

WATER PERMIT NO. 1753-1

Name of Applicant: Beverly & Raymond Palmer

Address: 310 Sturgis St, Rapid City SD 57702

Phone: 605 348-0203

Amount of Water Claimed: 1.33 cfs

Total Acres: 60 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 6 miles south east of Newell

PRIORITY

Date Received: 7-11-2001

Fee: \$150

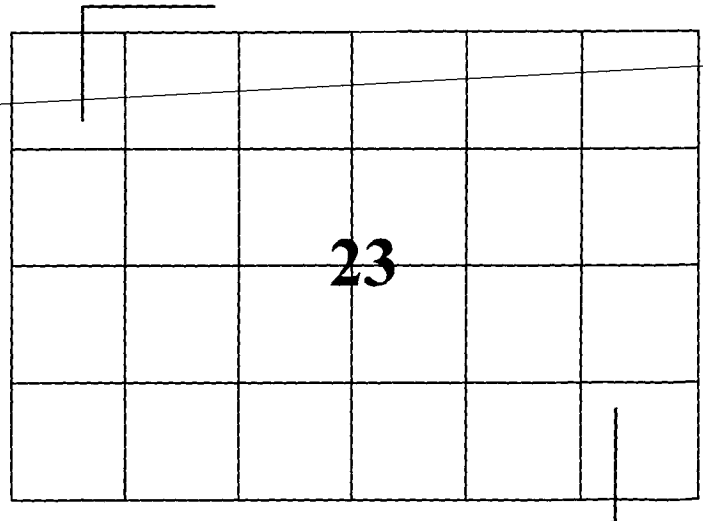
Corrected Application Received::

Period of Annual Use: April, May, October, November

Remarks: Obtain water from the Belle Fourche Irrigation District June - September

Diversion Point: NW ¼ SE ¼ Sec 23-T8N-R6E

Land to be Irrigated: S ½ NW ¼, SW ¼ NE ¼,
NW ¼ SE ¼ Sec 23-T8N-R6E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Thomas G. Quinn, NRCS

Reviewed and the Number Assigned on: 7-11-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1753-1 FOR IRRIGATION

Date of first receipt of application July 11, 2001.

The Water Management Board approved Water Permit Application No. 1753-1 on December 5, 2001 for Beverly & Raymond Palmer, 310 Sturgis St, Rapid City SD 57702 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. 1753-1 appropriates 0.86 cubic feet of water per second (cfs) from the Belle Fourche River located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 60 acres of sod located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; all in T8N-R6E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This permit authorizes appropriation of water from the Belle Fourche River during the months of April, May, October and November.
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, May, October and November.
3. The date from which applicant may claim right is July 11, 2001.
4. One-fifth of the construction is to be completed on or before June 5, 2004.
5. All construction is to be completed on or before December 5, 2006.
6. ~~Water is to be put to beneficial use on or before December 5, 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 15 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>1753-1</u> Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Belle Fourche Post, Belle Fourche</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 Beverly & Raymond Palmer Phone 3480203
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 310 Sturgis St Rapid City SD State 57702
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.86 *CFS or 385 **GPM ***AF Total Acreage 60
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Belle Fourche River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Belle Fourche River
NW1/4 SE1/4 Sec 23 - T8N - R6E

County Butte

5. County or counties where water will be used Butte Co.

6. Annual period during which water is to be used Apr + May No water from July Aug Sep (see back of sheet) not

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
<u>1/4 NW 4 7E4</u>	<u>60A</u>		
<u>1/4 NW 4 8E4</u>			
<u>S2 NW 4</u>			
<u>Sec. 23 - T8N - R6E</u>			

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

STATE OF SOUTH DAKOTA) SS
County of Butte Co.

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, Raymond Palmer, 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 Raymond Palmer

Subscribed and sworn to before me this 9 day of July 2001

M. J. Jolly
Notary Public signature

expired March 3, 2006

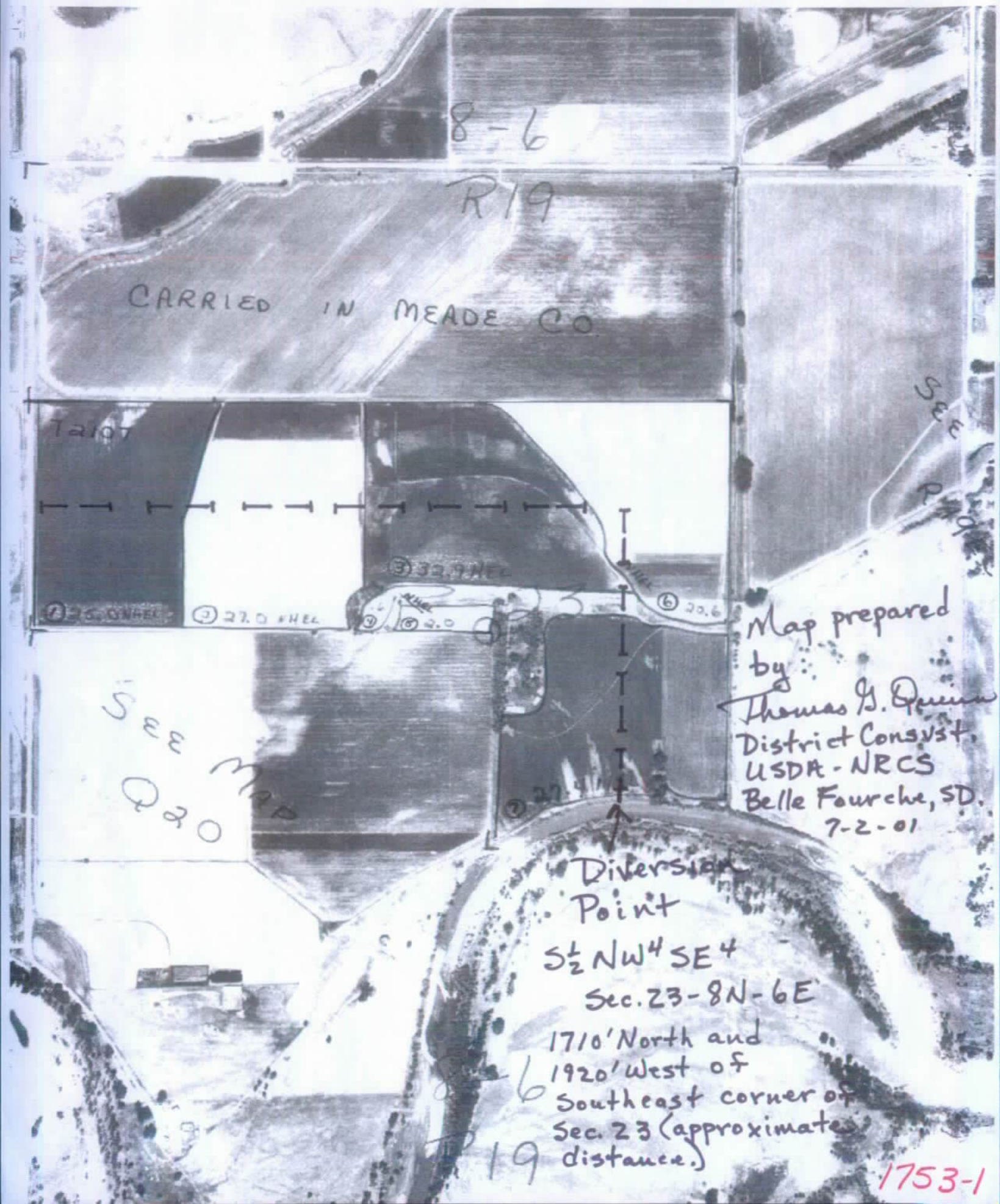
Answer to #6

Raising sod and need water in
April and May. Have plenty of water
off Belle Fourche Irrigation system
from June thru September
but need water in October after
Belle Fourche Irrigation system
is shut down.

Belle Fourche River runs thru the
center of the farm so have land
on both sides of the River.



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416864

Pierre, July 13, 2001

RECEIVED OF Palmer Sodding & Landscaping Inc., 310 Sturgis St., RapidCity, SD 57702
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. _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

By

Darland Ebele

Chief Engineer

gm

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Ray Palmer

ADDRESS: 310 Sturgis St, Rapid City SD 57702

DATE: July 13, 2001

TELEPHONE: 348-0203

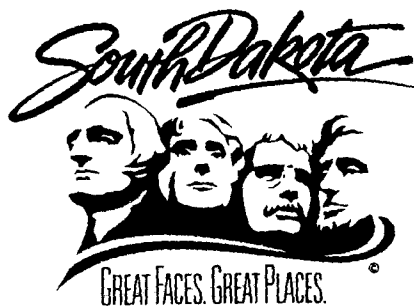
RE: Status of Application No. 1753-1

COMMENTS:

Mr. Palmer called to see if his application for a water permit was complete. I informed Mr. Palmer that the application was complete and that it was being processed. During the course of the conversation Mr. Palmer mentioned that he wanted to get the application approved by this fall since diversions from the Belle Fourche Irrigation Project are cut off while he still needs water. Mr. Palmer indicated that he also needs water in October and November during the fall. The application needs to be corrected to reflect that water also needs to be used in November.



Ron Duvall
Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2001

Beverly & Raymond Palmer
310 Sturgis St
Rapid City, SD 57702

Dear Beverly & Raymond Palmer:

I am working on your water permit application report. You are requesting 1.33 cubic feet of water per second (cfs) to irrigate 60 acres. South Dakota Codified Law (SDCL) 46-5-6 allows for one cfs of water per 70 acres. It also allows for a greater rate if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. I talked to Raymond on July 20 about the method of irrigation. He told me that the method of irrigation is going to be a sprinkler system. I do not believe that would warrant a greater diversion rate than the one cfs per 70 acres. I need to know if the other two conditions would warrant the greater diversion rate. Please contact me as soon as possible about this matter.

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

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2001

Beverly & Raymond Palmer
310 Sturgis St
Rapid City, SD 57702

Dear Beverly & Raymond Palmer:

I talked to Raymond yesterday about your water permit application. He told me that the application is for 600 gallons per minute (gpm) because that is the capacity of the well. He also told me the pumping rate used is 300 gpm.

South Dakota Codified Law (SDCL) 46-5-6 allows for one cubic feet of water per second (cfs) per 70 acres. It allows for a greater diversion rate if reasons can be given why the greater diversion rate is needed. If reasons can not be given you would be allowed to divert 385 gpm to irrigate 60 acres. Please let me know how you want to handle this matter as soon as possible.

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

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Raymond Palmer

File No. 1753-1

Address: 310 Sturgis St, Rapid City, SD 57702 **County:** Butte

Date: August 3, 2001 **Telephone:** (605) 348-0203

RE: Letter about Water Permit Application No. 1753-1

Comments: I told Raymond that I was calling in regards to the letter that I sent to him this week. I told him that if he needs more than one cubic foot per second (cfs) of water per 70 acres that we need to know the reasons for this. I told him with him irrigating 60 acres he could use 385 gallons per minute (gpm) of water. I asked him if it was ok with him if we change his application to reflect this. He said it is ok with him.

He asked how his application is coming. I told him that I basically just needed to about how much water he really needed.



Stacy J. Johnson
Natural Resources Project Engineer

Belle Fourche Irrigation District
P.O. Box 225
Newell, SD 57760
(605) 456-2541



September 20, 2001

Department of Environment and Natural Resources
Attn: Eric Gronlund
523 East Capitol
Pierre, SD 57501-3182

Application No. 1753-1

Dear Mr. Gronlund:

I have reviewed said application and find no significant impact to Belle Fourche Irrigation District's interest. Therefore, there is no objection or concern regarding this application.

Contact me at the above address if you have any questions.

Sincerely,

Renel A. Hall-Beck
Project Manager

Cc: US Bureau of Reclamation
Rapid City Area Office



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2001

Curt Anderson
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Dear Curt:

Enclosed is a copy of the report, recommendation and public notice on Water Permit Application No. 1753-1 filed by Beverly and Raymond Palmer. The notice is scheduled to be published in the Belle Fourche Post on September 26th and October 2nd. The notice schedules a December 5th hearing before the Water Management Board.

This information is being sent to you because of the Bureau's continuing interest in water right issues along the Belle Fourche River.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2001

Renel Hall-Beck
Belle Fourche Irrigation District
PO Box 225
Newell, SD 57760

Dear Ms. Hall-Beck:

Enclosed is a copy of the report, recommendation and public notice on Water Permit Application No. 1753-1 filed by Beverly and Raymond Palmer. The notice is scheduled to be published in the Belle Fourche Post on September 26th and October 2nd. The notice schedules a December 5th hearing before the Water Management Board.

This information is being sent to you because of your continuing interest in water right issues along the Belle Fourche River.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 1753-1

Beverly & Raymond Palmer

August 10, 2001

Beverly & Raymond Palmer have filed an application for a water permit to appropriate 0.86 cubic feet of water per second (cfs) from the Belle Fourche River located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to irrigate 60 acres of sod located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; all in T8N-R6E. This application requests to appropriate water from the Belle Fourche River during the months of April, May, October, and November. During the months of June through September water for this project would be obtained from the Belle Fourche Irrigation District.

This project is located approximately six miles southeast of the town of Newell in Butte County.

Review of the Proposed Project and Existing Water Rights

The source of water for this project is the Belle Fourche River. A portion of the water in the river is return flows from the Belle Fourche Irrigation District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

There is a USGS gauging station downstream of this project on the Belle Fourche River near Elm Springs. The gauging station is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29; all in T5N-R13E. There are 34 water permits/rights located between the proposed project and the gauging station. The total diversion rate of these water permits/rights is 109.22 cfs. Flows at this gauging station range from 14 cfs to 53 cfs from April to May in the 90% probability level. Flows at this gauging station range from 14 cfs to 41 cfs from October to November in the 90% probability level. Flows at this gauging station range from 53 to 329 cfs from April to May in the 50% probability level. Flows at this gauging station range from 52 cfs to 141 cfs from October to November in the 50% probability level. The above probability levels were obtained using data from this station from 1935 to 1999. This USGS gauging station data can be found as Attachment 1. Based on the USGS gauging station information water would be available for this project during wet years and possibly during spring runoff events.

In the immediate area there are three existing water rights that divert from the Belle Fourche River. One water right is located approximately one river mile downstream of the proposed project. This water right diverts 3 cfs of water from the Belle Fourche River for irrigation. Two water rights are located approximately three-fourths of a river mile downstream of this proposed project. These water rights divert 4.07 cfs of water from the Belle Fourche River for irrigation. During dry years these water rights may be adversely impacted by this project. If approved, this water permit would be junior to these downstream water rights.

To address the limited occasions when this project could adversely affect downstream domestic use and senior water rights, the permit should be issued with the following qualifications:

Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.

Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

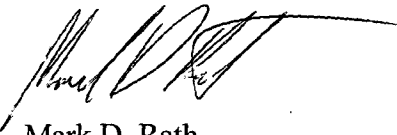
Conclusions

1. This application proposes to appropriate 0.86 cfs of water from the Belle Fourche River for irrigation purposes. This application requests to appropriate water from the Belle Fourche River during the months of April, May, October, and November.
2. Based on the USGS gauging station information water would be available for this project during wet years and possibly during spring runoff events.
3. There are three existing water rights within a mile of the project. During dry years these existing water rights may be adversely impacted by this project. If approved, this water permit would be junior to these downstream water rights.
4. If this application is approved, there may be limited occasions when downstream domestic use and senior water rights may be impacted by this project. To address these occasions, the permit should be issued with the following qualifications:
 - a) Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.
 - b) Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Stacy J. Johnson
Natural Resources Project Engineer

Reviewed by:



Mark D. Rath
Natural Resources Engineer Specialist

References

Water Rights Program files, "Water Permits Nos. 165-1, 199-1, 248-1, 271-1, 275-1, 275-1A, 285-1, 287A-1, 296-1, 302-1, 308-1, 310-1, 311-1, 321-1, 402-1, 411-1, 412-1, 414-1, 416-1, 417-1, 417-1A, 418-1, 429-1A, 430-1, 432-1, 440-1, 449-1, 472-1, 483-1, 484-1, 506-1, 531-1, 553-1, 577-1, 722-1, 789-1, 821-1, 865-1, 892-1, 910-1, 960-1, 962-1, 985-1, 1029-1, 1122-1, 1132-1, 1152-1, 1153-1, 1165-1, 1203-1, 1204-1, 1205-1, 1213-1, 1215-1, 1218-1, 1222A-1, 1233-1, 1245-1, 1246-1, 1252-1, 1259-1, 1269-1, 1423-1, 1455-1, 1470-1, 1477-1, 1519-1, 1524-1, 1554-1, 1567-1, 1574-1, 1601-1, 1728-1, US0376-1, and US0377-1", 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.

ATTACHMENT 1

90 % Probability

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	9	4	12	33	37	62	46	23	32	26	32	16
2	8	4	12	35	35	70	19	19	25	26	27	11
3	8	5	14	35	36	75	19	18	18	27	32	12
4	10	6	13	35	34	84	23	23	18	27	30	12
5	9	7	13	39	32	82	24	24	13	28	28	11
6	7	7	13	43	31	60	20	20	16	27	26	9
7	7	4	15	41	33	48	13	13	17	26	26	13
8	7	4	16	44	36	38	9	9	17	25	27	14
9	6	5	18	51	31	52	11	11	15	23	27	12
10	6	4	16	53	29	46	26	26	27	27	41	12
11	6	4	24	49	25	45	27	27	12	23	33	13
12	8	5	27	44	22	82	46	46	14	24	33	13
13	6	5	40	43	21	80	45	45	11	22	33	12
14	4	4	40	41	22	77	35	35	13	22	33	12
15	5	5	43	38	21	91	29	29	14	31	20	11
16	5	5	41	38	23	106	24	24	13	35	25	12
17	5	5	42	41	23	117	21	21	20	33	23	12
18	6	6	45	45	24	125	36	36	24	32	26	10
19	6	6	48	46	24	91	42	42	20	30	29	9
20	5	5	48	42	28	96	36	36	18	30	30	8
21	5	8	47	38	26	76	34	34	17	31	27	9
22	5	9	42	36	21	66	34	34	13	33	24	10
23	4	10	40	35	14	59	44	44	14	27	19	11
24	3	10	41	33	18	42	44	44	14	26	19	12
25	3	10	34	36	19	34	42	42	16	28	18	12
26	3	11	30	35	30	32	30	30	16	26	20	12
27	4	13	27	33	19	52	18	18	34	24	14	10
28	4	13	27	33	16	52	15	15	33	30	14	10
29	3	3	30	40	26	39	15	15	16	35	16	10
30	3	3	31	36	46	47	16	16	27	35	16	10
31	4	3	31	49	46	47	16	19	35	30	16	9
Median	5	5	31	39	26	64	27	24	17	27	27	12

75 % Probability

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	17	12	28	61	48	163	72	88	82	109	51	31
2	16	13	35	57	51	150	62	77	63	102	47	31
3	15	17	33	57	50	135	70	82	87	92	44	33
4	12	14	33	62	46	138	82	97	91	91	40	33
5	12	10	35	65	45	118	68	80	96	82	44	28
6	11	12	33	60	48	114	81	69	101	63	47	26
7	11	13	40	61	46	104	90	82	104	59	46	24
8	12	15	44	60	42	94	109	77	94	57	54	22
9	12	17	42	62	40	109	88	97	102	55	51	21
10	13	18	42	75	37	107	104	105	88	50	55	21
11	14	17	43	59	37	103	125	97	84	48	50	20
12	13	16	48	52	38	116	116	83	79	46	51	18
13	11	16	48	60	37	102	117	76	84	47	47	17
14	10	15	50	65	36	131	113	83	85	48	44	20
15	9	14	51	54	40	161	104	99	74	47	39	21
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18	9	13	57	59	32	161	133	122	69	54	38	23
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22	9	18	54	41	35	126	127	121	59	52	37	20
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27	10	19	63	60	73	89	122	90	93	56	33	16
28	9	19	59	52	74	110	135	91	96	52	30	17
29	11	11	57	57	73	92	117	98	100	50	30	15
30	11	52	68	52	105	86	108	94	110	50	29	15
31	11	114	114	114	114	85	85	85	50	14	14	21
Median	11	15	51	57	46	117	114	91	85	52	40	21

50 % Probability

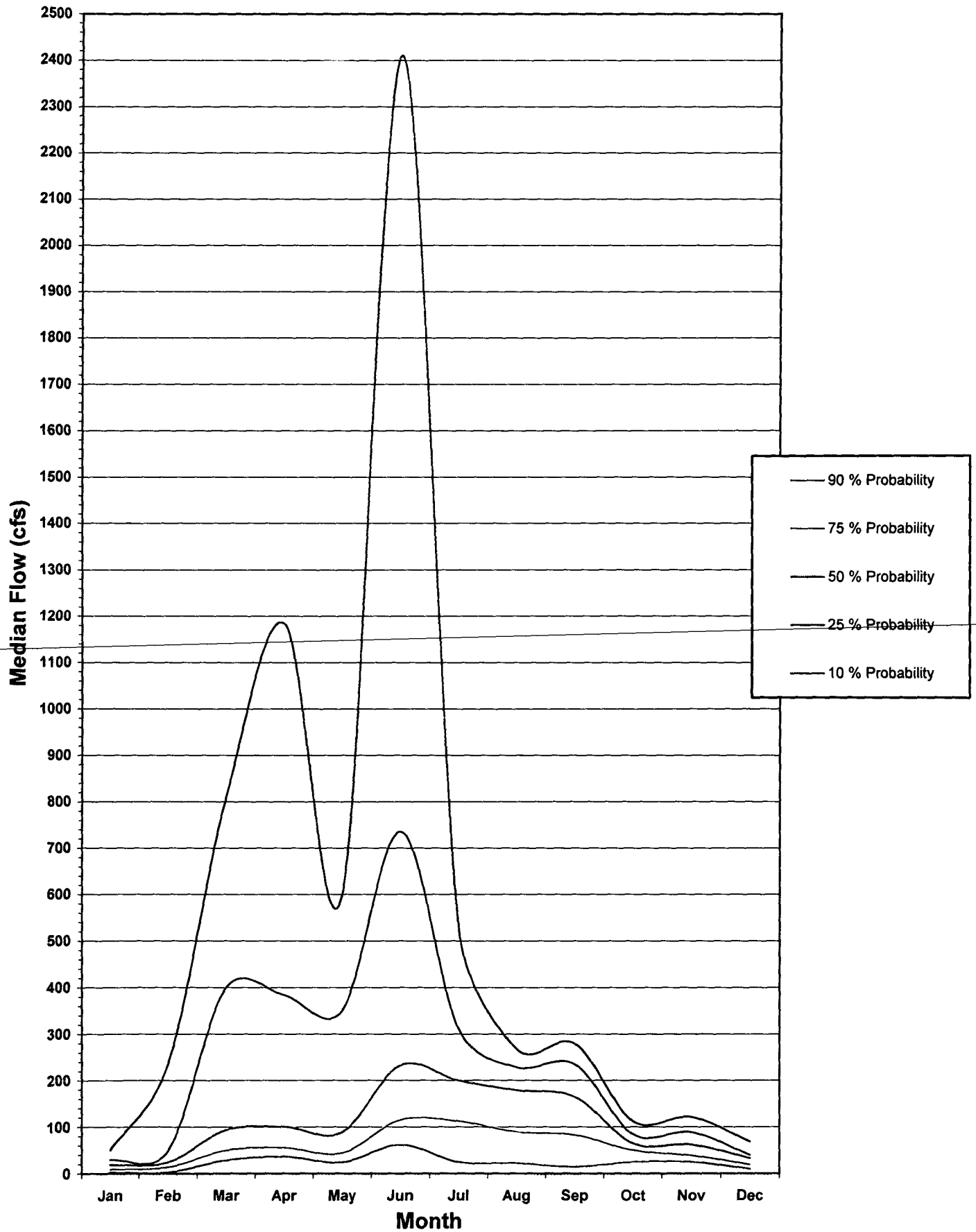
Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
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2	26	26	45	124	90	275	171	206	198	134	62	60
3	25	25	70	96	83	250	175	210	196	131	57	64
4	20	25	65	107	66	303	232	207	198	126	58	50
5	25	25	50	98	76	300	222	209	185	102	64	50
6	25	25	55	135	80	225	216	212	192	87	66	44
7	25	25	70	170	75	225	270	199	192	79	68	36
8	25	25	75	234	77	234	194	184	177	72	66	35
9	20	25	80	272	72	193	198	182	180	69	65	34
10	20	25	80	262	57	204	198	178	191	64	65	35
11	20	24	80	329	59	210	181	170	174	64	65	35
12	20	25	80	278	53	176	204	164	174	62	62	36
13	21	25	85	224	50	210	201	172	174	66	63	34
14	21	25	100	216	59	215	190	163	171	66	63	34
15	23	25	100	180	58	262	171	168	163	62	61	34
16	23	26	90	130	75	266	200	163	168	65	60	33
17	23	28	100	99	71	342	212	163	142	63	61	30
18	23	30	87	105	99	334	209	177	129	66	61	34
19	20	30	120	83	105	325	192	166	122	66	63	36
20	20	30	144	88	143	299	197	178	144	68	60	35
21	20	30	180	90	190	233	209	163	158	63	60	34
22	20	33	154	66	166	181	230	171	164	62	60	30
23	20	33	178	86	115	211	224	161	155	64	70	29
24	20	33	154	85	97	254	201	175	163	66	70	25
25	20	40	150	83	133	193	209	180	160	65	75	28
26	15	40	137	81	151	200	193	193	157	63	80	25
27	16	42	150	74	152	299	190	206	146	74	65	25
28	18	45	170	71	176	313	191	213	133	72	62	27
29	19		153	78	202	222	208	211	126	70	52	25
30	20		153	80	269	180	212	212	138	69	52	25
31	21			282	269			207		63		25
Median	20	26	95	102	90	234	201	180	166	66	63	34

25 % Probability

Day	Median	31	50	401	385	353	736	312	230	236	86	90	41
Jan	31	31				383			234		86		26
Feb	30	30		1275	361	415	498	279	259	182	87	105	33
Mar	29	29		992	200	393	455	283	231	177	90	92	35
Apr	28	26	124	1298	161	372	564	294	243	185	90	94	35
May	27	26	145	723	196	387	587	280	232	197	89	94	35
Jun	26	23	115	456	221	389	551	301	233	224	85	100	35
Jul	25	23	105	749	204	588	782	278	230	217	81	118	36
Aug	24	25	98	1011	162	483	897	266	228	250	81	114	39
Sep	23	28	88	927	138	549	760	299	222	235	84	101	40
Oct	22	28	65	778	146	362	640	292	209	235	83	93	40
Nov	21	28	50	835	159	587	939	268	218	239	82	90	40
Dec	20	28	50	446	185	353	655	292	210	215	80	82	40
1	19	30	57	440	247	244	507	265	214	220	77	83	40
2	18	33	63	380	268	220	833	276	212	221	73	80	40
3	17	40	73	461	308	215	910	344	218	232	78	85	40
4	16	38	70	423	333	208	1690	333	218	247	84	96	41
5	15	35	68	435	409	235	1525	397	209	251	84	77	42
6	14	33	41	300	560	242	765	510	225	253	89	84	42
7	13	31	38	241	478	254	669	413	217	260	86	88	43
8	12	34	40	199	588	353	799	365	212	250	81	91	44
9	11	37	43	200	635	268	875	282	221	254	86	93	44
10	10	31	40	185	618	230	1013	290	233	265	90	96	45
11	9	34	44	196	758	230	540	322	247	279	95	99	45
12	8	33	47	245	759	302	670	328	252	262	95	84	45
13	7	35	45	215	565	370	715	340	253	237	100	87	45
14	6	35	45	275	641	318	758	436	260	258	112	81	45
15	5	31	53	235	644	307	983	415	230	231	142	83	45
16	4	35	46	196	729	394	910	430	245	232	156	90	48
17	3	34	40	185	826	413	504	466	260	245	185	90	50
18	2	34	35	120	666	403	358	400	259	232	179	81	50
19	1	35	33	99	650	312	385	405	265	239	183	83	50

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 % Probability	5	5	31	39	26	64	27	24	17	27	27	12
75 % Probability	11	15	51	57	46	117	114	91	85	52	40	21
50 % Probability	20	26	95	102	90	234	201	180	166	66	63	34
25 % Probability	31	50	401	385	353	736	312	230	236	86	90	41
10 % Probability	52	238	815	1185	606	2411	524	269	281	114	123	70

Belle Fourche River near Elm Springs





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1753-1, Beverly and Raymond Palmer**

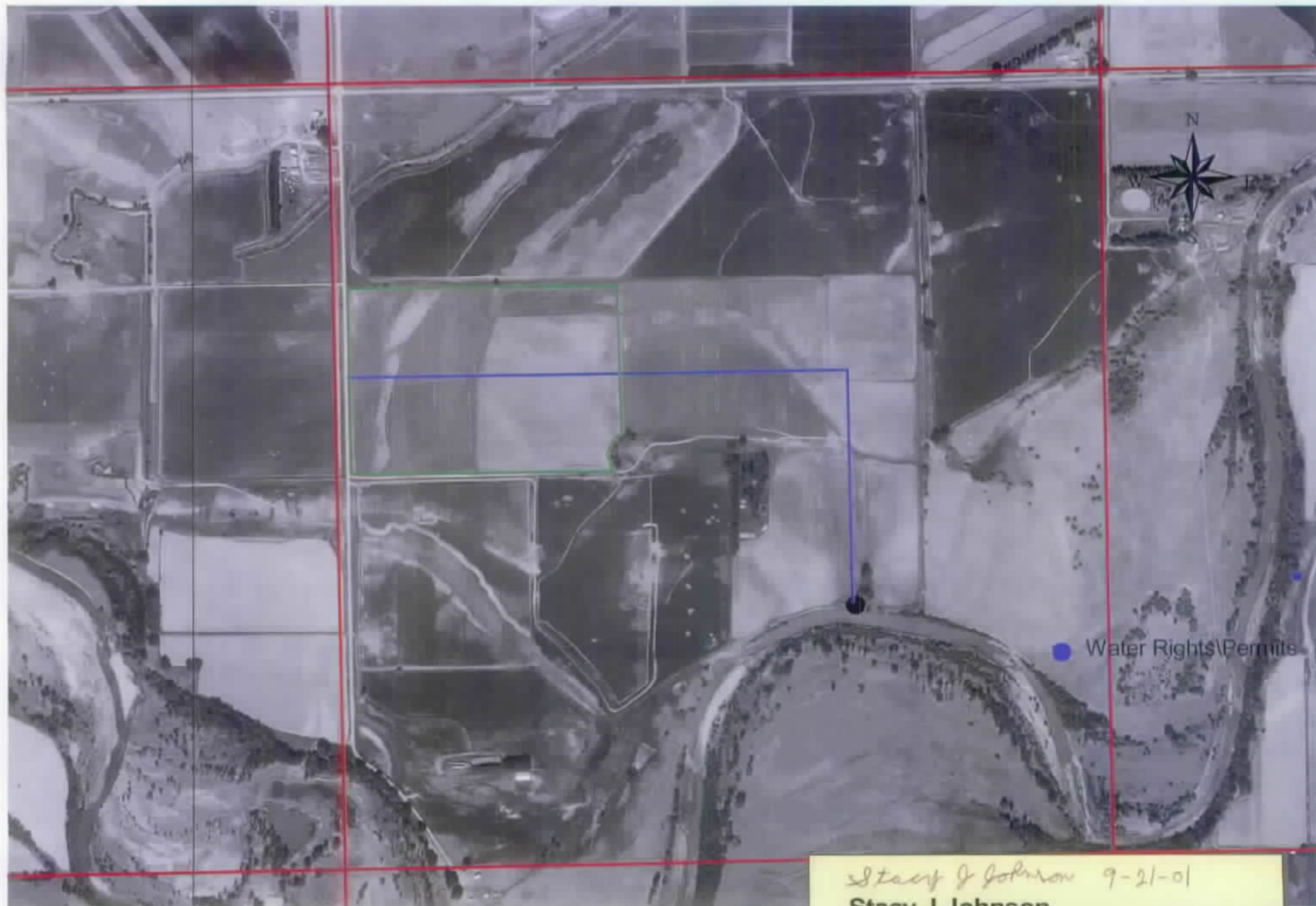
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. Beverly and Raymond Palmer, 310 Sturgis Street, Rapid City SD 57702..

The Chief Engineer is recommending APPROVAL of Application No. 1753-1 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 10, 2001



0.3 0 0.3 Miles



Stacy J Johnson 9-21-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 17, 2001

Belle Fourche Post
Box 400
Belle Fourche SD 57717-0400

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1753-1 to Appropriate Water to be published twice. Please publish the first notice on September 26, 2001 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 Beverly and Raymond Palmer, 310 Sturgis St., Rapid City SD 57702 (Ph # 348-0203).

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. 1753-1

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

Date _____

We are in receipt of your letter of September 17, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1753-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 17, 2001

Beverly and Raymond Palmer
310 Sturgis St.
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

Water Permit Application No. 1753-1 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 Belle Fourche Post printed at Belle Fourche, SD (Ph # 605 892-2528). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.

Instruction to Newspaper - Publish first Notice on September 26, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1753-1 to Appropriate Water

Notice is given that Beverly & Raymond Palmer, 310 Sturgis St, Rapid City SD 57702 have filed an application for a water permit to appropriate 0.86 cubic feet of water per second (cfs) from the Belle Fourche River located in the NW ¼ SE ¼ Section 23 to irrigate 60 acres of sod located in the S ½ NW ¼ SW ¼ NE ¼, NW ¼ SE ¼ Section 23; all in T8N-R6E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This application requests to appropriate water from the Belle Fourche River during the months of April, May, October and November.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1753-1 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 November 19, 2001. 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 10:00 A.M. December 5, 2001 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD. ~~The Chief Engineer's recommendation is not final or binding upon the Board.~~ The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 5, 2001 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 November 19, 2001.

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 November 29, 2001, 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; 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Butte) SSI, Joan Lewis

certify that the attached printed Notice was taken

from the Belle Fourche Postprinted and published in Belle FourcheCounty of Butte and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Sept. 26, 2001Oct. 3, 2001Cost of Printing 56.68Joan Lewis
(Signature)Bookkeeping
(Title)9/26/01

(Date Signed)

NOTICE OF HEARING
on Application No. 1753-1
to Appropriate Water

Notice is given that Beverly and Raymond Palmer, 310 Sturgis Street, Rapid City, SD 57702, have filed an application for a water permit to appropriate 0.86 cubic feet of water per second (CFS) from the Belle Fourche River located in the NW1/4SE1/4, Section 23, to irrigate 60 acres of sod located in the S1/2NW1/4, SW1/4NE1/4, NW1/4SE1/4, Section 23; all in T8N-R8E. During the months of June through September water for this project is obtained from the Belle Fourche Irrigation District. This application requests to appropriate water from the Belle Fourche River during the months of April, May, October, and November.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1753-1 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 November 19, 2001. 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 10:00 a.m., December 5, 2001, in the Matthew Training Center, Foss Building, 523 E Capitol Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 5, 2001, 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 November 19, 2001.

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 1-28. 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 November 29, 2001, 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, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, and Board Rules ARSD 74:02:01.01 thru 74:02:01.15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish 9/26/01
Belle Fourche Post



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 15 2002

Beverly & Raymond Palmer
310 Sturgis St.
Rapid City, SD 57702

Dear Beverly & Raymond Palmer:

Enclosed is Water Permit No. 1753-1 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 cursive script that reads "Garland Erbele".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 14, 2004

NOTICE

TO: BEVERLY/RAYMOND PALMER, 310 STURGIS ST, RAPID CITY, SD 57702

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1753-1. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1753-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1753-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or 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 the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1753-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9463

Your item was delivered at 3:13 pm on January 15, 2004 in RAPID CITY, SD 57702. The item was signed for by R PALMER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9463

BEVERLY/RAYMOND PALMER
310 STURGIS ST
RAPID CITY SD 57702

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2004

1753-1

Beverly & Raymond Palmer
310 Sturgis St
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit No. 1753-1.

I completed a questionnaire for you based on our January 15th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1753-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 01 2016

1753-1
1927-1

Raymond & Beverly Palmer
414 Platt St
Rapid City SD 57702

Dear Mr. & Mrs. Palmer:

Enclosed is Water License No. 1927-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The applicable portions of Water Permit No. 1753-1 were incorporated into Water License No. 1927-1.

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

Sincerely,

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

enclosures