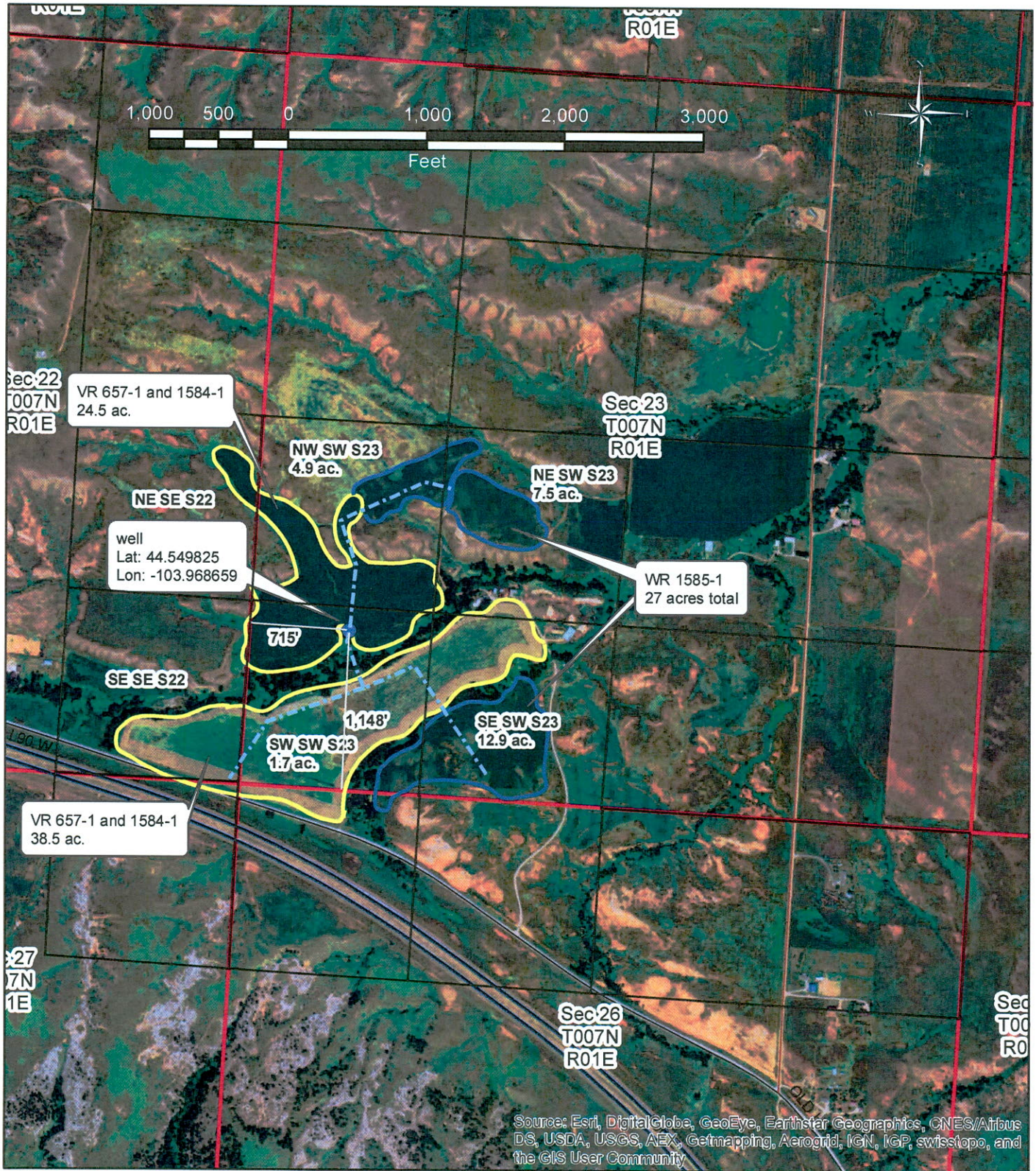


hand move towlines



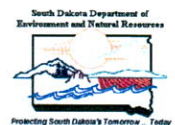
12.9 acre irrigated field

Water Right # 1585-1
Richard Sleep
11/16/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 29, 2016

1585-1

Richard D Sleep
20017 Mill Creek Rd
Spearfish SD 57783

Dear Mr. Sleep:

On November 16, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1585-1, was completed by Steven Quissell, a staff engineer with our program. The 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, 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
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/15, 20 16

RECEIVED OF Richard D Sleep 20017 Mill Creek Rd Spearfish SD 57783

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>1585-1</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07989

By Jeanne Goodman ef
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

1585-1

MAY 30 2017

Richard Sleep
20017 Mill Creek Rd
Spearfish SD 57783

Dear Mr. Sleep:

Enclosed is Water License No. 1585-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 07989 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1585-1

(1) Richard D Sleep, 20017 Mill Creek Rd, Spearfish SD 57783 made Application No. 1585-1, June 28, 1993 for a water permit to divert 0.53 cubic feet of water per second (cfs) from one well - Minnelusa Aquifer, Lawrence County, South Dakota for irrigation and fish propagation purposes. Permit No. 1585-1, with a priority date of June 28, 1993 was approved November 1, 1993 and issued to the applicant for diversion of water with construction of the described water supply system and for the application to beneficial use of water completed.

Water Permit No. 1585-1 authorized a diversion rate of 0.15 cfs for fish propagation and 0.38 cfs for irrigation for a total of 0.53 cfs. The fish propagation has been abandoned and is not included in this license.

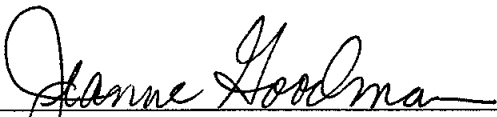
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1585-1 is issued a license, bearing a priority date of June 28, 1993 to appropriate 0.38 cubic feet of water per second from one well- Minnelusa Aquifer to irrigate 27 acres.

The diversion point is located: 1,148 feet N and 715 feet E of the SW corner of Section 23-T7N-R1E (SW 1/4 SW 1/4). This well is also used to irrigate land covered under Vested Right No. 1584-1. The acres authorized for irrigation are as follows:

<u>Section 23-T7N-R1E</u>			
NW 1/4 SW 1/4	4.9 acres	SW 1/4 NW 1/4	1.7 acres
NE 1/4 SW 1/4	7.5 acres	SE 1/4 SW 1/4	12.9 acres
Total 27 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1585-1 including the following qualifications:

- 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.
- 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. The well shall be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. 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 is valved and the flow reduced to the amount needed and is equipped with a pressure gauge.*
- This permit is approves subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 30 2017
date

