

WATER PERMIT NO. 1726-1

Name of Applicant: James R Reed

Address: 20780 132 Ave, Sturgis SD 57785

Phone: 605 347-4503

Amount of Water Claimed: 1 cfs

Total Acres: 54.2

Source of Water Supply: runoff

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: 7 miles northeast of Sturgis

PRIORITY Date Received: 5-19-2000

Fee: \$150

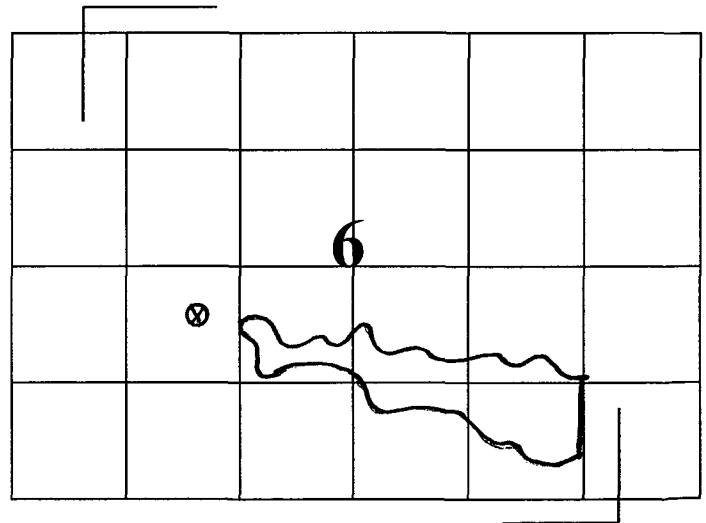
Corrected Application Received:: 5-30-2000

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NW ¼ SW ¼ Sec 6-T6N-R6E

Land to be Irrigated: NE ¼ SW ¼, SE ¼ Sec 6-T6N-R6E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Nell M Heying, NRCS

Reviewed and the Number Assigned on: 5-30-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1726-1 FOR IRRIGATION

Date of first receipt of application May 19, 2000.

Date of return to applicant for corrections, amendments or changes May 22, 2000.

Date of receipt of corrected application May 30, 2000.

The Water Management Board approved Water Permit Application No. 1726-1 on March 7, 2001 for James R Reed, 20780 132 Ave, 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. 1726-1 appropriates 1.0 cubic feet of water per second from runoff located in the NW ¼ SW ¼ Section 6 to irrigate via a waterspreading system 54.2 acres located in the E ½ SW ¼, SE ¼ Section 6; all in T6N-R6E.
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 (see qualification No. 1).
3. The date from which applicant may claim right is May 19, 2000.
4. One-fifth of the construction is to be completed on or before September 7, 2003.
5. All construction is to be completed on or before March 7, 2006.
6. Water is to be put to beneficial use on or before March 7, 2010.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Except as authorized by written order issued by the Chief Engineer, Permit No. 1726-1 does not authorize diversion of water after June 1st of each calendar year, nor at any time when the river flows are low. Diversion of water under this Permit shall, in any case, be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 1726-1 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 54.2 acres, with an annual volume not to exceed 2 acre-feet of water per acre per year.

WATER MANAGEMENT BOARD

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

MAY 09 2001

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>1726-1</u>	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</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.) _____

- Name of Applicant James R. Reed Phone 605-347-4503
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 20780 132 Ave. Sturgis State SD 57785
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 4 **GPM ***AF Total Acreage 54.2
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 886 ft. east and 1635 ft. north of the SW corner of Section 6 T 6 N R 6 E (NW1/4 SW1/4)
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used April through October 31
- 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
NESW Section 6 T 6N R 6E	11.8	SESE Section 6 T 6 N R 6E	21.4
NWSE Section 6 T 6N R 6E	3.6		
SWSE Section 6 T 6N R 6E	13.3		
SWSE Section 6 T 6N R 6E	4.1		

8. Give a description of the project. (Attach sheet if more space is needed)

A base grade diversion ditch will be installed with a control gate at the inlet. The ditch will follow the contour of the land with a tenth fall per 100 ft. and outlet in an existing ditch.

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, James R. Reed, 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 James R. Reed
Subscribed and sworn to before me this 18th day of May 2000

My Commission Expires 08/19/04

Carlene M. Rosenbaum
Notary Public signature

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416522

Pierre, _____ May 19, 2000

RECEIVED OF James R. or Evelyn M. Reed, 20780 132nd Ave., Sturgis, SD 57785-6304
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 _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By Harold E. Webb
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416533

Pierre, _____ May 30, 2000

RECEIVED OF James R. Reed, 20780 132nd Ave., Sturgis, SD 57785-6304
the following amount in fees for services rendered as provided for by law:

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

(Any Other Work Provided by Law)	Total	50 00

By Harold E. Eide
Chief Engineer

T 1466

OUT

⑦ 12.8 HEL

53.6

④

N

⑥ 4.6 HEL

6 N

106.7

⑧

Diversion Point

714
(6-6)

SW
Section
Corner

Dell M. Heying
Soil Conservation
Technician
NRCS

45.0

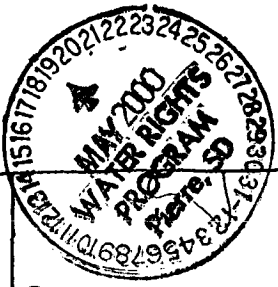
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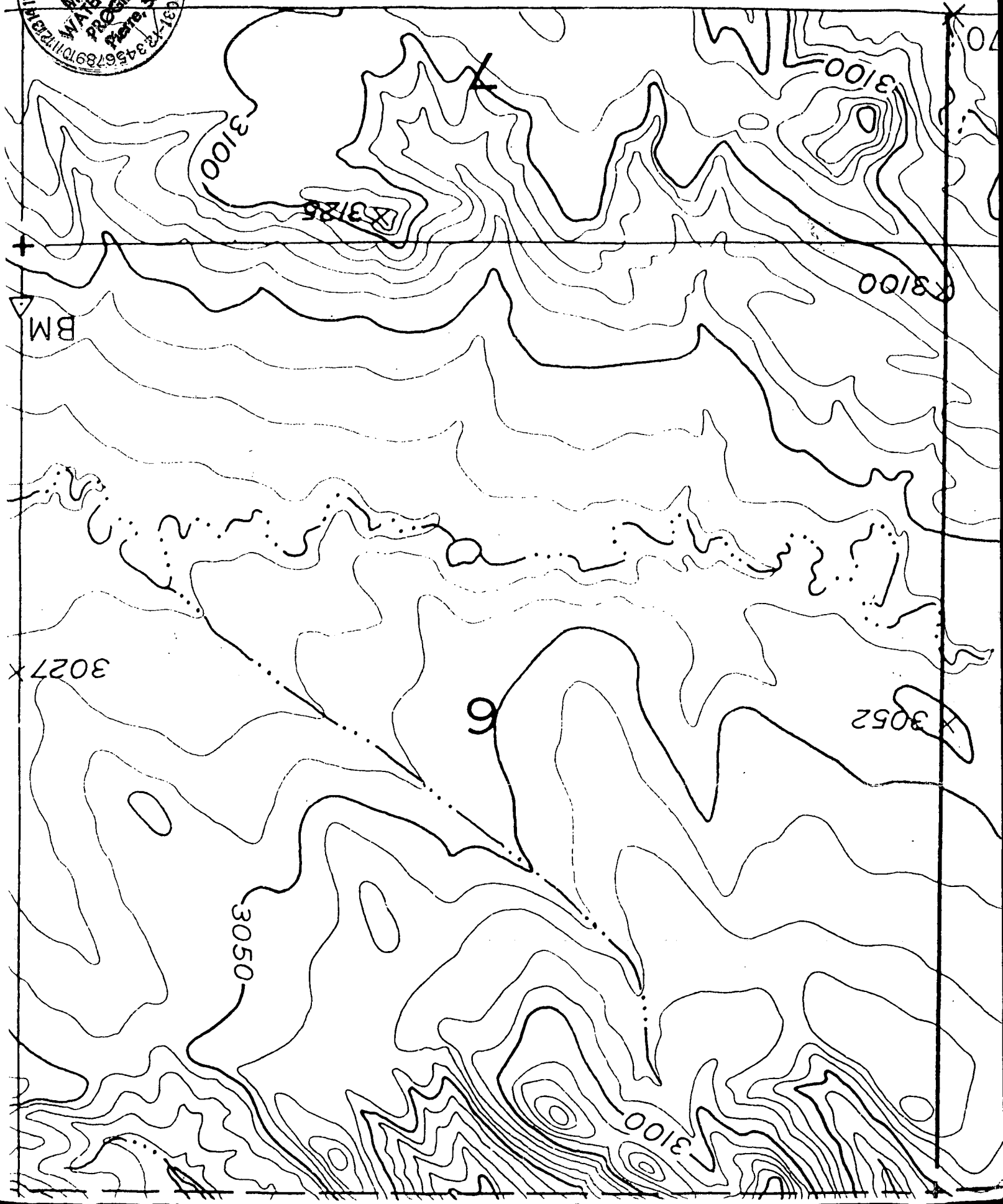
T 6461

1726-1



(RAPID 1:125000)

R. 6 E.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2000

James R Reed
20780 132 Ave
Sturgis SD 57785

Dear Mr. Reed:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation.

We have received the \$150 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Water Rights Program - DENR

File Documentation

File No. 1726-1

County: Meade

Name of Person: James R. Reed

Address: 20780 132 Ave Sturgis SD 57785

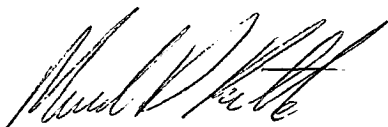
Date: 8/18/2000 **Telephone:** 605 347-4503

RE: Application No. 1726-1

Comments:

I talked to Mr. Reed by telephone on 8/17/00 and told him Water Rights was concerned with water availability for his proposed project. I explained that there were downstream water rights on Bear Butte Creek that had first call for water in the unnamed creek (tributary to Bear Butte Creek) that Mr. Reed wants to divert from. I told him the Chief Engineer was considering recommending denial for this application. Mr. Reed said he would like to take water during the spring runoff flush in April, May and into early June. He said the creek usually dried up around July 1st. I told Mr. Reed I would discuss this with the Chief Engineer.

I called Mr. Reed on 8/18/00 after discussing the matter with the Chief Engineer. I told Mr. Reed that the Chief Engineer was considering recommending approval with a May 15 shutoff qualification. Mr. Reed said he would rather have a June 10 shutoff but thought a June 1st shutoff would work. Mr. Reed said that sometimes the spring flush was still occurring in the middle of May. I told him I would take his concerns back to the Chief Engineer. I told Mr. Reed that if a permit was issued, that he even when he was diverting for irrigation he would have to be bypassing water for downstream domestic use and prior water rights.



Mark D Rath
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1726-1, James R. Reed**

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. 1726-1, James R. Reed, 20780 132th Avenue, Sturgis, SD 57785

The Chief Engineer is recommending APPROVAL of Application No. 1726-1 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 qualifications:

1. Permit No. 1726-1 does not authorize diversion of water at any time when flows in Bear Butte Creek are low or after June 1st of each calendar year. Diversion of water under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 1726-1 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 54.2 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 22, 2000

NOTE: This unnamed creek can not be considered a reliable source of water for irrigation. Wet conditions in recent years have provided good flows in drainages throughout the West River area. There will likely be years of dry weather when water may not be available from this source. Additionally, there are downstream prior water rights that must be satisfied before you can divert water for irrigation. This application, if approved, will provide you an opportunity to irrigate with annual snowmelt runoff.

REPORT ON WATER PERMIT APPLICATION NO. 1726-1

James R. Reed

July 24, 2000

Application No. 1726-1, James R. Reed, proposes to appropriate 1 cubic feet of water per second (cfs) from an unnamed creek to irrigate 54.2 acres of farmland. The land to be irrigated is in E ½ SW ¼, NW ¼ SE ¼, SW ¼ SE ¼, and SE ¼ SE ¼ of Section 6; all in T6N-R6E. The diversion point will be located in the NW ¼ SW ¼ of Section 6; all in T6N-R6E. The proposed project is located seven miles northeast of Sturgis in Meade County.

Review of the Proposed Project and Existing Water Rights

The source of water for this irrigation project is from an unnamed tributary to Spring Creek. Water is proposed to be diverted from the unnamed tributary using a diversion ditch with a control gate installed at the inlet. The applicant is proposing to irrigate 54.2 acres at a diversion rate of 1 cfs. The diversion rate proposed is greater than the statutory limit of 1 cfs per 70 irrigated acres. South Dakota Codified Law (SDCL) 46-5-6, gives the Water Management Board the option of allowing for a greater diversion rate if the method of irrigation requires it. The applicant intends to irrigate the land utilizing a waterspreading system.

The unnamed creek is an intermittent stream that is a tributary to Spring Creek which is a tributary to Bear Butte Creek. There are four existing water rights appropriating 5.03 cfs located on Bear Butte Creek 10 to 20 miles downstream from this project. The United States Geological Survey operated a continuous recording gauging station on Bear Butte Creek from 1945 through 1972. This gauging station was located at a point on Bear Butte Creek just below the confluence with Spring Creek and above the existing four Bear Butte Creek water rights. Table 1. Indicates that water availability for this project is a concern. There is a 50 percent probability that there will be enough flow in Bear Butte Creek only for the months May and June to fully satisfy these senior water rights, downstream domestic use and this project, if it is developed.

Table 1. Probability of flow based upon mean monthly data collected at the USGS gauging station on Bear Butte Creek near Sturgis for years 1945 – 1972.

Flow Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 %	0	0	1	0	0	0	0	0	0	0	0	0
75 %	1	1	1	2	2	3	1	0	0	0	0	1
50 %	1	2	3	6	13	10	2	0	0	1	2	2
25 %	2	5	8	15	41	39	9	2	1	3	3	3
10 %	5	11	19	41	98	110	19	4	3	5	6	6

The wet cycle which the area has been experiencing over the past 8 years has produced unusually high amounts of runoff. This higher flow cannot be considered normal. In the normal to dryer times, water availability would become questionable.

Water for this project can only reasonably be expected to be available in the spring following the snow melt and spring thunderstorms. If this application is approved it should be qualified such that diversions must cease by June 1 each year unless the Chief Engineer authorizes diversions beyond that date. This project when diverting must also bypass flow for senior water rights and downstream domestic use which includes livestock watering. There will be years when water is not available for use by this project.

Conclusions

1. This application proposes to appropriate 1 cubic feet of water per second (cfs) to irrigate 54.2 acres of farmland.
2. The applicant is proposing a diversion rate greater than the statutory limit of 1 cfs per 70 irrigated acres. South Dakota Codified Law (SDCL) 46-5-6, gives the Water Management Board the option of allowing for a greater diversion rate if the method of irrigation requires it.
3. There are existing water rights located downstream from this project that would have first claim to this water.
4. Water for this project can only reasonably be expected to be available in the spring following the snow melt and spring thunderstorms.
5. If approved, this application should be qualified such that diversions must cease by June 1 each year unless the Chief Engineer authorizes diversions beyond that date.



Stacy J. Johnson
Natural Resources Engineer I

Approved by:

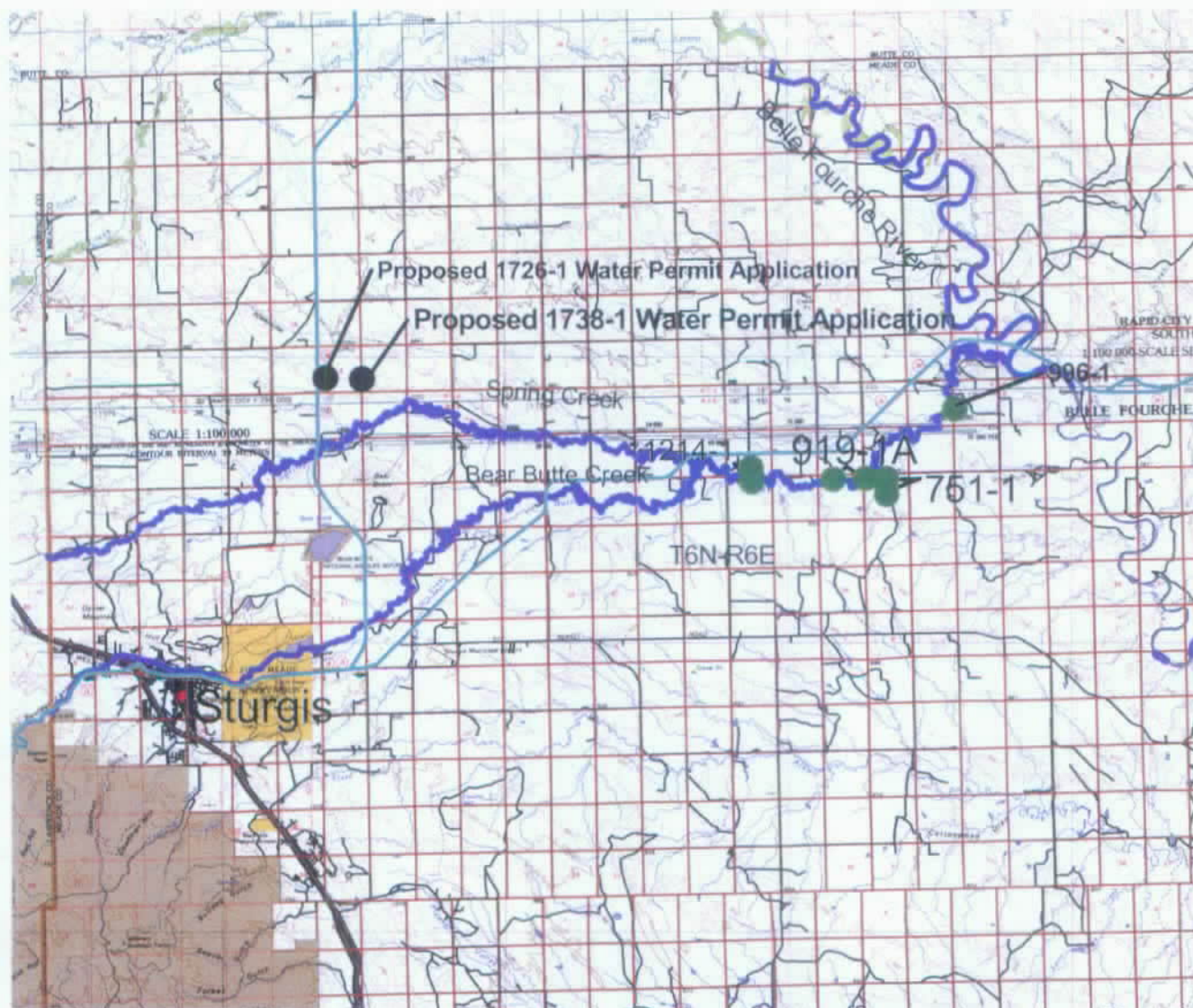


Mark D Rath
Natural Resources Engineer III

References

Water Rights Program files, "Water Permits No. 751-1, 919-1A, 996-1 & 1214-1", DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501.

United States Geological Survey, Water Resources Data for South Dakota. USGS 1608 Mt. View Road, Rapid City, SD 57702.



● Water Rights

SJ
November 30, 2000



7 0 7 Miles



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 24, 2000

James R Reed
20780 132 Ave
Sturgis SD 57785

Dear Mr. Reed:

Water Permit Application No. 1726-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the 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 24, 2000

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

ATTENTION: Legal Public Notice

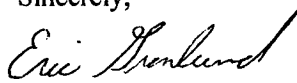
Enclosed is a Notice of Hearing on Application No. 1726-1 to Appropriate Water to be published twice. Please publish the first notice on August 30, 2000 with the second publication 7 days later.

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 James R Reed, 20780 132 Ave, Sturgis SD 57785 (Ph # 605 347-4503).

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

-----CU T HERE-----

No. 1726-1

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

Date _____

We are in receipt of your letter of August 24, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 1726-1 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 30, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1726-1 to Appropriate Water

Notice is given that James R Reed, 20780 132 Ave, Sturgis SD 57785 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from runoff located in the NW ¼ SW ¼ Section 6 to irrigate via a waterspreading system 54.2 acres located in the E ½ SW ¼, SE ¼ Section 6; all in T6N-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1726-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 18, 2000. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 1:30 PM, September 27, 2000, Radisson (Angostura Room), 445 Mt. Rushmore Road, Rapid City SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The September 27, 2000 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 18, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 18, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Joan M. Lewis, being duly sworn, says: That the Meade County Time and, during all the times hereinafter mentioned, was a legal newspaper SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota; that affiant is and, during all of said times, was an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a print which is attached, was published in said newspaper for successive issues on the following dates:

<u>Aug. 30</u>	<u>2000</u>	_____
<u>Sept. 6</u>	<u>2000</u>	_____
_____	<u>2000</u>	_____
_____	<u>2000</u>	_____
_____	<u>2000</u>	_____

that the full amount of the fee charged for publishing the same, to-wit, \$53.38, insures solely to the benefit of the publisher of the newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan Lewis
Bookkeeper

Subscribed and sworn to before me this

6th day of Sept., 2000

Tanjee Stansbury

Notary Public, South Dakota

Tanjee Stansbury

Notary Public

My commission expires January 4, 2006

Water application

NOTICE OF HEARING on Application No. 1726-1 to Appropriate Water

Notice is given that James R. Reed, 20780 132 Ave, Sturgis SD 57785 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second from runoff located in the NW 1/4 SW 1/4 Section 6 to irrigate via a water-spreading system 54.2 acres located in the E 1/2 SW 1/4, SE 1/4 Section 6; all in T6N-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1726-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 18, 2000. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 1:30 PM, September 27, 2000, Radisson (Angostura Room), 445 Mt. Rushmore Road, Rapid City SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The September 27, 2000 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 18, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 18, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01.01 thru 74:02:01.15. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Publ Aug. 30 and Sept. 6, 2000
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 2000

Earl Bachand
HC 77, Box 152
Sturgis, SD 57785

Dear Mr. Bachand:

I am writing to inform you of a water right permit application filed by James Reed for irrigation from a tributary to Bear Butte Creek. I am send you a copy of the notice of hearing, report and recommendation on this water right permit application. This information is being sent to because a downstream water right from Bear Butte Creek is on file in your name.

The notice of hearing will be published August 30th and September 6th in the Meade County Times-Tribune and schedules a September 27, 2000 hearing before the Water Management Board in Rapid City. Information on the hearing and the procedure for filing a petition are included in the enclosed notice.

Please feel free to contact Mark Rath or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

August 24, 2000

Tom Lien
Mt. View Ranch
P.O. Box 771
Rapid City, SD 57709

Dear Mr. Lien:

I am writing to inform you of a water right permit application filed by James Reed for irrigation from a tributary to Bear Butte Creek. I am send you a copy of the notice of hearing, report and recommendation on this water right permit application. This information is being sent to because a downstream water right from Bear Butte Creek is on file for Mt. View Ranch.

The notice of hearing will be published August 30th and September 6th in the Meade County Times-Tribune and schedules a September 27, 2000 hearing before the Water Management Board in Rapid City. Information on the hearing and the procedure for filing a petition are included in the enclosed notice.

Please feel free to contact Mark Rath or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 2000

Oscar Walthall
HC 77, Box 206
Sturgis, SD 57785

Dear Mr. Walthall:

I am writing to inform you of a water right permit application filed by James Reed for irrigation from a tributary to Bear Butte Creek. I am send you a copy of the notice of hearing, report and recommendation on this water right permit application. This information is being sent to because a downstream water right from Bear Butte Creek is on file in your name.

The notice of hearing will be published August 30th and September 6th in the Meade County Times-Tribune and schedules a September 27, 2000 hearing before the Water Management Board in Rapid City. Information on the hearing and the procedure for filing a petition are included in the enclosed notice.

Please feel free to contact Mark Rath or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 2000

Leo Weyrich
HC 77, Box 236
Sturgis, SD 57785

Dear Mr. Weyrich:

I am writing to inform you of a water right permit application filed by James Reed for irrigation from a tributary to Bear Butte Creek. I am send you a copy of the notice of hearing, report and recommendation on this water right permit application. This information is being sent to because a downstream water right from Bear Butte Creek is on file in your name.

The notice of hearing will be published August 30th and September 6th in the Meade County Times-Tribune and schedules a September 27, 2000 hearing before the Water Management Board in Rapid City. Information on the hearing and the procedure for filing a petition are included in the enclosed notice.

Please feel free to contact Mark Rath or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

09-03-2000

Department of Environment and
Natural Resources

Pierre SD 57501

Dear Eric Kronlund

Thank you for informing me
on a water right permit
application filed by James Reed,
Spring Creek a Tributary
to Bear Butte Creek are
both dry at the present
time.

I don't see any problem
with the permit, it only will
be used when the flow of
water is high and before
June, 1st, according to the
permit. We didn't have any
flooding on Bear Butte Creek
this summer. The water flow
was short this year, we wasn't
able to sue any irrigating.

Sincerely,
Leo Weisbach





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2000

James Reed
20780 132th Avenue
Sturgis, SD 57785

Dear Mr. Reed:

Enclosed is a copy of a letter received in response to your water right permit application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

September 18, 2000

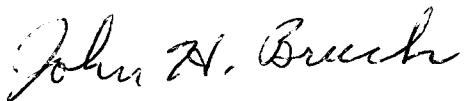
Chief Engineer
Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501

Dear Chief Engineer:

I, John Bruch, petition in the matter of Water Right Permit Application 1726-1 filed by James Reed. I am the neighboring downstream landowner. I would like to learn the facts on this application before deciding whether I am in support or opposition to the issuance of the water permit. For this reason I am requesting an automatic delay of the September 27th hearing before the Water Management Board.

I would like to see a way that water is available for everyone.

Sincerely,



John Bruch
HC 77, Box 36
Sturgis, SD 57785

C: James Reed, 20780 132th Avenue, Sturgis, SD 57785



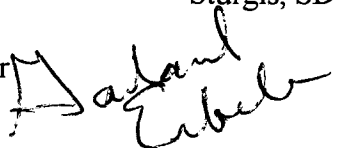
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2000

NOTICE

TO: James Reed John Bruch
20780 132th Avenue HC 77, Box 36
Sturgis, SD 57785 Sturgis, SD 57785

FROM: Garland Erbele, Chief Engineer 
Water Rights Program

SUBJECT: Automatic Delay of Hearing on Water Right Permit Application No. 1726-1, James Reed

In response to the notice of hearing, John Bruch has filed a petition in the matter of Application No. 1726-1. The petition also requests an automatic delay of the September 27, 2000, hearing before the Water Management Board. Therefore, the hearing on Application No. 1726-1 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on September 27, 2000.

The Water Management Board will now conduct a hearing to consider Application No. 1726-1 at 1:00 PM, on December 6, 2000, in the Conference Room, 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. The agenda time is an estimate and may be delayed due to prior agenda items.

As the Board meeting approaches, changes in agenda times may need to be made. Future notice will be provided to all parties if there is a change in the hearing time.

Applicable provisions of the Notice of Hearing published August 30th and September 6, 2000, in the Meade County Times-Tribune will still apply at the December 6th hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

CERTIFICATION

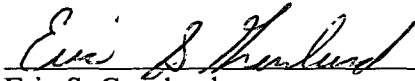
I hereby certify that on September 20, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 20, 2000, regarding Automatic Delay of Hearing on Water Right Permit Application No. 1726-1, James Reed, addressed as stated below:

James Reed, 20780 132th Avenue, Sturgis, SD 57785

John Bruch, HC 77, Box 36, Sturgis, SD 57785

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

Diane Best, Assistant Attorney General, Capitol Building



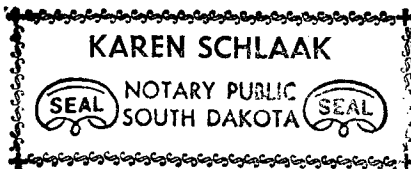
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of September, 2000.



Karen Schlaak
Notary Public



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

Pictures from Stacy Johnson's site investigation 10-19-2000





19 10 2000







19 10 2000



19 10 2003



19 10 2000



19 10 2000



19 10 2000



19 10 2000



19 10 2000



19 10 2000







**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2000

James Reed
20780 132 Ave
Sturgis, SD 57785

John Bruch
HC 77
Box 36
Sturgis, SD 57785

Dear Mr. Reed and Mr. Bruch:

I have talked to Eric Gronlund about the questions that each of you had on October 19, 2000. He told me that the Department of Environment and Natural Resources will likely proceed with cancellation of Mr. Bruch's old water right. If Mr. Bruch's new water permit application is approved it will be junior to Mr. Reed water permit if it is approved.

There was some discussion whether there were changes to the South Dakota Codified Law (SDCL) in regard to water rights laws in 1983. If either of you would like copies of laws to see what laws did change, please let me know.

Mr. Reed, in regards, to the well on your land, state law requires that if a well is abandoned it must be plugged. If you have any questions about this please talk to Jim Goodman or Ken Buhler at (605) 773-3352.

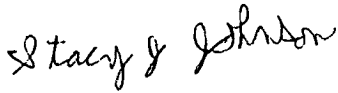
I am enclosing copies of the pictures that I took on October 19, 2000.

When attending the December Water Management Board Meeting you have the right to have your attorney there with you.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Mr. Reed
Mr. Bruch
Page 2
October 23, 2000

Sincerely,

A handwritten signature in cursive script that reads "Stacy J. Johnson". The signature is written in dark ink and is positioned above the printed name and title.

Stacy J. Johnson
Natural Resources Engineer

Enclosures (4)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2000

NOTICE

TO: James Reed John Bruch
20780 132th Avenue HC 77, Box 36
Sturgis, SD 57785 Sturgis, SD 57785

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Water Right Permit Application No. 1726-1, James Reed

The hearing on Application No. 1726-1 was scheduled for consideration by the Water Management Board at 1:00 PM on December 6, 2000. The hearing time is being changed to 1:30 PM.

The Water Management Board will now conduct a hearing to consider Application No. 1726-1 at 1:30 PM, on December 6, 2000, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The hearing will be conducted at the same time as John Bruch's Water Permit Application No. 1738-1 which proposes to irrigate neighboring property from the same water source. The agenda time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice of Hearing published August 30th and September 6, 2000, in the Meade County Times-Tribune will still apply at the December 6th hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

CERTIFICATION

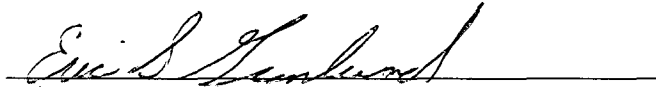
I hereby certify that on November 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 6, 2000, regarding Scheduling of Hearing on Water Right Permit Application No. 1726-1, James Reed, addressed as stated below:

James Reed, 20780 132th Avenue, Sturgis, SD 57785

John Bruch, HC 77, Box 36, Sturgis, SD 57785

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

Diane Best, Assistant Attorney General, Capitol Building



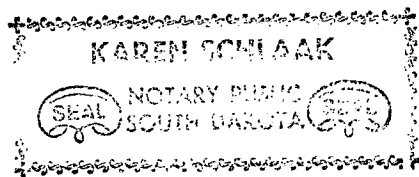
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of November, 2000.



Karen Schlaak
Notary Public



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

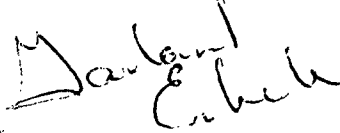
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 18, 2000

NOTICE

TO: James Reed
20780 132th Avenue
Sturgis, SD 57785

John Bruch
HC 77, Box 36
Sturgis, SD 57785

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Permit Application Nos. 1726-1 and 1738-1 filed by James Reed and John Bruch, respectively. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 PM on March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by February 15, 2001. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by February 26, 2001.

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on March 7, 2001. The public hearing was completed December 6, 2000. No additional testimony will be received on March 7, 2001.

Enclosure

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

CERTIFICATION

I, hereby certify that on December 18, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 18, 2000 regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of Water Permit Applications Nos. 1726-1 and 1738-1 addressed as stated below:

James Reed
20780 132th Avenue
Sturgis, SD 57785

John Bruch
HC 77, Box 36
Sturgis, SD 57785

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

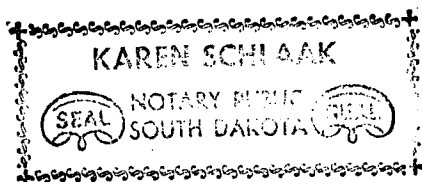
Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building

Eric Gronlund
Eric Gronlund
Natural Resource Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of December, 2000.

Karen Schlaak
Notary Public



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



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

MARK BARNETT
ATTORNEY GENERAL

LAWRENCE LONG
CHIEF DEPUTY ATTORNEY GENERAL

February 6, 2001

MEMORANDUM

TO: Members of the Water Management Board and Interested Parties

FROM: John P. Guhin, Deputy Attorney General

A handwritten signature in dark ink, appearing to read "John P. Guhin".

RE: In the Matter of the Application for Water Permit
No. 1726-1, James R. Reed

Pursuant to the direction of the Board, I am herewith enclosing proposed Findings of Fact, Conclusions of Law, and Final Decision. Please see the Notice of the Chief Engineer dated December 18, 2000, for further information.

Please note that the proposed Final Decision, paragraph 1, has been written to accord with what appears to be the intent of the Board, and is somewhat different from the language actually approved by the Board at the hearing.

JPG:nan
Enclosure



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
PERMIT APPLICATION NO. 1726-1,	)	FINDINGS OF FACT,
JAMES R. REED	)	CONCLUSIONS OF LAW,
	)	AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 1.0 cfs of water from an unnamed creek in Meade County to irrigate 54.2 acres of farmland.

2. The unnamed creek is a tributary to Spring Creek, which, in turn, is a tributary to Bear Butte Creek. Water is proposed to be diverted from the unnamed tributary using a diversion ditch with a control gate at the inlet.

3. The applicant proposes to irrigate 54.2 acres at a diversion rate of 1.0 cfs. Applicant proposes to utilize flood irrigation. The Board takes judicial notice that the use of flood irrigation is common in the Black Hills area. The Board also finds, from the evidence presented, that the type of soil involved in the project is a heavy clay. The Board finds that, in these circumstances, it is appropriate to allow a diversion rate greater than the statutory limit of 1.0 cfs per seventy irrigated acres.

4. There are four existing water rights appropriating to 5.03 cfs located on Bear Butte Creek ten to twenty miles downstream from this project.

5. The evidence indicates that water is available for this project. The Board relies upon data collected between 1945 and 1972 at a United States Geological Survey gauging station on Bear

Butte Creek. The gauging station was located on Bear Butte Creek just above the confluence of Spring Creek. The gauging station was located above the full existing Bear Butte Creek water rights.

6. Based on that evidence, there is a 50 percent probability that there will be enough flow in Bear Butte Creek only for the months of May and June to fully satisfy the four existing senior water rights, downstream domestic use, and this project, if it is developed.

7. There may, however, be cycles in which there is substantially more water available. The wet cycle which the area has been experiencing over the past eight years, for example, has produced unusually high amounts of runoff. In such cycles, more water will be available to the Applicant.

8. Taken as a whole, however, the evidence indicates that water from this project can only reasonably be expected to be available in the spring following snow melt and spring thunderstorms. Availability of water after the end of May is problematic, especially given the needs of prior appropriators and downstream domestic use.

9. The Board finds that there is water available for the project but that the permit must be qualified such that diversions must cease by June 1 each year unless the Chief Engineer authorizes diversions beyond this date.

10. If the water right is developed and the permit is qualified as set forth below, it can be developed without unlawful impairment of existing rights.

11. The proposed use of water for irrigation is a beneficial use and is in the public interest as qualified below.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter.

2. Pursuant to SDCL 46-5-6, the Board concludes that a greater diversion than 1.0 cfs for each seventy acres is appropriate in this case because the method of irrigation and the type of soil so require, as set out in the findings above. The Board concludes that it is reasonable to allow an appropriation of 1.0 cfs for the irrigation of 54.2 acres.

3. The Board finds that there is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

4. The Board concludes that the proposed diversion can be developed without unlawful impairment of existing rights, when developed in accordance with the Final Decision.

5. The Board concludes that the proposed use for irrigation is a beneficial use.

6. The Board concludes that the project is in the public interest, as qualified in the final decision.

FINAL DECISION

The application for Water Permit No. 1726-1 is granted subject to the following qualifications:

1. Except as authorized by written order issued by the Chief Engineer, Permit No. 1726-1 does not authorize diversion of water after June 1 of each calendar year, nor at any time when the river flows are low. Diversion of water under this permit

shall, in any case, be in accordance with any written orders issued by the Chief Engineer.

2. Pursuant to SDCL 46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or the type of soil so requires, Permit No. 1726-1 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 54.2 acres, with an annual volume not to exceed two acre-feet of water per acre per year.

Dated this _____ day of _____, 2001.

BY THE BOARD:

pld2100.jpg(nan)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of proposed Findings of Fact, Conclusions of Law, and Final Decision in In the Matter of the Application for Water Permit No. 1726-1, James R. Reed, was served by United States mail, first class, postage prepaid upon:

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Marian Gunderson
811 W. 3rd
Yankton, SD 57078-3702

Dwayne Rollag
320 Lincoln Lane S.
Brookings, SD 57006

Francis E. Brink
1214 S. Wells Street
Aberdeen, SD 57401-7351

James Reed
20780 132nd Avenue
Sturgis, SD 57785

John Bruch
HC 77, Box 36
Sturgis, SD 57785

by hand delivery upon:

Diane Best
Assistant Attorney General
500 E. Capitol Avenue
Pierre, SD 57501-5070

and by interoffice mail upon:

Garland Erbele, Chief Engineer
Department of Environment and
Natural Resources
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3182

on this 6th day of February, 2001.


John P. Guhin
Deputy Attorney General



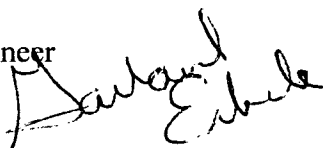
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 2001

NOTICE

TO: James Reed John Bruch
20780 132th Avenue HC 77, Box 36
Sturgis, SD 57785 Sturgis, SD 57785

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decisions, including Findings of Fact and Conclusions of Law, were adopted March 7, 2001, by the Water Management Board approving Water Right Permit Application No. 1726-1 filed by James Reed and Water Right Permit Application No. 1738-1 filed by John Bruch. A copy of each signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

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

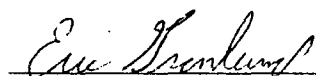
CERTIFICATION

I hereby certify that on March 26, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 26, 2001 regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision addressed as stated below:

James Reed	John Bruch
20780 132th Ave	HC 77 Box 36
Sturgis, SD 57785	Sturgis, SD 57785

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

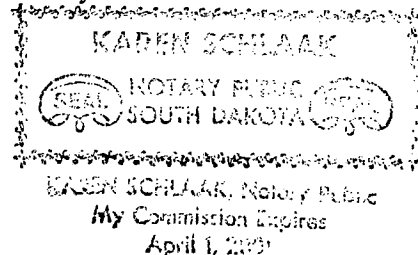
Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of March, 2001.


Karen Schlaak
Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER	)	
PERMIT APPLICATION NO. 1726-1,	)	FINDINGS OF FACT,
JAMES R. REED	)	CONCLUSIONS OF LAW,
	)	AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to appropriate 1.0 cfs of water from an unnamed creek in Meade County to irrigate 54.2 acres of farmland.

2. The unnamed creek is a tributary to Spring Creek, which, in turn, is a tributary to Bear Butte Creek. Water is proposed to be diverted from the unnamed tributary using a diversion ditch with a control gate at the inlet.

3. The applicant proposes to irrigate 54.2 acres at a diversion rate of 1.0 cfs. Applicant proposes to utilize flood irrigation. The Board takes judicial notice that the use of flood irrigation is common in the Black Hills area. The Board also finds, from the evidence presented, that the type of soil involved in the project is a heavy clay. The Board finds that, in these circumstances, it is appropriate to allow a diversion rate greater than the statutory limit of 1.0 cfs per seventy irrigated acres.

4. There are four existing water rights appropriating 5.03 cfs located on Bear Butte Creek ten to twenty miles downstream from this project.

5. The evidence indicates that water is available for this project. The Board relies upon data collected between 1945 and 1972 at a United States Geological Survey gauging station on Bear

Butte Creek. The gauging station was located on Bear Butte Creek just above the confluence of Spring Creek. The gauging station was located above the four existing Bear Butte Creek water rights.

6. Based on that evidence, there is a 50 percent probability that there will be enough flow in Bear Butte Creek only for the months of May and June to fully satisfy the four existing senior water rights, downstream domestic use, and this project, if it is developed.

7. There may, however, be cycles in which there is substantially more water available. The wet cycle which the area has been experiencing over the past eight years, for example, has produced unusually high amounts of runoff. In such cycles, more water will be available to the Applicant.

8. Taken as a whole, however, the evidence indicates that water from this project can only reasonably be expected to be available in the spring following snow melt and spring thunderstorms. Availability of water after the end of May is problematic, especially given the needs of prior appropriators and downstream domestic use.

9. The Board finds that there is water available for the project but that the permit must be qualified such that diversions must cease by June 1 each year unless the Chief Engineer authorizes diversions beyond this date.

10. If the water right is developed and the permit is qualified as set forth below, it can be developed without unlawful impairment of existing rights.

11. The proposed use of water for irrigation is a beneficial use and is in the public interest as qualified below.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter.
2. Pursuant to SDCL 46-5-6, the Board concludes that a greater diversion than 1.0 cfs for each seventy acres is appropriate in this case because the method of irrigation and the type of soil so require, as set out in the findings above. The Board concludes that it is reasonable to allow an appropriation of 1.0 cfs for the irrigation of 54.2 acres.
3. The Board finds that there is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.
4. The Board concludes that the proposed diversion can be developed without unlawful impairment of existing rights, when developed in accordance with the Final Decision.
5. The Board concludes that the proposed use for irrigation is a beneficial use.
6. The Board concludes that the project is in the public interest, as qualified in the final decision.

FINAL DECISION

The application for Water Permit No. 1726-1 is granted subject to the following qualifications:

1. Except as authorized by written order issued by the Chief Engineer, Permit No. 1726-1 does not authorize diversion of water after June 1 of each calendar year, nor at any time when the river flows are low. Diversion of water under this permit

shall, in any case, be in accordance with any written orders issued by the Chief Engineer.

2. Pursuant to SDCL 46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or the type of soil so requires, Permit No. 1726-1 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 54.2 acres, with an annual volume not to exceed two acre-feet of water per acre per year.

Dated this 20th day of March, 2001.

BY THE BOARD:

Francis E. Brink



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

James R Reed
20780 132 Ave.
Sturgis, SD 57785

Dear Mr. Reed:

Enclosed is Water Permit No. 1726-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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,

A handwritten signature in dark ink, appearing to read 'Garland Erbele', written in a cursive style.

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1726-1

I have this day, October 24, 2016, made a thorough examination of the water use system now owned by Full Throttle Saloon, 19950 Hwy 17, Vale SD 57788 of Permit No. 1726-1, bearing the priority of 5/19/2000 authorizing 54 acres of irrigation from a dry draw tributary to Spring Creek in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Michael Ballard, owner**
731-694-1002

A. Works used to divert the water:

Dam Information:

- 1) Height to crest 9 feet
- 2) Height to primary (mechanical) spillway 1 foot
- 3) Primary spillway diameter 15 inches
- 4) Height to secondary (earth) spillway 7.5 feet
- 5) Crest width 10 feet
- 6) Crest length 485 feet
- 7) Spillway length 10 feet
- 8) Spillway width 50 feet
- 9) Date constructed: approx. 2001

Comments: The dam has a by-pass spillway with hand wheel operated slide gate installed approximately 1 foot above channel grade. If the slide gate is left open the structure is essentially a dry dam.

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

- 1) Type graded diversion ditch
- 2) Length 4,600 feet

Comments:

C. Works used to apply water to beneficial use:

- 1) Irrigation type Waterspreading system
- 2) Spreading method graded diversion ditch
- 3) area spread 43.2 acres

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
If no, describe: **The by-pass spillway gate was closed at time of inspection and has not been operated for what appears to be years. Water is not to be diverted after June 1 of each calendar year. From the general appearance of the system, this drainage produces water quite infrequently.**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A
List any extended period of nonuse: **none**
- 3) Exceptions to compliance are: **see above**

E. Condition and Location:

1. The system is in fair condition with the points of diversion located as follows:

1,603' N and 782' E of the SW corner Section 6 T6N R6E (44.507967, -103.444601)

2. The works are capable of diverting and conveying to the place of use water which is to be used for surface irrigation (water spreading). Water has been put to beneficial use to the maximum extent as follows:

Section 6 T6N R6E

NW ¼ SW ¼ 2.1 ac.	NW ¼ SE ¼ 3.7 ac.
SW ¼ SW ¼ 0.4 ac.	NE ¼ SE ¼ 3.1 ac.
NE ¼ SW ¼ 3.5 ac.	SW ¼ SE ¼ 10.2 ac.
SE ¼ SW ¼ 4.1 ac.	SE ¼ SE ¼ 17.1 ac.

comprising a total of 44.2 acres of land and the license should be issued for 1.0 cfs. All structures, diversions and lands on map Yes

F. Comments or other permit(s) associated with the project: none

SDCL 46-5-6 allows a greater diversion rate if the method of irrigation so requires. This system requires a greater diversion rate due to the method of irrigation. During peak flows this system is capable of diverting in excess of 1.0 cfs., however the maximum licensed diversion rate is 1.0 cfs.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 10/26/2016



by-pass spillway with slide gate with hand wheel



Graded diversion ditch (looking east from diversion dam)

Water Right #1726-1
Full Throttle Saloon
10/24/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Full Throttle Saloon, % Michael Ballard, owner

ADDRESS: 12997 Hwy 34 East, Sturgis SD 57785

DATE: October 26, 2016 **COUNTY:** Meade **TELEPHONE:** 731-694-1002

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is **44.2** acres as compared to **54** acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

All in Section 6-T006N-R06E:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.1 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acres

- **Owned by Same Property Owner**

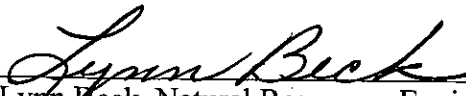
YES

- **Developed Prior to Expiration of Construction Period**

YES

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the **6.6** acre area be included in the water license.



Lynn Beck, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Michael Ballard

ADDRESS: 19950 Hwy 79, Vale SD 57788

COUNTY: Meade County

DATE: June 25, 2019 **TELEPHONE:** (731) 694-1002

RE: Full Throttle Saloon Permit #1726-1 (formerly James Reed)

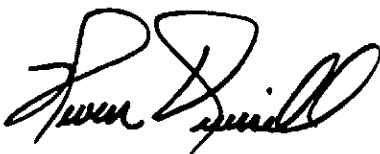
COMMENTS: I made a site visit today to answer questions Ballard had concerning transfer of ownership of Water Right #1726-1. He was concerned about the liability he would be assuming by virtue of ownership of this Water Right. If there was any liability he did not want the Water Right. I explained the need for the Permit obtained by the prior owner to give that owner a right to use the water prior to June 1 each year for water spreading on the pasture ground to the east of the diversion dam. As long as that diversion dam was intact, the Water Right should remain in force or there could be legal issues brought to bear by downstream users and that in fact the means to remain free of any disputes would be to transfer ownership of the Water Right. **He agreed to finalize the ownership transfer, but requested the paperwork be resent to him via email,** as the transfer form was sent to Tennessee and he will be in South Dakota until late August or early September.

Ballard in the course of our discussion explained his plans for developing all of the Highway 79 frontage located to the south of the Full Throttle Saloon which he explained is prime real estate for his business. He plans to fill the diversion dam reservoir area and divert the drainage under the fill through a culvert, totally eliminating the diversion dam and using the embankment fill as borrow for the project. I informed him of the existence of environmental laws pertaining to filling wetlands and placing fill in Waters of the US and that I would refer him to the appropriate contacts with NRCS and/or the Corps of Engineers and that the high visibility of any earthwork project along this stretch of highway will surely invite calls to regulatory agencies from concerned citizens.

I asked Ballard to call the staff in Pierre and request the cancellation of his Water Right as such time as the diversion dam has been removed or is no longer functional and he agreed.

Ballard also asked for an explanation of the letter he had received pertaining to the fee for a sediment and erosion control permit. He seemed unaware of the requirement for a permit and as I understood did not have a sediment and erosion control plan. I suggested he contact the Surface Water Quality staff in Pierre to answer his questions. Ballard has been under construction at this Full Throttle location for a couple years and will be continuing to make improvements for the foreseeable future.

NAME: Steven Quissell, Water Rights Inspector

A handwritten signature in black ink, appearing to read "Steven Quissell", written in a cursive style.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 2016

No. 1726-1

Full Throttle Saloon
c/o Michael Ballard
12997 Hwy 34 E
Sturgis SD 57785

Dear Mr. Ballard:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1726-1. The water permit is currently listed in the name of James Reed.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$50.00.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath or me.

Sincerely,

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

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2017

SECOND NOTICE
1726-1

Michael Ballard
Full Throttle Saloon
12997 Hwy 34 E
Sturgis SD 57785

Dear Mr. Ballard:

I am contacting you in regard to ownership of land described in Water Permit No. 1726-1, currently listed in the name of James Reed. The permit authorizes diversion of runoff water to irrigate land in the S ½ Section 6, T6N, R6E.

In October, 2016, Steve Quissell with our program conducted a field investigation of the area for the purposes of licensing the water permit. His report indicated you owned the land described in the permit. Prior to licensing, the permit needs to be transferred to your name.

In October, 2016 we mailed a transfer form to you for filing the ownership change. To date we have not received anything back from you. Subsequently, the water license has not been issued.

In the event you do not have the original form, enclosed is an additional partially completed transfer of ownership form. Please review the form and make complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the permit is transferred, a water license will be issued to you for the system as it was constructed. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized initial "G".

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 11, 2018

THIRD NOTICE
1726-1

Michael Ballard
12997 Hwy 34 E
Sturgis SD 57785

Dear Mr. Ballard:

I am contacting you in regard to ownership of land described in Water Permit No. 1726-1, currently listed in the name of James Reed. The permit authorizes diversion of runoff water to irrigate land in the S ½ Section 6, T6N, R6E.

In October, 2016, Steve Quissell with our program conducted a field investigation of the area for the purposes of licensing the water permit. His report indicated you owned the land described in the permit. Prior to licensing, the permit needs to be transferred to your name.

In October, 2016 and September, 2017 we mailed a transfer form to you for filing the ownership change. To date we have not received anything back from you. Subsequently, the water license has not been issued.

In the event you do not have the original form, enclosed is an additional partially completed transfer of ownership form. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the permit is transferred, a water license will be issued to you for the system as it was constructed. If you no longer own the land or if you do not wish to maintain the water permit, let us know. If you have any questions, please contact me.

Sincerely,

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

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

PAID

DEC - 9 2019

Ck# 17231

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

DEC 09 2019

WATER RIGHTS
PROGRAM

No. 1726-1

Date: _____

I/We request that Water Permit No. 1726-1

formerly owned by: James R Reed

be transferred to: (name & address) Michael Ballard

PO Box 66 Trimble, TN 38259

Telephone No. 731-297-2002

Title to the following described land(s)/property has been transferred as described above:

S ½ Section 6, T6N, R6E

I/We understand that the validity of Water Permit No. 1726-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Michael Ballard, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 9, 20 19

RECEIVED OF Full Throttle Saloon LLC 12997 State Hwy 34 Sturgis SD 57785

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. _____		
Fee for Filing Transfer Form _____ 1726-1		
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. **09264**

By Jeanne Goodman
Chief Engineer *jm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JAN 24 2020

1726-1

Michael Ballard
PO Box 66
Trimble TN 38259

Dear Mr. Ballard:

Thank you for following up on the ownership change for Water Right No. 1726-1. The transfer has been completed. The water right formerly listed in the name of James R Reed is now listed in the name of Michael Ballard. Enclosed is a receipt in the amount of \$50.00.

Also, enclosed is Water License No. 1726-1. This is the final water right document completing the process of obtaining a Water Right. Also, included with the license is a map prepared by the staff engineer who conducted the investigation a few years ago.

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. 1726-1

(1) James R Reed, Sturgis SD made Application No. 1726-1, May 19, 2000 for a water permit to divert 1.0 cubic feet of water per second (cfs) from runoff, Meade County, South Dakota for irrigation purposes. Permit No. 1726-1, with a priority date of May 19, 2000 was approved March 7, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 2006 and for the application to beneficial use of water on or before March 7, 2010.

On December 9, 2019, Water Permit No. 1726-1 was transferred to Michael Ballard, PO Box 66, Trimble TN 38259.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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. 1726-1 is issued a license, bearing a priority date of May 19, 2000 to appropriate 1.0 cubic feet of water per second from runoff (a dry draw tributary to Spring Creek) to irrigate 44.2 acres via a waterspreading system.

The diversion point is located: 1,603 feet N and 782 feet E of the SW corner of Section 6-T6N-R6E (NW 1/4 SW 1/4). The acres authorized for irrigation are as follows:

Section 6-T6N-R6E

NW 1/4 SW 1/4 2.1 ac	NW 1/4 SE 1/4 3.7 ac
SW 1/4 SW 1/4 0.4 ac	NE 1/4 SE 1/4 3.1 ac
NE 1/4 SW 1/4 3.5 ac	SW 1/4 SE 1/4 10.2 ac
SE 1/4 SW 1/4 4.1 ac	SE 1/4 SE 1/4 17.1 ac

Total 44.2 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1726-1 including the following qualifications:

- Except as authorized by written order issued by the Chief Engineer, Permit No. 1726-1 does not authorize diversion of water after June 1st of each calendar year, no at any time when the river flows are low. Diversion of water under this Permit shall, in any case, be in accordance with any written orders issued by the Chief Engineer.
- Pursuant to SDCL 46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 1726-1 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 54.2 acres, with an annual volume not to exceed 2 acre-feet of water per acre per year. *Based on actual irrigation, the number of acres is reduced to 44.2 acres.*


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

JAN 24 2020

date

