

1673-1

WATER PERMIT NO. ~~2413-2~~

Name of Applicant: George & Laura Levin

Address: 820 Tilford St, Sturgis SD 57785

Phone: 605 347-3580

Amount of Water Claimed: 3.95 AF storage (0.86 cfs)

Total Acres: 60

Source of Water Supply: 2 dry draws

Water to be used for: irrigation County: Meade

Type of Waste Disposal System: NA

Location: 28 miles northeast of Sturgis

PRIORITY Date Received: 7-2-1998

Fee: \$150.00

Corrected Application Received: 7-29-1998

Period of Annual Use: March 20 – November 20

Remarks:

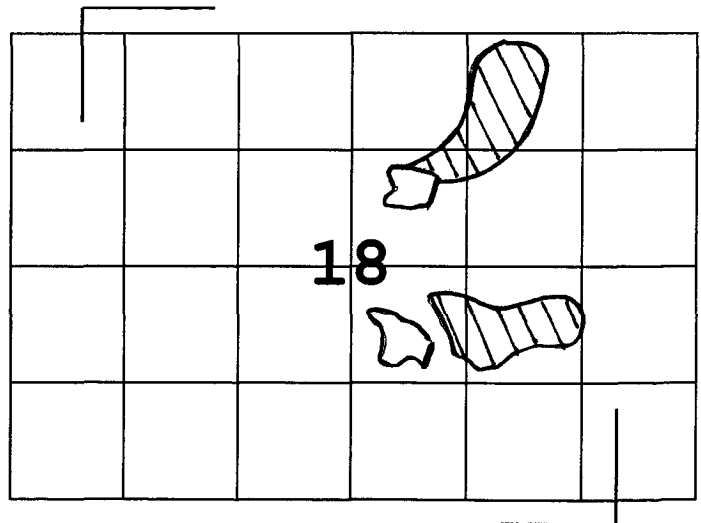
Diversion Point: NE 1/4 SE 1/4 and

NE 1/4 SE 1/4 Sec 18-T6N-R10E

SW 1/4 NE 1/4

Land to be Irrigated: NE 1/4, N 1/2 SE 1/4

Sec 18-T6N-R10E



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Darrell Vig, NRCS

Reviewed and the Number Assigned on: 7-28-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

|                                                                                                                    |                                                  |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>1673-1</u> (office use only)              |
|                                                                                                                    | Hydrologic Unit <u>10120202</u>                  |
|                                                                                                                    | Basin <u>Belle Fourche</u>                       |
|                                                                                                                    | Newspaper <u>Meade Co Times-Tribune, Sturgis</u> |



## Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant George and Laura Levin Phone (605) 347-3580  
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address PO BOX 565 STURGIS 820 Tilford St State SOUTH DAKOTA 57785  
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.51 \*CFS or 1.9 \*\*GPM 36 \*\*\*AF Total Acreage 60 acres  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Dry draw
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) POD #1 1550' west and 1775' north of SE corner of sec. 18 T6E R10N. POD #2 1625' south and 1650' west of NE corner of sec. 18 T6E R10N. (SW1/4 NE1/4) County Meade
5. County or counties where water will be used Meade
6. Annual period during which water is to be used March 20 -- November 20
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description                       | Acres         | Land Description                       | Acres          |
|----------------------------------------|---------------|----------------------------------------|----------------|
| <del>NW1/4 SE1/4 sec 18 T6E R10N</del> | <del>4</del>  | <del>SW1/4 NE1/4 sec 18 T6E R10N</del> | <del>1.5</del> |
| <del>NE1/4 SE1/4 sec 18 T6E R10N</del> | <del>20</del> | <del>SE1/4 NE1/4 sec 18 T6E R10N</del> | <del>2</del>   |
| <del>NW1/4 NE1/4 sec 18 T6E R10N</del> | <del>.5</del> | <del>N E</del>                         |                |
| <del>NE1/4 NE1/4 sec 18 T6E R10N</del> | <del>32</del> |                                        |                |

8. Give a description of the project. (Attach sheet if more space is needed)  
Water will be diverted from spillways of existing earthen dams into a system of level lip ditches.

STATE OF SOUTH DAKOTA) SS  
County of Meade)

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)

I, George Levin, 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.

Applicant's signature George D. Levin

Subscribed and sworn to before me this 29th day of June 1998

Donna Eibenberger  
Notary Public

My Commission Expires December 11 2000

Donna Eibenberger  
Notary Public signature

**SOUTH DAKOTA**  
**WATER PERMIT NO. 1673-1 FOR IRRIGATION**

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Date of first receipt of application July 2, 1998.

Date of return to applicant for corrections, amendments or changes July 14, 1998.

Date of receipt of corrected application July 29, 1998.

The Water Management Board approved Water Permit No. 1673-1 on October 1, 1998 for George and Laura Levin, 820 Tilford St, Sturgis SD 57785 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. 1673-1 appropriates 0.51 cubic feet of water per second from runoff into a dry draw dam (1.9 acre-feet storage capacity) located in the SW ¼ NE ¼ Section 18 to irrigate via a waterspreading system 36 acres located in portions of the NE ¼ Section 18; all in T6N-R10E. The dam currently exists for livestock watering purposes.
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: March 20 – November 20 (irrigation) and July 1 – December 31 (livestock watering).
3. The date from which applicant may claim right is July 2, 1998.
4. One-fifth of the construction is to be completed on or before April 1, 2001.
5. All construction is to be completed on or before October 1, 2003.
6. Water is to be put to beneficial use on or before October 1, 2007.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

Low flows as needed for downstream domestic use including livestock water and prior water rights must be by-passed.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 1 2 2003

date



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

**Nº 415816**

Pierre, July 7, 19 98

RECEIVED OF George D. and Laura Levin, Box 565, Sturgis, SD 57785  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                                 |              |               |
|---------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|
| Fee for Application for Permit No. <u>2413-2</u> to Appropriate Water, to construct<br>and to put water to beneficial use _____ | 150          | 00            |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                          |              |               |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                          |              |               |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. _____                          |              |               |
| Fee for Filing Transfer Form _____                                                                                              |              |               |
| Fee for Filing Extension Request _____                                                                                          |              |               |
| Fee for _____                                                                                                                   |              |               |
| _____                                                                                                                           |              |               |
| _____                                                                                                                           |              |               |
| (Any Other Work Provided by Law)                                                                                                | <b>Total</b> | <b>150 00</b> |

By \_\_\_\_\_  
Chief Engineer

John Hatch (P)

T6239

POD #2

T6157

HEL  
8.8  
⑦

George & Laura Levin  
Waterspreading System

Prepared by:

Darrell Vig, DC  
NRCS  
Sturgis, SD  
Darrell Vig

15.1

⑥  
HEL

15.0

⑧  
HEL

82.9

⑤  
HEL

23.3

⑨  
HEL

T6136

POD #1

T1583

T1591

m16  
6-10)

1673-1  
2413-2

MEADE

County

1952

Program Year

LOCATION NOTICE

Beile Fourche River 3337-1

Dry Draw Number

RECEIVED  
47-047-62052  
ACP Farm Serial Number

JUN 6 1952

KNOW ALL MEN BY THESE PRESENTS:

That Robert M. Fatherton Sturgis, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the land covered by the above ACP farm serial number, of which the land upon which the works described below are to be constructed is a part, in Meade County, South Dakota, availing himself of the right granted him under the provisions of Section 61.0133 South Dakota Code of 1939, has located and claims the right to construct a certain dam across a dry draw situated on the SW 1/4 of the SW 1/4 of Section 17 township 6 range 10, and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described and for Live Stock Purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purpose 2.0 acre feet of water annually.

Estimated surface area of storage basin 2.0 acres.

Estimated drainage area 640.0 acres.

The location of the point of diversion of the reservoir is as follows:

From the SW corner of Sec. 17. - T 6 - R 10 - 68 rods east and 120 rods north to the point of diversion.

The ditch will run in a direction to and on said land for a distance of feet.

Said location was made on the 21st day of May 19 52  
Witness my hand and seal this 21st day of May 19 52

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.1806 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA, )  
County of Meade ) ss.

On the 21st day of May 19 52, before me Otto M. Langhinrichs, a Notary Public in and for the County and State aforesaid, personally appeared Robert M. Fatherton to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

(Seal)

My Commission Expires Sept. 22, 1953

Notary Public

# LOCATION NOTICE FOR DAM/DUGOUT

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

Meade

County

74757

Location Notice No.

I, George Levin

820 Telford St.

Name

Sturgis, SD 57785

Meade

Address & Zip Code

County

Owner

(owner or operator)

, of the following described land, do hereby

notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right under SDCL 46-4, for construction of a dugout (dam or dugout) for the purpose of impounding runoff waters for livestock water (type of use) purposes.

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice 3/91

(b) Proposed construction 3/91

(2) Legal description of the land upon which the dam/dugout is located:

NW 1/4 SE 1/4 sec. 18-6-10

(describe to the nearest 40 acre sub-division)

(3) Location of the dam/dugout from a section corner:

98 rods N and 100 rods W of the SE Corner Sec. 18-6-10

(describe distance N.S.E.W. from the corner)

(4) County Meade

(5) The owner of the land George Levin

(6) Acre feet of water claimed annually 2.05



Notes: If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

A location notice is only required on a dugout, if the dugout captures surface runoff waters.

\*\* Continue on other side \*\*

(7) Complete the following information for the proposed dam/dugout:

• Items to be completed for a dugout

\*a) Dam/Dugout designed by Gerald T. Miller, CET, Soil Cons. Service

2320 South Junction, Sturgis, SD 57785

(name and address)

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

\* Depth, if Dugout 12.4

e) Outlet Dimensions:

Pipe diameter \_\_\_\_\_

Spillway width \_\_\_\_\_

f) X & Y Slope:

Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

\*g) Water surface area 0.36

\*h) Storage at spillway crest or overflow elevation

(acre feet) 2.05

i) Maximum storage to top of dam

(acre feet) \_\_\_\_\_

\*j) Drainage area above dam/dugout

280

Enclosed herewith is ten dollars (\$10.00). The Water Management Board is requested to file this Location Notice in their official records. A copy of this Location Notice has been filed (do not record) with the Register of Deeds of \_\_\_\_\_ County in accordance with SDCL 46-4-3.

STATE OF SOUTH DAKOTA )

COUNTY OF Madison ) ss

I, George D. Levin the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed George D. Levin

Subscribed and sworn to before me this 24th day of November, 1991

(seal)

NOTARY PUBLIC

NOV 10, 1991

Notary Public

notary public



## LOCATION NOTICE FOR DAM/DUGOUT

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

Meade

County

7454/3  
Location Notice No.

I, George Levin, of \_\_\_\_\_  
Name

P.O. Box 565, Sturgis, SD 57785-0565  
Address & Zip Code County

Owner of the following described land, do hereby  
(owner or operator)

notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right  
under SDCL 46-4, for construction of a dugout for the purpose of impounding runoff waters  
(dam or dugout)  
for livestock purposes.  
(type of use)

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice \_\_\_\_\_

(b) Proposed construction \_\_\_\_\_

(2) Legal description of the land upon which the dam/dugout is located:

SWNE section 18 township 6 north, range 10 east of the Black Hills Meridian  
(describe to the nearest 40 acre sub-division)

(3) Location of the dam/dugout from a section corner:

112 rods south and 92 rods west of the NE corner of sec. 18, T6N R10E  
(describe distance N.S.E.W. from the corner)

(4) County Meade

(5) The owner of the land George Levin

(6) Acre feet of water claimed annually 1.9

Notes: If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

A location notice is only required on a dugout, if the dugout captures surface runoff waters.

\*\* Continue on other side \*\*

- (7) Complete the following information for the proposed dam/dugout:
- Items to be completed for a dugout

\*a) Dam/Dugout designed by Natural Resources Conservation Service

Sturgis, SD

(name and address)

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

• Depth, if Dugout 12

e) Outlet Dimensions:

Pipe diameter \_\_\_\_\_

Spillway width \_\_\_\_\_

f) X & Y Slope:

Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

\*g) Water surface area 0.3

\*h) Storage at spillway crest or overflow elevation

(acre feet) 1.9

i) Maximum storage to top of dam

(acre feet) \_\_\_\_\_

\*j) Drainage area above dam/dugout

422 ac

Enclosed herewith is ten dollars (\$10.00). The Water Management Board is requested to file this Location Notice in their official records. A copy of this Location Notice has been filed (do not record) with the Register of Deeds of Meade County in accordance with SDCL 46-4-3.

George D. Lewin  
owner

\_\_\_\_\_  
locator

STATE OF SOUTH DAKOTA

COUNTY OF Meade

I, George D. Lewin the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed George D. Lewin

Subscribed and sworn to before me this 27th day of November, 1996

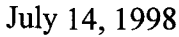
(seal)

Lori L. McRae  
notary public

Lori L. McRae

Notary Public

Commission Expires October 3, 2003



Dear Mr. & Mrs. Levin:

I discovered that I neglected to file the location notices for the dam in question. I am now filing that notice. Sorry about this oversight.

**Report on Water Permit Application No. 2413-2**  
**George and Laura Levin**  
**August 7, 1998**

Water Permit Application No. 2413-2 proposes to appropriate 0.86 cubic feet of water per second (cfs) from runoff to irrigate 60 acres by way of a water spreading system. The water is diverted through two dams with a total storage capacity of 3.95 acre-feet. Location Notices have been filed for livestock purposes on both dams. The dams are located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 18, T6N-R10E. The irrigated acreage is located in the NE  $\frac{1}{4}$  and N1/2 SE  $\frac{1}{4}$  of Section 18, T6N-R10E.

Discussion

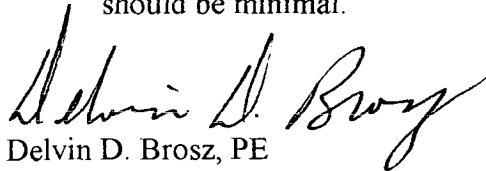
The two dams, for the proposed project, are located on two small tributaries of Dry Elm Creek. One has a drainage area of 422 acres and the second 280 acres. Dry Elm Creek is a tributary of West Elm Creek.

There are 3 water rights on Dry Elm Creek and West Elm Creek downstream from this application. These 3 water rights appropriate 4.09 cfs to irrigate 287 acres. The drainage area for Dry Elm and West Elm Creeks is large in comparison to the drainage area for the two small dams in this application.

Because of the small drainage areas above the two dams, water availability for irrigation of the 60 acres may be limited.

Conclusions

1. Water Permit Application No. 2413-2 proposes to appropriate 0.86 cfs to irrigate 60 acres. Water is diverted by two small dams
2. There are three water rights downstream appropriating 4.09 cfs to irrigate 287 acres.
3. Due to the small drainage area above the two dams, impacts to downstream water rights should be minimal.



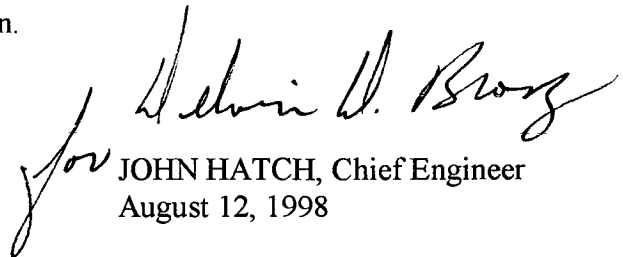
Delvin D. Brosz, PE  
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2413-2, George and Laura Levin**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2413-2, George and Laura Levin, 820 Tilford Street, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 2413-2 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) it is in the public interest.

See report on application for additional information.

for JOHN HATCH, Chief Engineer  
August 12, 1998

**Revised Report on Water Permit Application No. 1673-1**  
**George and Laura Levin**  
**September 8, 1998**

Water Permit Application No. 1673-1 proposes to appropriate 0.86 cubic feet of water per second (cfs) from runoff to irrigate 60 acres by way of a water spreading system. The water is diverted through two dams with a total storage capacity of 3.95 acre-feet. Location Notices have been filed for livestock purposes on both dams. The dams are located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 18, T6N-R10E. The irrigated acreage is located in the NE  $\frac{1}{4}$  and N1/2 SE  $\frac{1}{4}$  of Section 18, T6N-R10E.

Discussion

The two dams, for the proposed project, are located on two small tributaries of Dry Elm Creek. The dam in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  has a drainage area of 280 acres and the dam in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  has a drainage area of 422 acres. Dry Elm Creek is a tributary of West Elm Creek.

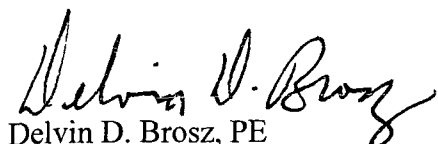
There are 3 water rights on Dry Elm Creek and West Elm Creek downstream from this application. These 3 water rights appropriate 4.09 cfs to irrigate 287 acres. The drainage area for Dry Elm and West Elm Creeks is large in comparison to the drainage area for the two small dams in this application.

A petition in opposition to this application was filed by Ross Reichert. Mr. Reichert has a dam and small dugout located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 17, T6N-R10E. This is just downstream from the dam located in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of this application. Mr. Reichert's dam and dugout are used for livestock purposes. There is a location notice on file for the dam but not for the dugout. The dam has a storage capacity of 8.3 acre-feet.

Because of the small drainage areas above the two dams and the need to by-pass water for downstream livestock water use, water availability for irrigation of the 60 acres may be limited.

Conclusions

1. Water Permit Application No. 1673-1 proposes to appropriate 0.86 cfs to irrigate 60 acres. Water is diverted by two small dams
2. There are three water rights downstream appropriating 4.09 cfs to irrigate 287 acres.
3. Due to the small drainage area above the two dams, impacts to downstream water rights should be minimal.
4. Low flows as needed for downstream livestock water use should be by-passed.

  
Delvin D. Brosz, PE  
Natural Resources Engineer

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1673-1, George and Laura Levin**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1673-1, George and Laura Levin, 820 Tilford Street, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1673-1 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) it is in the public interest with the following qualification.

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer  
September 8, 1998



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.

August 12, 1998

George and Laura Levin  
820 Tilford Street  
Sturgis, SD 57785

Dear Mr. And Ms. Levin:

Water Permit Application No. 2413-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

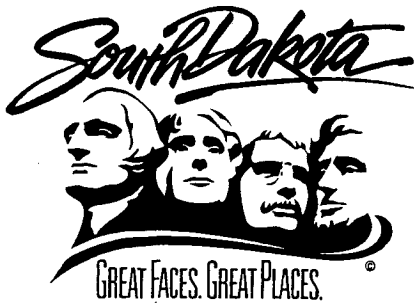
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

August 12, 1998

Meade Co. Times-Tribune  
Box 69  
Sturgis, SD 57785-0069

ATTENTION: Legal Department

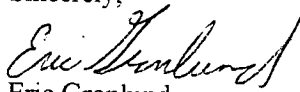
Enclosed is a Notice of Hearing on Application No. 2413-2 to Appropriate Water to be published twice. Please publish the first notice on August 19, 1998, with the second publication 7 days later.

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 APPLICANTS are George and Laura Levin, 820 Tilford Street, Sturgis, SD 57785 (Ph # (605) 347-3580).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

No. 2413-2

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

Date \_\_\_\_\_

We are in receipt of your letter of August 12, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 2413-2 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 August 19, 1998, with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF APPLICATION NO. 2413-2 to Appropriate Water

Notice is given that George and Laura Levin, 820 Tilford St, Sturgis SD 57785 have filed an application for a water permit to appropriate 0.86 cubic feet of water per second from runoff into two dry draw dams (3.95 acre-feet storage capacity) located in the NW ¼ SE ¼ and SW ¼ NE ¼ Section 18 to irrigate via a waterspreading system 60 acres located in portions of the NE ¼, N ½ SE ¼ Section 18; all in T6N-R10E. The dams currently exist for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2413-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 September 8, 1998.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County of Meade ) SS

I, Joan M. Lewis  
 certify that the attached printed Notice was taken  
 from the Meade County Times

printed and published in Sturgis  
 County of Meade and  
 state of South Dakota. The notice was published  
 in the newspaper on the following two dates:

Aug. 19, 1998  
Aug. 26, 1998  
 Cost of Printing 35.60

Joan M. Lewis  
 (Signature)

Bookkeeper  
 (Title)

8-26-98  
 (Date Signed)

## Water application

NOTICE OF APPLICATION  
NO. 2413-2 to Appropriate Water

Notice is given that George and Laura Levin, 820 Tilford St, Sturgis SD 57785 have filed an application for a water permit to appropriate 0.86 cubic feet of water per second from runoff into two dry draw dams (3.95 acrefeet storage capacity) located in the NW 1/4 SE 1/4 and SW 1/4 NE 1/4 Section 18 to irrigate via a waterspreading system 60 acres located in portions of the NE 1/4, N 1/2 SE 1/4 Section 18; all in T6N-R10E. The dams currently exist for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2413-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 September 8, 1998.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ Aug. 19 and 26, 1998  
 Meade County Times-Tribune



August 31, 1998

HC 75 Box 238  
Hereford, SD 57785  
Phone # 605-985-5408

Chief Engineer  
Water Rights Program  
Foss Building  
523 East Capitol  
Pierre, SD 57501



To Whom It May Concern,

I, Ross Reichert, oppose the water application No. 2413-2 to appropriate water filed by George and Laura Levin.

I am opposing this permit as I have a dugout and a dam on this dry draw drain. The dugout and the dam are located less than one half mile from the proposed water spreading system. The dugout is my main source of stock water in this pasture. I generally graze this pasture in the fall or winter. If I have no water in my dugout it will render my grass useless. The dam on the drain is a large shallow body of water with cattails and marsh grass. It is excellent wildlife habitat, sort of a man made wetland in a dry area.

I would be willing to share the water in this drainage whenever my dugout and dam are full. My main concern is water for my livestock.

Respectfully,  
  
Ross Reichert

cc: George and Laura Levin  
820 Tilford Street  
Sturgis, SD 57785



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 8, 1998

**NOTICE**

TO: George and Laura Levin  
820 Tilford Street  
Sturgis SD 57785  
and Parties of Record (see attached sheet)

FROM: John Hatch, Chief Engineer  
Water Rights Program  
(605) 773-3352

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 1673-1 (see note at conclusion of this notice)

A petition in opposition to Application No. 1673-1 has been filed in response to the Notice of Application to appropriate water published August 19 and 26, 1998, in the Meade County Times. As specified in the publication notice, Application No. 1673-1, filed by George and Laura Levin, 820 Tilford St., Sturgis SD 57785, SD is to appropriate 0.86 cubic feet of water per second from two dry draw dams (3.95 acre feet storage capacity) located in the NW1/4 SE1/4 and SW1/4 NE1/4 Section 18, T6N, R10E for irrigation via water spreading of 60 acres. The irrigated acres are located in portions of the NE1/4, N1/2 SE1/4 Section 18, T6N, R10E. Because a petition in opposition to the application has been filed, pursuant to 46-2A-23, the Chief Engineer must provide notice of a hearing before the Water Management Board to all parties of record.

I have revised my recommendation to include a low flow bypass qualification to protect downstream domestic uses of water. Enclosed is a copy of the revised report and recommendation on this application.

The Water Management Board will conduct a hearing to consider Application No. 1673-1 at 9:30 am (CDT) on October 1, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1673-1 with a low flow bypass qualification 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. The Chief Engineer's revised 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 October 1, 1998, 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 September 21, 1998.

This 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.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by September 21, 1998, if you have special needs for which the department will make arrangements.

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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

NOTE: This application has been reassigned an application filing number of No. 1673-1. The application was originally assigned No. 2413-2. The application filing number is used solely for administrative purposes.

**PARTIES OF RECORD**

WATER PERMIT APPLICATION NO. 2413-2

APPLICANT

George and Laura Levin  
820 Tilford Street  
Sturgis SD 57785

PETITIONER

Ross Reichert  
HC 75 Box 238  
Hereford SD 57785

CERTIFICATION

I hereby certify that on September 8, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 8, 1998, along with a copy of the Parties of Record List, and a copy of the Revised Report and Revised Recommendation on Water Permit Application No. 1673-1, regarding Notice of Hearing on Contested Water Permit Application No. 1673-1, addressed as stated below, and on the attached Parties of Record List:

**A copy of the above described Notice and attachment was sent Inter-office to:**

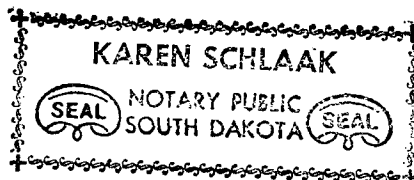
Diane Best, Assistant Attorney General, Capitol Building.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                          )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 9<sup>th</sup> day of September, 1998

  
Notary Public



KAREN SCHLAACK, Notary Public  
My Commission Expires  
April 1, 2001



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 5, 1998

**NOTICE**

TO: George and Laura Levin  
820 Tilford Street  
Sturgis SD 57785

Ross Reichert  
HC 75 Box 238  
Hereford SD 57785

FROM: John Hatch, Chief Engineer  
Water Rights Program  
(605) 773-3352

SUBJECT: Board Action on Water Permit Application No. 1673-1, George and Laura Levin

On October 1, 1998, the Water Management Board considered Water Permit Application No. 1673-1. The Board approved Water Permit No. 1673-1 subject to installation of a low flow bypass mechanism on the southern dam. This is the dam in the same drainage as Mr. Reichert's dam and dugout. The following qualification is a condition of the water permit:

Low flows as needed for downstream domestic use including livestock water and prior water right must be by-passed and an appropriate bypass system must be constructed for the south dam before Water Permit No. 1673-1 is issued.

Water Permit No. 1673-1 will not be issued and the permit is not effective until a low flow bypass mechanism is installed in the dam. You do not have a legal right to divert water for irrigation from either of the dams until the bypass system is in place. Once in place, the low flow bypass must be operated in a manner that irrigation does not take place until sufficient water for livestock watering has been bypassed to Mr. Reichert's dam and dugout.

Please contact Del Brosz or Eric Gronlund at (605) 773-3352 once a low flow bypass mechanism is in place. A staff person will conduct a site visit when in the area.

C: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on October 5, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 5, 1998, regarding Board Action on Water Permit Application No. 1673-1, George and Laura Levin, addressed as stated below:

George and Laura Levin, 820 Tilford Street, Sturgis, SD 57785.

Ross Reichert, HC 75, Box 238, Hereford, SD 57785.

**A copy of the above described Notice was sent Inter-office to:**

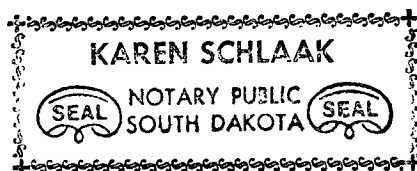
Diane Best, Assistant Attorney General, Capitol Building.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                          )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 6<sup>th</sup> day of October, 1998

  
Notary Public



KAREN SCHLAACK, Notary Public  
My Commission Expires  
April 1, 2001



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 5, 1999

George and Laura Levin  
820 Tilford St  
Sturgis SD 57785

Dear Mr. & Mrs. Levin:

On October 1, 1998, the Water Management Board approved Water Permit No. 1673-1 subject to installation of a low flow bypass mechanism on the southern dam. The Board took this action to protect downstream domestic rights.

Is the low flow bypass system constructed and in place for the upcoming irrigation season? Please let us know the status of this project. After completion, a staff person will conduct a site visit when in the area. You do not have a legal right to divert water for irrigation until the water permit is issued.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund  
Water Rights Program  
605 773-3352



Sturgis SD  
March 15, 1999

Erich Gronlund  
Water Rights Program  
Pierre SD 57501

Greetings:

I am in receipt of your letter dated March 5 concerning a low flow bypass system. Please be informed that I have contacted Jerry Miller of the Soil Conservation Service in Rapid City to draw up the specifications for this project. He will be doing that as soon as conditions permit. As you may be aware the ground conditions are very wet in this part of the state which will delay the activity on this project for some time. We plan to begin work as soon as conditions permit. Due to the wet conditions down stream users are not in need of more water at this time.

Sincerely

*George D. Levin*  
George Levin

820 Tilford St.  
Sturgis SD 57785



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 22, 1999

George Levin  
820 Tilford St.  
Sturgis SD 57785

Dear Mr. Levin:

I am writing to find out the status of the installation of a low flow bypass mechanism on the southern dam authorized by Water Permit No. 1673-1. In your letter last March you indicate that you will work to meet the permit qualification for a low flow bypass as soon as weather conditions permit.

What is the status of the meeting the low flow requirement which was placed on the water right permit by the Water Management Board? I remind you that the water right permit will not be issued until this condition is met and a staff person conducts a site visit. Regardless of weather conditions you do not have a legal right to divert water for irrigation until the water permit is issued.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 11, 2000

George Levin  
820 Tilford St.  
Sturgis SD 57785

Dear Mr. Levin:

Last July, I wrote to you to find out the status of the installation of a low flow bypass mechanism on the southern dam authorized by Water Permit No. 1673-1. This is the water permit approved October 1, 1998, for irrigation from the two small dams in Section 18, T6N, R10E.

In response to my letter you called stating you were working with Mr. Reichert on a plan to divert from a point below his dugout and that you were having NRCS do some preliminary design work. I asked you to submit a description of your intentions, a request to amend the qualification regarding the low flow bypass on the southern dam, the NRCS design and a letter from Mr. Reichert agreeing to the proposal. This matter would then be scheduled before the Water Management Board.

To date, I have not received any further correspondence from you. As I have stated previously, the water right permit will not be issued until the qualification is met or properly amended before the Water Management Board. Until the permit is issued, you do not have a legal right to divert water for irrigation.

Please contact me if you have any questions.

Sincerely,

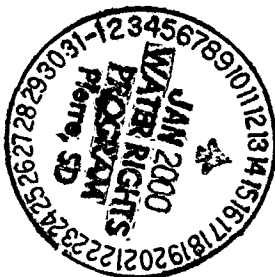
Eric Gronlund  
Water Rights Program  
(605) 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

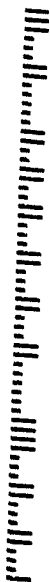
RETURN SERVICE REQUESTED



George Levin  
820 Tilford St.  
Sturgis SD 57785

LEVI020 T577852032 1100 05 01/13/00  
RETURN TO SENDER  
MISSION WEST  
TEMPORARILY AWAY  
RETURN TO SENDER

RUN5 5778





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 17, 2001

George Levin  
820 Tilford Street  
Sturgis SD 57785

Dear Mr. Levin:

I am writing again to find out the status of your efforts to install a low flow bypass mechanism on the southern dam authorized by Water Permit No. 1673-1. As I recall, when we talked this spring you were again going to try to devise some mechanism that would be acceptable to Mr. Reichert. If unsuccessful in getting an acceptable by-pass plan you mentioned possibly abandoning your efforts to irrigate from the south dam.

Did you make any progress in devising a bypass mechanism for this dam? If not, what are your future plans for this irrigation system? Do you still intend to irrigate from the northern dam?

We have not issued the water permit pending and acceptable bypass system being designed and approved for the south dam. I remind you that all construction is to be completed before October 1, 2003 or the permit may be subject to cancellation for non-construction. That means you have approximately two years to come up with approved design and then get it constructed.

Please provide me an update of your intentions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 1673-1, George Levin

ADDRESS: COUNTY:

DATE: October 31, 2001 TELEPHONE: 605 388-4667

RE: Phone conversation with George Levin

COMMENTS:

Mr. Levin stated he was still trying to come up with a low flow bypass mechanism that would be satisfactory to Mr. Reichert. He hoped to get Mr. Reichert to go into the NRCS office to discuss his proposal. If that fails, Mr. Levin stated he may submit his plan to the Water Rights Program and request consideration of the plan by the Water Management Board. I said if he submits a plan to include a proposed design for us to review.

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 Hembund



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 8, 2002

George Levin  
820 Tilford St.  
Sturgis SD 57785

Dear Mr. Levin:

I am writing to find out the status of designing a low flow bypass mechanism for the southern dam authorized by Water Permit No. 1673-1. Over the past years I have corresponded with you on numerous occasions about meeting the Board requirement for a bypass system at the south dam.

This is the water permit approved on October 1, 1998, for irrigation from the two small dams in Section 18, T6N, R10E. The Board qualified the permit that an appropriate bypass system must be approved and constructed for the south dam prior to the permit being issued.

The construction of works authorized by the water permit is to be completed by October 1, 2003. This leaves you very little time to get an acceptable bypass system designed, approved and constructed for the south dam. If works are not constructed by this time, the permit may be subject to cancellation for non-construction. I remind you that the bypass design must receive department approval prior to construction and that irrigation may not take place until the permit is issued.

If you no longer intend to pursue irrigation from the south dam, please let me know. The permit can be issued for irrigation just from the north dam or if no irrigation is intended from either dam, the water permit can be cancelled.

This letter is intended as a reminder of the timeframes to complete construction of works. If you have any questions, do not hesitate to contact me.

Sincerely,

Eric Gronlund  
Water Rights Program  
605 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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523 EAST CAPITOL  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 9, 2002

George Levin  
820 Tilford St.  
Sturgis SD 57785

Dear Mr. Levin:

I am again writing to find out the status of the installation of a low flow bypass mechanism for the southern dam authorized by Water Permit No. 1673-1. This is the water permit approved on October 1, 1998, for irrigation from the two small dams in Section 18, T6N, R10E. The Board qualified the permit that an appropriate bypass system must be approved and constructed for the south dam prior to the permit being issued. Over the past years, I have corresponded with you on the status of installing a bypass system.

The construction of works authorized by the water permit are to be completed by October 1, 2003. This leaves you a little over one year to get an acceptable bypass system designed, approved and still get construction completed for the south dam. If works are not constructed by this time, the permit may be subject to cancellation for non-construction. I remind you that the bypass designed must receive department approval prior to construction and that irrigation may not take place until the permit is issued.

This letter is intended as a reminder of the timeframes to complete construction of works. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund  
Water Rights Program  
605 773-3352



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 22, 2003

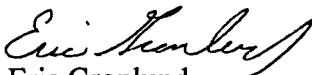
George Levin  
820 Tilford Street  
Sturgis SD 57785

Dear Mr. Levin:

Please find a copy of a partially completed application form to request an extension of time to complete construction and for an amendment to the qualification on Water Permit No. 1673-1. Please review the information carefully and sign in front of a notary republic. The application will also need to include a \$100 filing fee and a cover letter explaining the reason for the extension of time and for the qualification amendment. You indicated that based on NRCS's assessment the downstream neighbor would not be impacted by your project because there is considerable contributing drainage from other areas that would fill his dugout. Your letter should include this information. Also you talked about a dike that would divert water back into the drainage that supplies the neighbor's dugout. You will need to submit a map showing a diagram of how this will work.

Finally, any request for an extension of work must be submitted by the October 1, 2003 deadline to complete construction. Please feel free to contact me if you have any questions.

Sincerely,

  
Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure

RECEIVED

SEP 29 2003

WATER RIGHTS  
PROGRAM

Garland Erbele, Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol Avenue  
Pierre SD 57501

Dear Mr. Erbele:

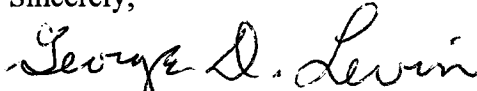
The Water Management Board approved Water Permit Application No. 1673-1 on October 1, 1998. The Board conditioned the permit in a manner that it would not be issued until an appropriate bypass system is approved for the south dam. I am requested that the south dam component of the water permit be withdrawn and that the permit be issued for solely the northern dam and the irrigated acres that accompany it.

I understand that the time to complete construction is October 1, 2003 and plan to have the construction of the works for water spreading from the north dam in place.

I understand that in the future this may require the permit to come back before the Board for amendment to the qualification.

Thank you for your consideration in this manner.

Sincerely,



George Levin  
820 Tilford Street  
Sturgis SD 57785



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 8, 2003

**NOTICE**

TO: George Levin  
820 Tilford Street  
Sturgis SD 57785

Ross Reichert  
HC 75 Box 238  
Hereford SD 57785

FROM: Garland Erbele, Chief Engineer  
Water Rights Program

*Garland Erbele*

SUBJECT: Amendment to Qualification to Water Permit No. 1673-1, George Levin

On October 1, 1998, the Water Management Board considered Water Permit Application No. 1673-1 filed by George Levin. This application proposed to appropriate 0.86 cubic feet of water per second from runoff to irrigate 60 acres in portions of the E ½ of Section 18, T6N, R10E. Water was to be diverted from two livestock dams to a waterspreading system. The application was contested by Mr. Reichert who expressed concern that irrigation from the southerly dam may impair his receiving a fill in his downstream dam and dugout. The Board approved the permit with a condition that an appropriate bypass system be constructed for the south dam before Water Permit No. 1673-1 is issued.

For the past five years, the water permit has not been issued because a bypass system design has not been submitted to the Water Rights Program for review. Mr. Levin has submitted a letter requesting that the south dam component of the water permit be withdrawn and the permit be issued solely for the northern dam and the accompanying 36 irrigated acres. A copy of the letter is enclosed.

The Water Management Board will consider amending Water Permit No. 1673-1 at 8:30 AM on December 3, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

The Chief Engineer is recommending that Water Permit No. 1673-1 be issued to appropriate 0.51 cubic feet of water per second from a dam located in the SW¼ NE¼ of Section 18 to irrigate 36 acres via a waterspreading system located in portions of the NE¼ Section 18, T6N, R10E. The qualification on the permit is proposed to be amended to read as follows.

Low flows as needed for downstream domestic use including livestock water and prior water rights must be by-passed.

The Chief Engineer's recommendation is not final or binding on the Board. The Board is authorized to 1) amend the permit, 2) defer, or 3) take no action. Parties may present testimony at this December 3<sup>rd</sup> hearing in support or opposition to the amendment.

Please contact Eric Gronlund at (605) 773-3352 if you have any questions about this proposed action.

Enclosure

c: Diane Best, Assistant Attorney General

# CERTIFICATION

I hereby certify that on October 8, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 8, 2003, scheduling consideration of an amend to qualification on Water Permit No. 1673-1, George Levin, addressed as stated below.

George Levin  
820 Tilford Street  
Sturgis SD 57785

Ross Reichert  
HC 75 Box 238  
Hereford SD 57785

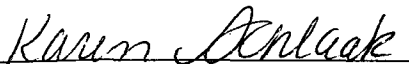
## A copy of the Notice was sent Inter-office to:

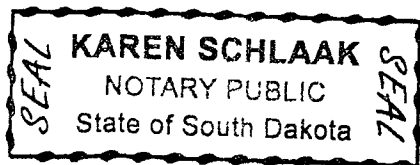
John Guhin, Deputy Attorney General  
Diane Best, Assistant Attorney General

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights Program

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 9<sup>th</sup> day of October, 2003.

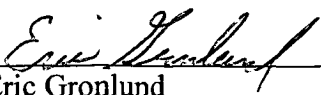
  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007



# CERTIFICATION

I hereby certify that on October 16, 2003 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 8, 2003 regarding Amendment to Qualification to Water Permit No. 1673-1 addressed as stated below:

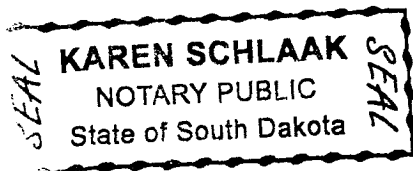
Ross Reichert  
Hereford SD 57785

  
Eric Gronlund  
Natural Resource Engineer  
Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 20<sup>th</sup> day of October, 2003.

  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

DEC 10 2003

George Levin  
820 Tilford St  
Sturgis SD 57785

Dear Mr. Levin:



Enclosed is Water Permit No. 1768-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. On December 3, 2003, the Water Management Board amended the permit qualification by deleting the bypass requirement regarding the south dam based on your request to delete the south dam component. The permit is being issued for the north dam only.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

**NOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USE**

Date 12-22-03

TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

FROM:

George Lewin  
(name)820 Telford St  
(address)Sturgis SD 57785  
(city, state, zip)605-347-3580  
(phone)956-580-9623 (winter)

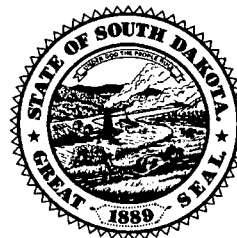
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1673-1 states that the water use system is to be constructed by10-1-03, and water is to be put to beneficial use by 10-1-03.  
(date) (date)The water use system was completed on 9-16-03.  
(date)Applying the water to beneficial use was completed on 9-20-03.  
(date)

You may schedule an investigation so that the water license may be issued.

George D Lewin  
(signature)

RECEIVED  
DEC 24 2003  
WATER RIGHTS  
PROGRAM





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

July 12, 2017

963-1  
1673-1

Cory Levin  
15737 209<sup>th</sup> Place  
Hereford SD 57785

Dear Mr. Levin:

I am writing in follow-up to our July 11<sup>th</sup> phone conversation concerning Water Right No. 963-1 and Water Permit No. 1673-1. I have included copies for your review.

It is my understanding that you own the land covered under Nos. 963-1 and 1673-1. Enclosed are partially completed "Notice of Transfer of Ownership" forms. Please review and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

During our phone conversation, you voiced some concern over filing the ownership changes and paying the associated fees if they would end up being cancelled. Steve Quissell, a staff engineer with our program, recently contacted you to set up an inspection of the water use system developed under Permit No. 1673-1. It is fine if you want to wait to transfer No. 963-1 and No. 1673-1 until Steve has had a chance to conduct the field investigation.

Irrigation of land over an acre in size requires a water permit to be in place. If the water use systems authorized under either No. 963-1 or No. 1673-1 are in place and functioning, they must be maintained.

If Mr. Quissell's field investigation finds everything in place and in use, the following will need to occur:

- **For Water Right No. 963-1:** complete and submit the transfer form along with a filing fee of \$50;
- **For Water Permit No. 1673-1:** complete and submit the transfer form along with a filing fee of \$50; also needed will be a \$50 fee for the investigation and issuance of the water license.

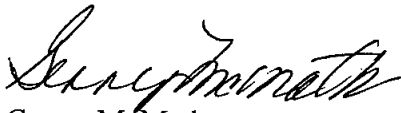
continued

Page 2  
July 12, 2017  
Cory Levin

As we discussed, it is fine to wait until Steve has had a chance to visit with you and conduct a field investigation before filing the ownership changes and payment of the fees. I wanted to be able to get you something in writing and send along copies of everything to give you an opportunity to look them over before Steve's visit.

If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures