

WATER PERMIT NO. 1755-1

Name of Applicant: City of Eagle Butte

Address: PO Box 150, Eagle Butte SD 57645-0150

Phone: 605 964-8783

Amount of Water Claimed: 1.06 cfs and 56 add'l AF storage

Total Acres: 75

Source of Water Supply: Brueschke Dam

Water to be used for: irrigation County: Dewey

Type of Waste Disposal System:

Location: 3 miles northeast of Eagle Butte

PRIORITY Date Received: 8-20-2001

Fee: \$225

Corrected Application Received:: 8-21-2001

Period of Annual Use: January 1 – December 31

Remarks: City has existing Permit No. 1755-1 for 200 AF storage in Brueschke Dam. This permit is for add'l storage capacity and irrigation of golf course

Diversion Point: NW ¼ SE ¼ Sec 32-T13N-R24E

Land to be Irrigated: SE ¼ Sec 32 and SW ¼

SW ¼ Sec 33; all in T13N-R24E

Depth of Well: NA

Well Driller: : NA

Remarks:

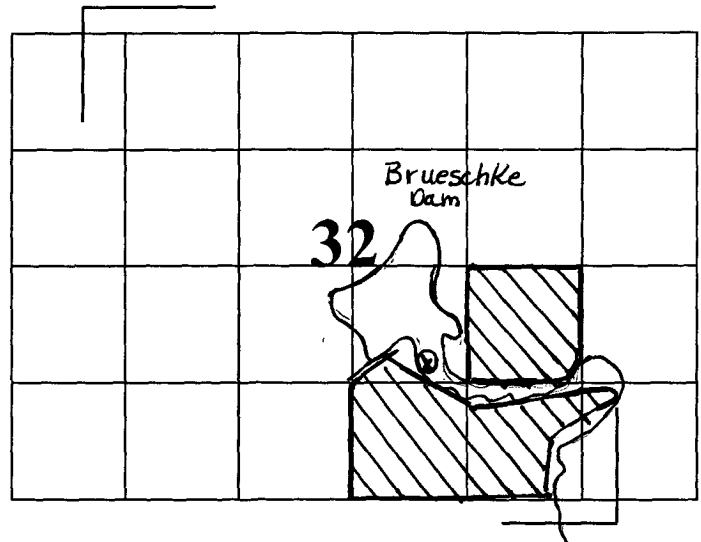
Type of Map: aerial

Prepared by: David Lutz, PE

Reviewed and the Number Assigned on: 8-22-01

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 1755-1

Date of first receipt of application August 20, 2001.

Date of return to applicant for corrections, amendments or changes August 20, 2001.

Date of receipt of corrected application August 22, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1755-1 to City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150 authorizing the dam and 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. 1755-1 authorizes impoundment of 256 acre-feet of water from runoff and for irrigation of a golf course. Brueschke Dam was constructed in the SW ¼ NE ¼ Section 32 with water impounded in the SW ¼ NE ¼, NE ¼ SW ¼, SE ¼ Section 32; all in T13N-R24E. Vested Water Right No. 438-1 with a January 1, 1933 priority date authorized 200 acre-feet. This permit includes an additional 56 acre-feet of water for a total storage capacity of 256 acre-feet.

This permit also authorizes 1.06 cubic feet of water per second from Brueschke Lake with the diversion point located in the NW ¼ SE ¼ Section 32 to irrigate 75 acres of a golf course located in the SE ¼ Section 32 and the SW ¼ SW ¼ Section 33; all in T13N-R24E.

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: May 1 – September 30 (irrigation) – January 1 – December 31 (storage dam).
3. The date from which applicant may claim right is August 20, 2001.
4. The date of approval of Permit No. 1755-1 is September 24, 2001.
5. One-fifth of the construction is to be completed on or before March 24, 2003.
6. All construction is to be completed on or before September 24, 2006.
7. Water is to be put to beneficial use on or before September 24, 2010.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 1755-1 and Water Right No. 438-1, combined authorize a dam with a storage capacity of 256 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Water Permit No. 1755-1 is subject to receipt and approval of an Emergency Preparedness Plan (EPP) pursuant to Water Management Board Rules 74:02:08.09(9) and 74:02:08:10 no later than December 31, 2001.

(continued)

3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

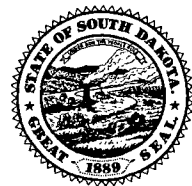
WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 16 2001

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1755-1</u> (office use only) Hydrologic Unit <u>10130102</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Eagle Butte News, Eagle Butte 57625-0210</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 438-1

(Use predates Mar 2, 1955)

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

Repair and raise Brueschke Dam, Irrigate existing golf course and land
for future golf course.

1. Name of Applicant City of Eagle Butte Phone 605-964-8783
(check one) X Owner Tenant/lessee

Mailing Address PO Box 150, Eagle Butte State SD 57625-0150
(Street, RR, or Box and City) (56 add'l) (Zip Code)

2. Amount of water claimed 1.06 *CFS or **GPM 256 ***AF Total Acreage 75
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Brueschke Dam

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NW 1/4 SE 1/4 Sec 32 - T13N - R24E (Irrigation diversion point)
County Dewey

5. County or counties where water will be used Dewey

6. Annual period during which water is to be used Dam, Annually, Irrigation, May - September

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
NE1/4SE1/4 of Sec. 32	30	SW1/4SW1/4 of Sec. 33	5
NW1/4SE1/4 of Sec. 32	5		
SE1/4SE1/4 of Sec. 32	25		
SW1/4SE1/4 of Sec. 32	10		

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

Irrigate golf course and future site in NE1/4SE1/4 of Sec. 32, T13N, R24E.

STATE OF SOUTH DAKOTA) SS
County of DEWEY

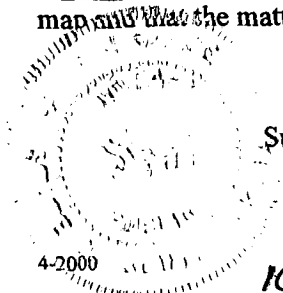
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, CITY OF EAGLE BUTTE, 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 John P. Bachman, MAYOR

Subscribed and sworn to before me this 20th day of JULY 20 01

[Signature]
Notary Public signature



10-09-03

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

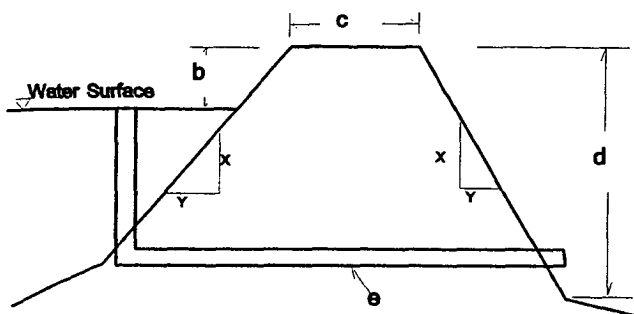
4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Brosz Engineering, Inc.

Bowman, ND 58623



- b) Freeboard 10.3 ft
- c) Crest Width 12 ft
- Crest Length 800 ft
- d) Height 30.3 ft
- e) Primary Outlet Capacity _____
- If pipe, diameter 60 in
- f) Secondary Spillway Capacity _____
- Spillway Width 200 ft wide
- g) X & Y Slope _____
- Upstream 1.5:1
- Downstream 2:1
- h) Surface Area of Impoundment 26 AC
- i) Storage 256 Acre Feet 5.2 Miles
- j) Drainage Area Above Dam 11.58 Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416894

Pierre, August 20, 2001

RECEIVED OF City of Eagle Butte, Eagle Butte SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1755-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1755-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By Darland Erbele
Chief Engineer
KS

STATE OF SOUTH DAKOTA



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

March 27, 2001

Andrew J. Aberle
Attorney at Law
P.O. Box 236
Timber Lake, SD 57656-0236



Re: Brueschke Dam

Dear Mr. Aberle:

This letter confirms our conversation of March 27, 2001. As I indicated, the NRCS has drafted a preliminary set of plans for repair of Brueschke Dam. The NRCS has indicated that it cannot sign the plans and specifications for this project. I am enclosing a copy of a February 8, 2001, letter from the NRCS in this regard. It is my understanding that that the City of Eagle Butte is aware of this circumstance, has contacted Brosz Engineering, and is taking steps to provide the DENR with a signed set of plans and specifications.

In the meantime, a water permit application will need to be filed for the water impounded in this dam. I believe the DENR staff has provided water permit applications to Mr. Ganje in the past. If, however, you need copies of any applications or have any inquiries about this process, please feel free to inquire.

Sincerely,

A handwritten signature in cursive script that reads "Diane Best".

Diane Best
Assistant Attorney General

DB:js/
Enclosures
cc: Tim Schaal, DENR

j-1tr111.db



United States
Department of
Agriculture

Natural Resources
Conservation
Service

Belle Fourche Field Office
1847 5th Avenue, S
Belle Fourche, SD 57717-2086

FEB 12 2001

February 8, 2001



Jon Ganje
City of Eagle Butte
PO Box 150
Eagle Butte, SD 57625-0150

Jon,

Enclosed you will find a preliminary set of plans for repair of Brueschke Dam. This set of plans follows the original guidelines found in Option 2 that you presented to your city officials earlier this winter. I had to make a couple of minor changes in the elevations after having run the data through the latest updated version of flood routing software called SITES 99.2. Below you will find a comparison of the new output using SITES and the old output using DAMS2 (Option 2).

	<u>DAMS2</u>	<u>SITES</u>
Principal Spillway Dia.	60"	60"
Principal Spillway Elev.	91.0	91.0
Emergency Spillway Elev.	95.4	95.3
Emergency Spillway Width	200'	200'
Top of Dam Elev.	100.5	101.3

You notice that the top of the dam elevation is the main item that changed by increasing the 0.8' to El. 101.3. This did increase the amount of fill needed to build up the existing dam, but the project had excessive excavation planned to come out of the emergency spillway. So we still have enough excavation to serve the fill needed in the project.

Jon, you can take these drawings and SITES output report and submit them to DENR for their approval. However, I and NRCS can not sign off on the approval statement for this project unless we go through our TR-60 process. That process involves a greater amount of detail including full geological studies, use of concrete pipe, and a review process projected at 12 to 16 months. As we discussed before if the City of Eagle Butte represented itself and used products, personnel, and equipment it had available within its work force. Then they could upgrade the dam to a safe structure, meet DENR standards, and use some of the stored water for irrigation without expending substantial capital. The drawings and data I have enclosed will do all of that, but NRCS's involvement with this project beyond this point will cease unless the City of Eagle Butte decides to change its mind and follow through the TR-60 process.

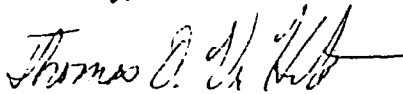
United States
Department of
Agriculture

Natural Resources
Conservation
Service

Belle Fourche Field Office
1847 5th Avenue, S
Belle Fourche, SD 57717-2086

I am sorry I can not offer you more assistance, but the NRCS is critically short of engineering staff at this time. The engineering personnel capable of following through with the TR-60 approval process are located several states away since South Dakota is currently without a NRCS State Engineer. If you have any questions concerning the items I have submitted to you, please feel free to contact me.

Sincerely,



Thomas D. Ver Helst
Ag Engineer, NRCS, Belle Fourche

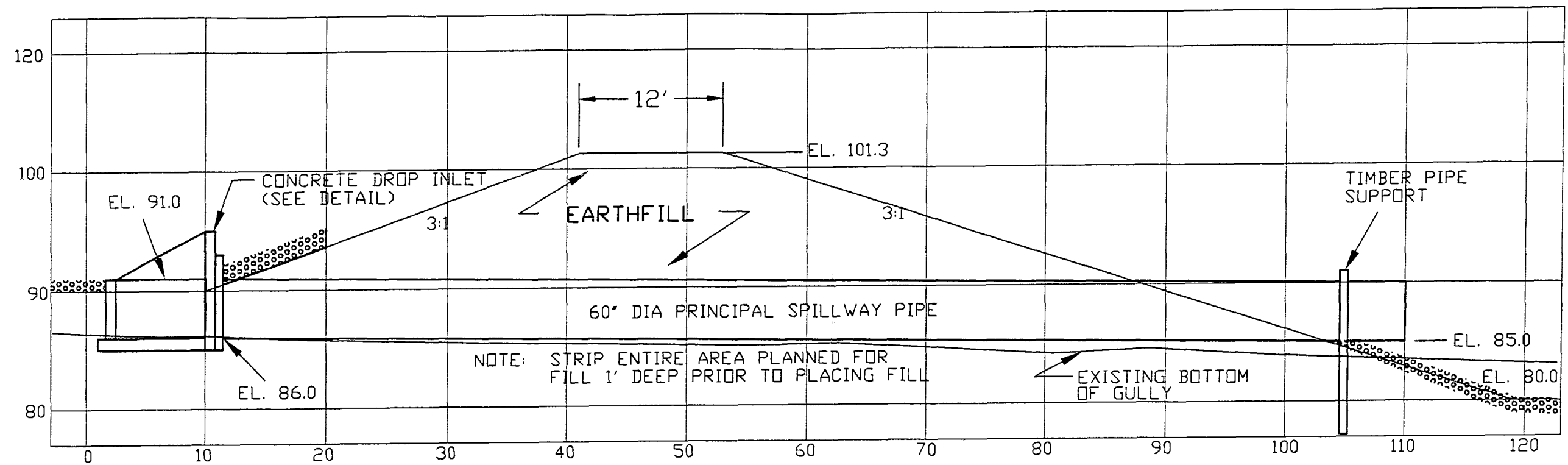
Prepared by Brosz Engineering
David Rutz

32

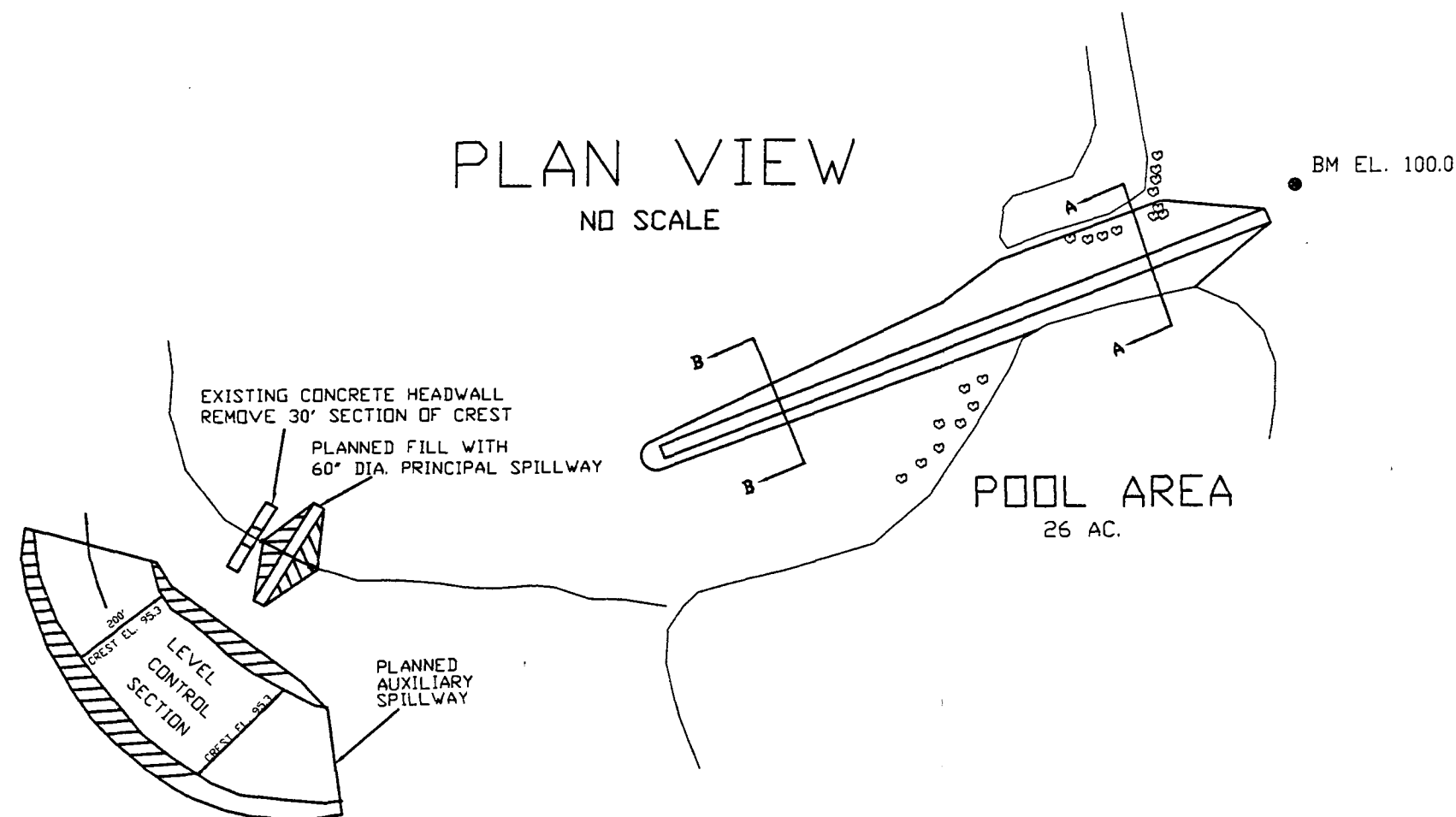
Pumping
Location

future golf course

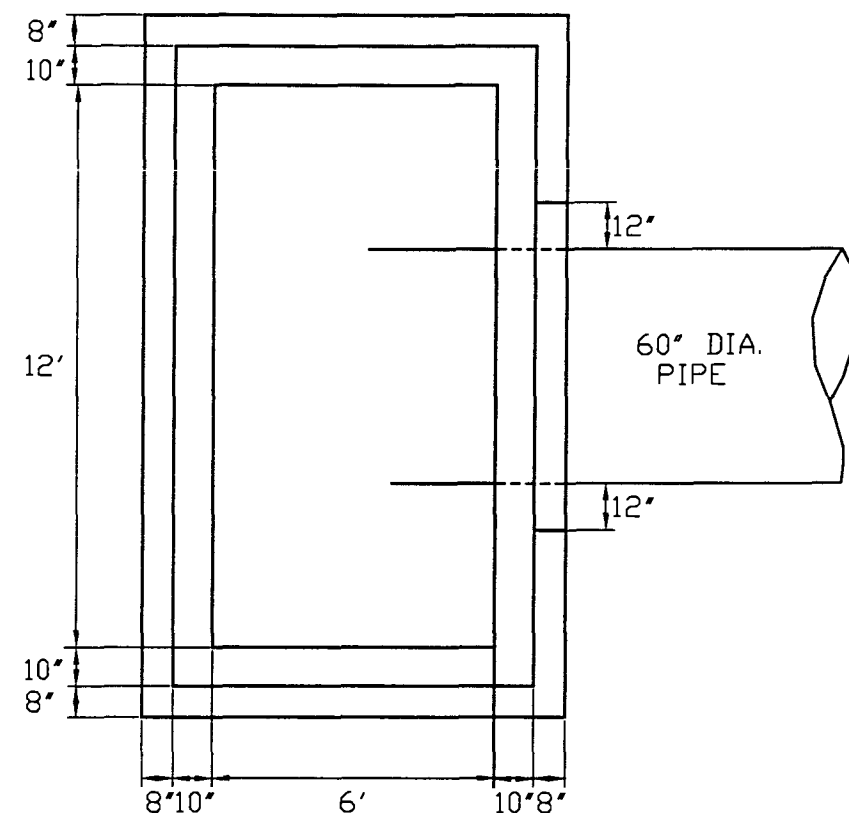
1755-1



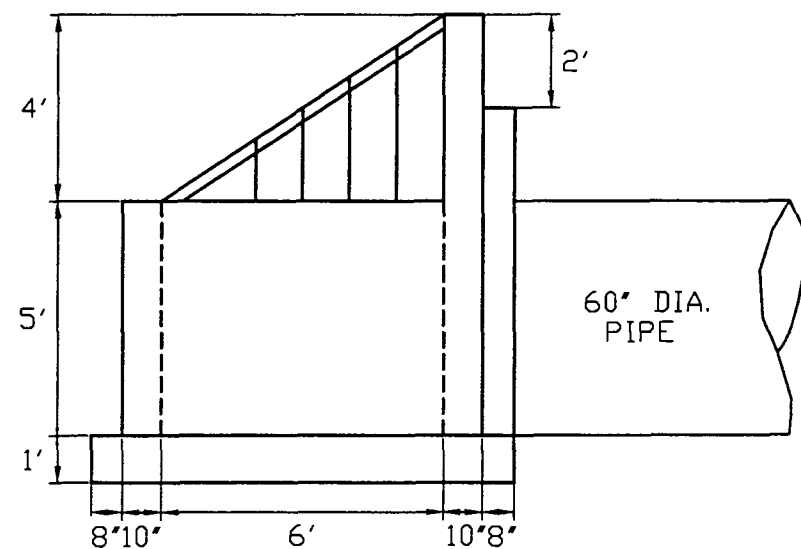
PROFILE & PRINCIPAL SPILLWAY



BROSZ ENGINEERING, INC.					
109 South Main - Box 357 - Bowman, North Dakota 58623 - Phone (701)523-3340 - FAX (701)523-5243					
PROJECT: BRUESCHKE DAM					
SHEET DESCRIPTION: PLAN AND ELEVATION VIEW					
DRAWN BY:	CHECKED BY:	REVISIONS:	SCALE:	DATE:	SHEET:
MLH	GBB		As Shown	7/01	



TOP VIEW
TRASH RACK NOT SHOWN



SIDE VIEW

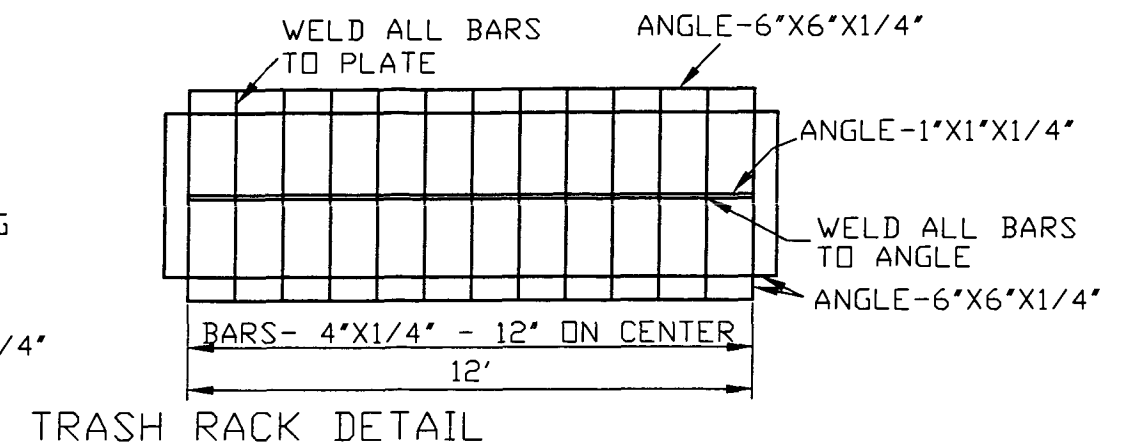
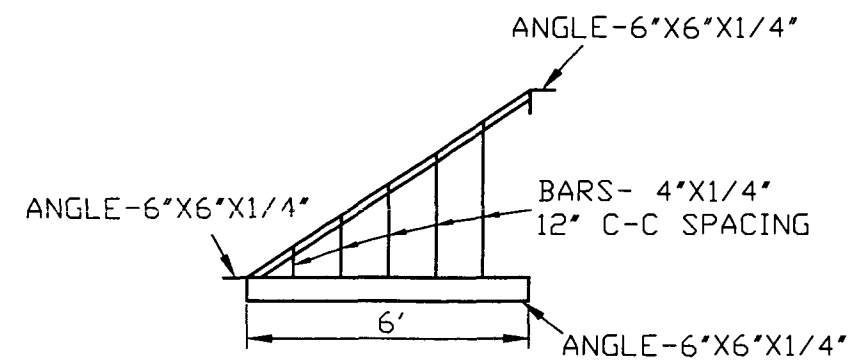
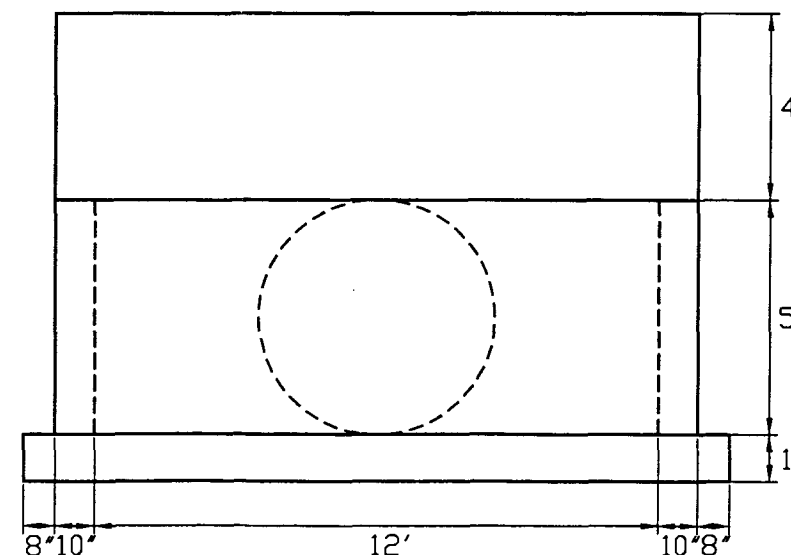


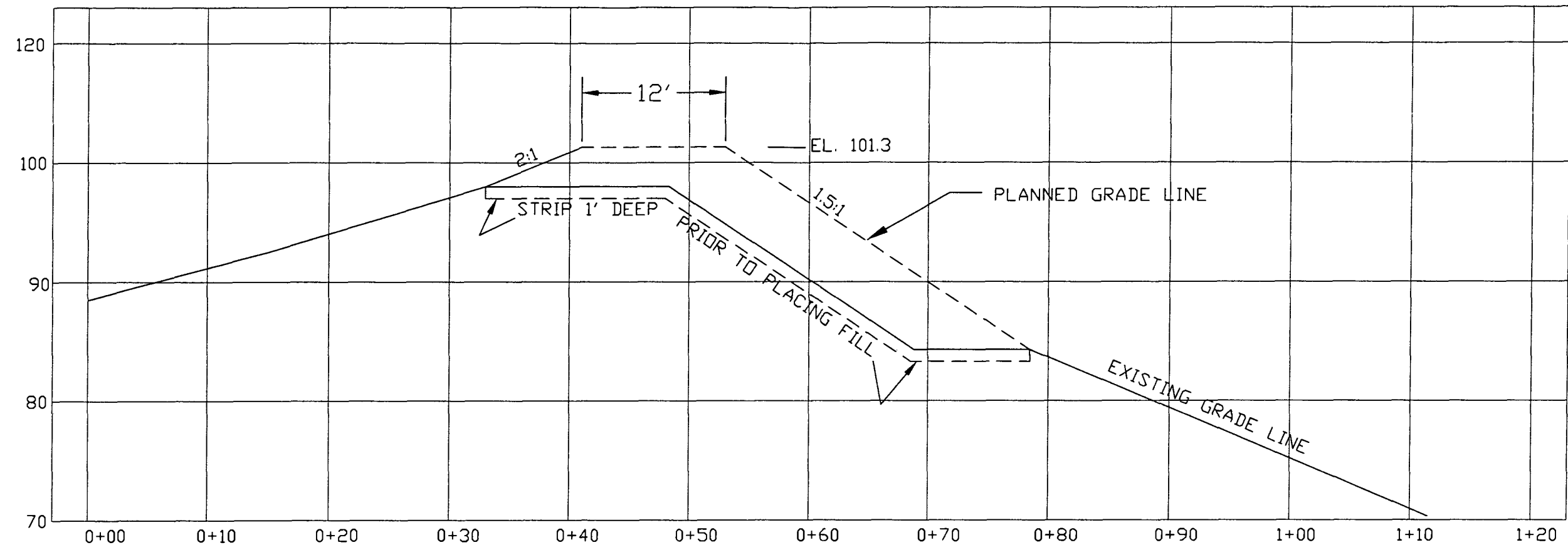
TABLE OF QUANTITIES			
ITEM NO.	ITEM	UNIT	QUANTITY
1	CONCRETE - FLOOR	CY	5.0
2	CONCRETE - WALLS	CY	7.7
3	REBAR #4 BAR	LF	820
4	BARS - 4"X1/4"	LF	118
5	ANGLE - 6"X6"X1/4"	LF	39
6	ANGLE - 1"X1"X1/4"	LF	12

- NOTE: 1) ATTACH TRASH RACK TO CONCRETE USING 6- 3/4" DIA. ANCHOR BOLTS.
 2) PLACE ROCK (RIPRAP) AROUND DROP INLET 1' THICK EXTENDING IN ALL DIRECTIONS.
 3) USE 3/4" CHAMFER ON ALL EXPOSED CONCRETE OUTSIDE CORNERS.
 4) PLACE #4 REBAR IN THE CENTER OF EACH WALL AND FLOOR 12" C-C EACH WAY.

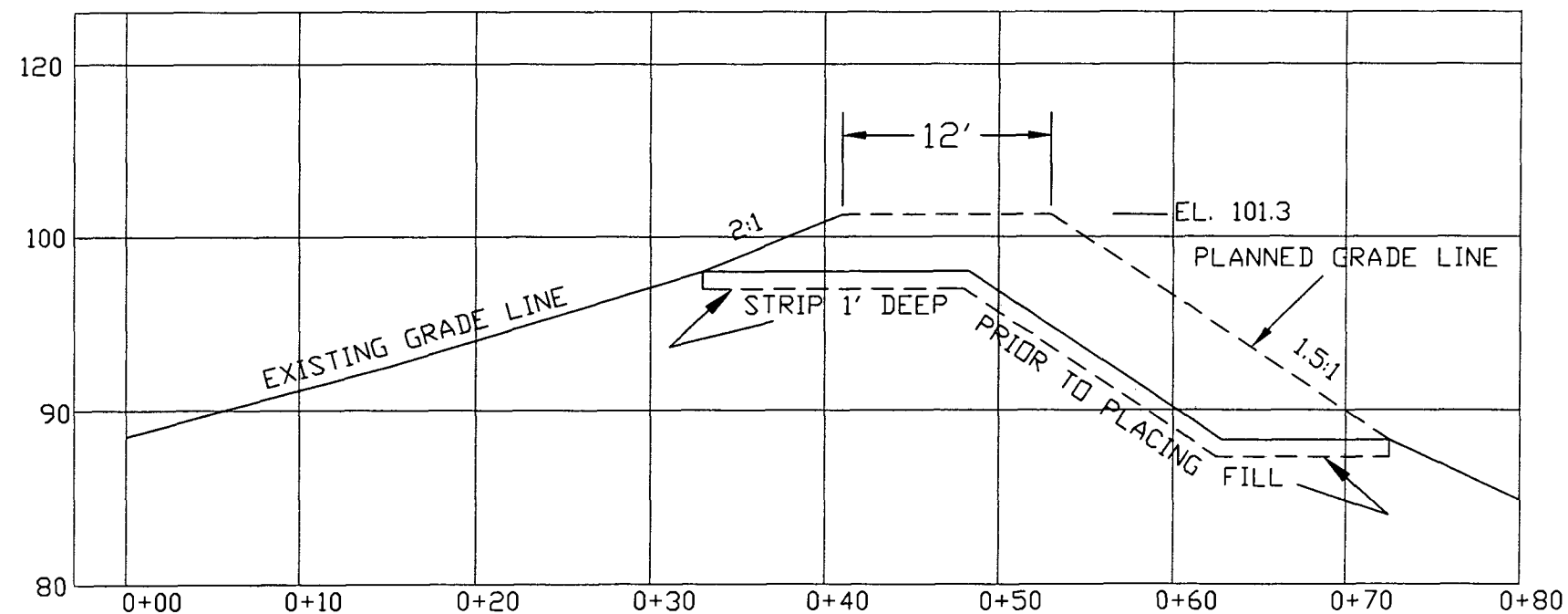


FRONT VIEW

BROSZ ENGINEERING, INC.					
109 South Main - Box 357 - Bowman, North Dakota 58223 - Phone (701)523-3340 - FAX (701)523-5243					
PROJECT: BRUESCHKE DAM					
SHEET DESCRIPTION: DETAILS					
DRAWN BY:	CHECKED BY:	REVISIONS:	SCALE:	DATE:	SHEET:
MLH	GBB		As Shown	7/01	

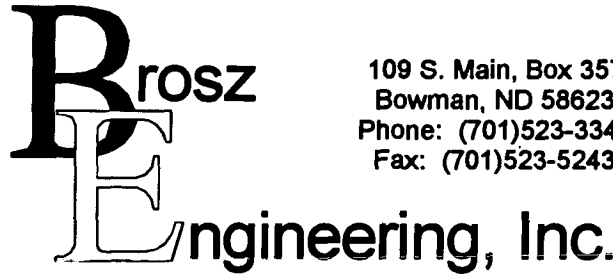


CROSS-SECTION A - A (DAM)



CROSS-SECTION B - B (DAM)

BROSZ ENGINEERING, INC. 109 South Main - Box 357 - Bowman, North Dakota 58623 - Phone (701)523-3340 - FAX (701)523-5243					
PROJECT: BRUESCHKE DAM					
SHEET DESCRIPTION: CROSS SECTIONS					
DRAWN BY: MLH	CHECKED BY: GBB	REVISIONS:	SCALE: As Shown	DATE: 7/01	SHEET:



109 S. Main, Box 357
Bowman, ND 58623
Phone: (701)523-3340
Fax: (701)523-5243

Registered in North Dakota, South Dakota, and Montana

July 19, 2001

Gale Secken, Natural Resources Engineer
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-2182

Re: Brueschke Dam
Eagle Butte, SD



Dear Mr. Secken,

Enclosed please find the final drawing and water permit application for the Brueschke Dam (ID No. 13) near Eagle Butte, SD. We are working with the City of complete the proposed repairs to the Dam.

We have reviewed the data and analysis completed by Thomas VerHelst with the NRCS in Belle Fourche. This information is contained in a letter dated February 8, 2000 addressed to the City of Eagle Butte. We have also reviewed previous information submitted to the city and your office. We have concurred with the data and analysis and will recommend the repairs be completed per the plans attached.

If you have any additional information, please contact me. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'David Lutz'.

David Lutz, P.E.
Brosz Engineering, Inc.

DL/dll

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 2001

City of Eagle Butte
Sheila J Ganje, Finance Officer
PO Box 150
Eagle Butte SD 57645-0150

Dear Ms. Ganje:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Brueschke Dam. In order to complete the application the following is required.

- A map showing the location of the dam and the area of water impoundment in relation to a government section corner or quarter corner by direction and distance. Also, the lands to be irrigated (golf course) need to be outlined. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- What is the proposed diversion rate from the dam for irrigation of the golf course?
- The application/license filing fee will be \$275.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: David Lutz, P.E., Brosz Engineering, Inc.



City of Eagle Butte
and Brosz Engineering
P.O. Box 0150
Eagle Butte, SD 57625-0150
August 10, 2001

Garland Erbele, Natural Resources Chief Engineer
Karen Schlaak
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-2182

Dear To Whom It May Concern:

This letter is in response to the 07/30/01 letter from Karen Schlaak regarding the *Application for a Water Permit to Appropriate Water* for Brueschke Dam.

Please find enclosed the following information:

- A map showing the location of the dam and the area of water impoundment in relation to a government section corner or quarter corner by direction and distance. Also, the lands to be irrigated (golf course) are outlined. The map has been signed by a Registered Professional Engineer.
The direction and distance to the center of the dam is as follows:
1650 West & 2640 North of SE section corner of S32, T13N, R24E
- The proposed diversion rate from the dam for irrigation of the golf course is:
Golf Course – 100 acre feet
Future Golf Course – 100 acre feet
Total = 200 acre feet.
- The application/license filing fee of \$275.00 shall be issued in the near future.

Sincerely,

Dave Lutz, P.E., Brosz Engineering, Inc.
City of Eagle Butte Engineer

SJG:sjg

Cc: File

B. Jon Ganje, Street/Parks/W/WW Superintendent
Council

City of Eagle Butte
and Brosz Engineering
P.O. Box 0150
Eagle Butte, SD 57625-0150
August 10, 2001

Garland Erbele, Natural Resources Chief Engineer
Karen Schlaak
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-2182

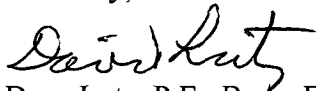
Dear To Whom It May Concern:

This letter is in response to the 08/20/01 letter from Karen Schlaak regarding the *Application for a Water Permit to Appropriate Water* for Brueschke Dam.

Please find enclosed the following information:

- Information for the amendment to the *Application For Permit To Appropriate Water For Irrigation* as of 08/21/01 to include the revised land descriptions.
- The proposed diversion rate from the dam for irrigation of the golf course is: 475 gallons per minute.
- A revised map to reflect the pumping location indicated by a blackened "X".

Sincerely,



Dave Lutz, P.E., Brosz Engineering, Inc.
City of Eagle Butte Engineer

SJG:sjg

Cc: File
B. Jon Ganje, Street/Parks/W/WW Superintendent
Council





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 20, 2001

Dave Lutz
Brosz Engineering, Inc.
3030 Airport Rd.
Suite A, Box 23
Pierre SD 57501

RE: Brueschke Dam, Eagle Butte

Dear Mr. Lutz:

Enclosed is the aerial photo and *Application for a Permit to Appropriate Water* submitted for the City of Eagle Butte. The land descriptions as identified in Item No. 7 of the application do not match with the areas outlined on the map. It appears acreage in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33 should be included on the application. The application indicates 25 acres to be irrigated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32. This amount is greater than the area outlined on the map. Please make the necessary corrections.

Regarding my question on the proposed diversion rate from the dam for irrigation of the golf course, what will the diversion rate be in gallons per minute or cubic feet of water per second?

The application/licensing fee has been received from the City of Eagle Butte.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

c: Sheila J Ganje, Finance Officer

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 2001

John P. Bachman, Mayor
City of Eagle Butte
PO Box 150
Eagle Butte, SD 57645-0150

Dear Mayor Bachman:

We have reviewed the plans and specifications for the repair of Brueschke Dam. Water Permit Application No. 1755-1 has also been filed for an additional 56 acre-feet of storage in Brueschke Dam and irrigation of 75 acres at the City of Eagle Butte golf course. The plans and specifications as submitted are approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release the City of Eagle Butte, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dams.

Brueschke Dam is classified as Category 1, High Hazard dam and the repaired dam will have a dam height of 31 feet and a normal storage capacity of 256 acre-feet and a maximum storage capacity of 1149 acre-feet. Since Brueschke Dam is classified as a High Hazard Dam, an Emergency Preparedness Plan (EPP) also needs to be filed. Enclosed is a copy of an EPP to use as an example when preparing an EPP for Brueschke Dam. Please try to have an EPP filed with us as soon as possible.

If you have any questions, please feel free to contact us.

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer Director
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Tom Ver Helst, NRCS, Belle Fourche
Dave Lutz, P.E., Brosz Engineering
Andrew J. Aberle, Attorney
Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 17, 2001

John Bachman
Mayor, City of Eagle Butte
P.O. Box 150
Eagle Butte, SD 57645-0150

Dear Mayor Bachman:

We have reviewed and accepted the Emergency Preparedness Plan for Brueschke Dam. We will maintain a copy of the plan and resolution in our files. The plan should be reviewed annually to update phone numbers and name of responding agencies.

Thank you for your cooperation in preparing the plan and for the long process in getting Brueschke Dam repaired.

If you have any questions please call me at 605-773-4067.

Sincerely,

Gale N. Selken P.E.
Natural Resources Engineer Director
Water Rights Program
DENR

Water Permit Application No. 1755-1
City of Eagle Butte
Brueschke Dam

Cat. 1 - High Hazard Dam

Top of Dam Elev. - 101.3
2nd Spw. Elev. - 95.3
P. Spw. Elev. - 91.0
D/S Toe Elev. - 70.0

} HT = 31.3 ft

Normal Storage Capacity - 256 Ac.-Ft.
Int. Storage Capacity - 560
Max. Storage Capacity - 1149

Cat. 1 - High Hazard Dam - Minimum Spillway Design = 50% PMF

The NRCS did the design & flood routing for the repair of Brueschke Dam, but could not sign off on the project. Brose Engineering reviewed the plans and flood routing and concurred with the design and analysis. They recommended that Brueschke Dam be repaired as designed.

The NRCS used their "SITES" flood routing model for the analysis. They used a 10yr-24 hr. storm (3.4 in.) for the principal spillway hydrograph and a 50% 6hr PMP (11.25 in.) storm for the Emergency Spillway hydrograph and overboard hydrograph. The analysis routes a Q_{50%} peak of 8963 cfs through the 200 ft wide secondary spillway, with a peak discharge of 8094 cfs.

$$Q = C L H^{3/2} \quad H = 6$$

$$= 2.8(200)(6) \quad L = 200$$

$$= 8230 \text{ cfs} \quad C = 2.8$$

Section 74:02:08:09

NRCS Annual Yield

1. Topo Map - OK
2. Dam A's Profile - OK
3. Dam X- Sec. - OK
4. Area - Capacity - OK
5. Outlet Details - OK
6. Spillway Rating - OK
7. Spillway Details - OK
8. Specs - stg NRCS - OK
- * 9. EPP - NO

$$DA = 11.58 \text{ mi}^2 = 7410 \text{ Ac} \quad CN = 68 \quad ISU = 2$$

$$80\% \text{ chance} = 0.056$$

$$0.056 \times 7410^{1/2} = \underline{35 \text{ Ac.-Ft.}}$$

$$50\% \text{ chance} = 0.18$$

$$0.18 \times 7410^{1/2} = \underline{112 \text{ Ac.-Ft.}}$$

$$10\% \text{ chance} = 1.15$$

$$1.15 \times 7410^{1/2} = \underline{710 \text{ Ac.-Ft.}}$$

REPORT ON
WATER PERMIT APPLICATION NO. 1755-1
City of Eagle Butte
August 24, 2001

Water Permit Application No. 1755-1 has been filed by the City of Eagle Butte to impound 256 acre-feet of water in Brueschke Dam and appropriation of 1.06 cfs from the lake for irrigation of 75 acres at the City of Eagle Butte golf course. Brueschke Dam is located in the SW 1/4 NE 1/4 of Section 32-T13N-R24E, with water impounded in the SW 1/4 NE 1/4, NE 1/4 SW 1/4 and the SE 1/4 of Section 32-T13N-R24E, in Dewey County. The golf course and irrigated lands are located in the SE 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33-T13N-R24E. The application also requests impoundment of sufficient water to maintain water at the outlet elevation. This application is to include an additional 56 acre-feet of water for a total storage capacity of 256 acre-feet of water in Brueschke Dam.

Discussion:

Brueschke Dam is classified as a Category 1, High Hazard Dam. It was inspected on October 26, 1979 as part of the National Dam Safety Program. At that time, Brueschke Dam had the spillway capacity to pass approximately 17 percent of the Probable Maximum Flood (PMF) and was considered to be hydrologically inadequate and unsafe. The concrete weir in the earthen spillway channel was undercut and the channel was starting to back cut into the reservoir.

Since then, Brueschke Dam has been inspected on a 3 year rotation. The inspections revealed that the deterioration of the concrete weir and spillway channel was continually increasing. The channel has back cut into the reservoir area to the point where several feet of the reservoir level has been lost.

On December 18, 1986, an agreement between the City of Eagle Butte and the State of South Dakota was signed, transferring the easement for Brueschke Dam to the City of Eagle Butte. Doing so, the City agreed to accept the responsibilities for the operation, maintenance, and repair of Brueschke Dam. Vested Right Claim No. 438-1 for the storage of approximately 200 acre-feet of water in Brueschke Dam was transferred to the City in 1988.

There have been several attempts to repair Brueschke Dam; however, funding for these projects never developed. The NRCS completed the design and flood routing for the current project. Brosz Engineering reviewed and concurred with the project and recommended the repair as designed. The plans and specifications have been reviewed and will be approved.

The current repair project consists of constructing a berm, approximately 15 feet high, in the eroded earthen spillway channel, a new 200 foot wide earthen secondary spillway, and leveling and raising the embankment crest approximately 3 feet. The new berm will also include a drop inlet primary spillway structure consisting of a 6 foot by 12 foot concrete box inlet with a 60 inch diameter CMP barrel.

The NRCS used their SITES flooding routing model for the analysis. They used a 10 year-24 hour storm (3.4 inches) for the principal spillway hydrograph and a 50 % 6 hour PMP (11.25

inches) for the emergency spillway hydrograph. The analysis routes a 50 % PMF peak inflow of 8963 cfs through the 200 foot wide secondary spillway.

The dam has a drainage area of 11.58 square miles or 7410 acres. The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 35 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 112 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 710 acre-feet.

Brueschke Dam is located in the SW 1/4 NE 1/4 of Section 32-T13N-R24E on Green Grass Creek about nine miles upstream of its confluence with the Moreau. There are no existing Water Permits/Rights located on Green Grass Creek between Brueschke Dam and the Moreau River. Vested Right Claim No. 438-1 was issued in 1959 for approximately 200 acre-feet of water in Brueschke Dam. The proposed repair project does not increase the reservoir level of Brueschke Dam, and the new primary spillway structure will be at the same elevation as the existing concrete weir. Approval of Water Permit Application No. 1755-1, including an additional 56 acre-feet of water, would correct the amount authorized under Vested Right Claim No. 438-1, for a total storage capacity on 256 acre-feet in Brueschke Dam.

Conclusions:

1. Water Permit Application No. 1755-1 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 1755-1.
3. Brueschke Dam will still be classified as a Category 1, High Hazard Dam; however, it will no longer be considered hydrologically inadequate and unsafe.
4. An Emergency Preparedness Plan (EPP) needs to be filed for Brueschke Dam.



Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer Director



**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. 1755-1, City of Eagle Butte**

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. 1755-1, City of Eagle Butte, c/o Mayor John Bachman, PO Box 150, Eagle Butte SD 57645-0150.

The Chief Engineer is recommending APPROVAL of Application No. 1755-1 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. Water Permit No. 1755-1 and Water Right No. 438-1, combined authorize a dam with a storage capacity of 256 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Water Permit No. 1755-1 is subject to receipt and approval of an Emergency Preparedness Plan (EPP) pursuant to Water Management Board Rules 74:02:08.09(9) and 74:02:08.10 no later than December 31, 2001.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. 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 30, 2001



**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.

August 30, 2001

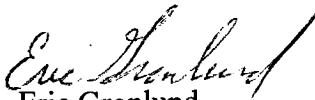
City of Eagle Butte
Sheila J. Ganje, Finance Officer
PO Box 150
Eagle Butte, SD 57625-0150

Dear Ms. Ganje:

Water Permit Application No. 1755-1 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 Eagle Butte News printed at Eagle Butte, SD (Ph # 605-964-2100). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2001

Eagle Butte News
Box 210
Eagle Butte, SD 57625-0210

ATTENTION: Legal Public Notice

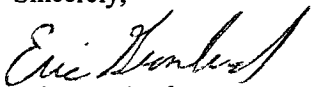
Enclosed is a Notice of Hearing on Application No. 1755-1 to Appropriate Water to be published twice. Please publish the first notice on September 6, 2001 with the second publication 7 days later.

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 City of Eagle Butte, Sheila J. Ganje, Finance Officer, PO Box 150, Eagle Butte, SD 57625-0150 (Ph # 605-964-8783).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1755-1

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

Date _____

We are in receipt of your letter of August 30, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1755-1 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 September 6, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1755-1 to Appropriate Water

Notice is given that the City of Eagle Butte, PO Box 150, Eagle Butte SD 57625-0150 has filed an application for a water permit to impound 256 acre-feet of water from runoff and for irrigation of a golf course. Brueschke Dam was constructed in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 with water impounded in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 32; all in T13N-R24E. This application requests impoundment of sufficient water to maintain water to the outlet elevation. Vested Water Right No. 438-1 with a January 1, 1933 priority date authorized 200 acre-feet. This application is to include an additional 56 acre-feet of water for a total storage capacity of 256 acre-feet.

This application also requests to appropriate 1.06 cubic feet of water per second from Brueschke Lake with the diversion point located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32 to irrigate 75 acres of a golf course located in the SE $\frac{1}{4}$ Section 32 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33; all in T13N-R24E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1755-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of DEWEY) SSI, DAVID B. CLAUSEN

certify that the attached printed Notice was taken

from the Eagle Butte Newsprinted and published in Eagle ButteCounty of Dewey and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

September 6, 2001
September 13, 2001Cost of Printing \$42.66David B. Clausen
(Signature)Publisher
(Title)

(Date Signed)

Subscribed and sworn to before me this
13th day of September, 2001
Carol D. Clausen, Notary Public
State of South Dakota
My Commission expires Oct. 15, 2004

NOTICE OF APPLICATION NO.
1755-1 TO APPROPRIATE WATER

Notice is given that the City of Eagle Butte, PO Box 150, Eagle Butte SD 57625-0150 has filed an application for a water permit to impound 256 acre-feet of water from runoff and for irrigation of a golf course. Brueschke Dam was constructed in the SW 1/4 NE 1/4 Section 32 with water impounded in the SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 32; all in T13N-R24E. This application requests impoundment of sufficient water to maintain water to the outlet elevation. Vested Water Right No. 438-1 with a January 1, 1933 priority date authorized 200 acre-feet. This application is to include an additional 56 acre-feet of water for a total storage capacity of 256 acre-feet.

This application also requests to appropriate 1.06 cubic feet of water per second from Brueschke Lake with the diversion point located in the NW 1/4 SE 1/4 Section 32 to irrigate 75 acres of a golf course located in the SE 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33; all in T13N-R24E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1755-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL

46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Published in the Eagle Butte News, Sept. 6 and 13, 2001).





OCT 16 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John P. Bachman, Mayor
City of Eagle Butte
PO Box 150
Eagle Butte, SD 57645-0150

Dear Mr. Bachman:

Enclosed is Water Permit No. 1755-1 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,

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

enclosures

CITY OF EAGLE BUTTE
P.O. Box 150
Eagle Butte, SD 57625
November 23, 2001



SD Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Attn: Gale N. Selken, P.E. – Natural Resource Engineer Director
*Garland Erbele, Chief Engineer – Water Rights Program

Dear Mr. Selken and Mr. Erbele:

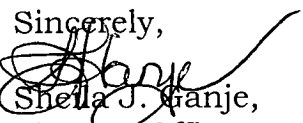
The City of Eagle Butte Brueschke Dam Project was concluded as of this month. The City has completed the engineering and construction phase as well as water permit # 1755-1 authorizing construction of our water diversion system and beneficial use of the water and the emergency preparedness plan.

Given the completion of all aspects of the 2001 Brueschke Dam Project by the City of Eagle Butte, the dam classification of unsafe may need to be reviewed. The classification was given due to the spillway of the dam and the construction project was undertaken to alter the spillway for the purpose of removal of the unsafe classification and to improve the condition of the Brueschke Dam. The City does realize that the high hazard classification shall remain in place until such time as no individual does reside below the dam.

The City Council would like to have the unsafe classification removed as the City does feel that they have met all of the conditions as set forth by DENR for this purpose. Please contact me if I can be of additional assistance.

Thank you for your time and assistance in this matter.

Sincerely,


Sheila J. Ganje,
Finance Officer

cc: Mayor
Council
B. Jon Ganje, Superintendent
File



1755-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: CITY OF EAGLE BUTTE, JOHN BACHMAN, MAYOR, PO BOX 150, EAGLE BUTTE, SD
57645 0150

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1755-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1755-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 1755-1 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 **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

1755-1

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 2786
Status: **Delivered**

Your item was delivered at 11:04 AM on January 23, 2008 in EAGLE BUTTE, SD 57625. The item was signed for by L WARD (Authorized Agent).

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Links to products
and servicesLinks to products
and services

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2786	CITY OF EAGLE BUTTE JOHN BACHMAN, MAYOR PO BOX 150 EAGLE BUTTE SD 57645 0150	
	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™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD
57645-0150

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1755-1

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right No. 1755-1 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaire.

If the 2007 irrigation questionnaire is received prior to April 11, 2008 the suspension will not take effect.

Suspension of the water right means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaire is submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2007 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: CITY OF EAGLE BUTTE, JOHN BACHMAN, MAYOR, PO BOX 150, EAGLE BUTTE, SD
57645 0150

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1755-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 1755-1 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 1755-1 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights Program will recommend to the Board that the permit be suspended for a period of three years.**
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 **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8740

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:43 PM on January 27, 2010 in EAGLE BUTTE, SD 57625. The item was signed for by L BENOIST.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 27, 2010, 2:43 pm, EAGLE BUTTE, SD 57625
- Notice Left, January 23, 2010, 11:26 am, EAGLE BUTTE, SD 57625
- Arrival at Post Office, January 23, 2010, 11:26 am, EAGLE BUTTE, SD 57625

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8740

CITY OF EAGLE BUTTE
JOHN BACHMAN, MAYOR
PO BOX 150
EAGLE BUTTE SD 57645 0150

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™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



March 11, 2010

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTICE OF THREE YEAR SUSPENSION OF WATER PERMIT

TO: John Bachman, Mayor, City of Eagle Butte
PO Box 150, Eagle Butte SD 57645-0150

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Permit No. 1755-1

On March 10, 2010, the Water Management Board ordered:

Effective April 10, 2010, Water Permit No. 1755-1 is suspended for the 2010, 2011 and 2012 irrigation seasons for failure to submit the 2009 irrigation questionnaire.

If the 2009 irrigation questionnaire is received prior to April 10, 2010, the suspension will not take effect.

Suspension means water may not be pumped during the 2010, 2011 and 2012 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 10th.

After April 10th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2009 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 2010, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaire in a timely manner. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

I hereby certify that on March 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding failure to submit irrigation questionnaires addressed as stated below:

One Year Suspension:

1828-1	Danny Adams, 2010 Avalon Pkwy Ste 400, McDonough GA 30253-3011
1769-1	Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701
3224-3	Steven Ching, 46577 188 th St, Castlewood SD 57223-5705
5524-3	Wade & Todd Druin, 30906 Bluff Rd, Volin SD 57072
1055-1	Emily P Stadheim Revocable Trust, 504 11 th Ave N, Hettinger ND 58639
1350-3 6042-3	Raymond D Jensen, 24348 478 th Ave, Dell Rapids SD 57022
5339-3	Douglas Swenson, 23358 396 th Ave, Woonsocket SD 57385

Three Year Suspension:

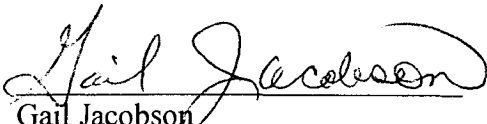
1755-1	John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150
2696-3A 4414-3	Donald Schmidt, 19053 427 th Ave, Willow Lake SD 57278-6205

Cancellation:

1275-2	Donald, Herbert & Rebecca Kaiser, 15745 SD Hwy 40, Hermosa SD 57744
2480A-3	Dennis H & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117-1937

Amendment:

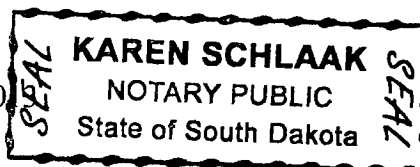
3805-3	Richard Horton, 45446 285 th St, Hurley SD 57036
3293-3	Michael L Schmidt, 47640 242 nd St, Dell Rapids SD 57022


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 20



McMath, Genny

From: Schaal, Tim
Sent: Wednesday, February 22, 2012 2:17 PM
To: 'sjganje@cityofeaglebutte.com'
Cc: McMath, Genny
Subject: Brueschke Dam
Attachments: SD00013_INS09.pdf; 1755-1.pdf; SD00013_INS12.pdf

Sheila—enclosed is a copy of our last inspection report of Brueschke Dam from our May 2009 inspection and a copy of our letter for the inspection that will occur later this year.

Also enclosed is a copy of our file for Water Right No. 1755-1, which was suspended for 3 years in March of 2010. The last few pages of the file addresses the suspension. As indicated in the March 11, 2010 NOTICE, if the City wants to irrigate in 2012 they will need to petition the Water Management Board to rescind the suspension. If you have any questions regarding this matter, please contact Genny McMath at (605) 773-3352.

McMath, Genny

From: sjganje@dakota2k.net
Sent: Friday, April 20, 2012 5:59 PM
To: McMath, Genny
Subject: RE: May, 2012 Water Management Board Meeting

Genny McMath, Thanks for letting me know that you did receive the 2009 irrigation questionnaire on March 15, 2012 from the City of Eagle Butte. I did contact you via phone to request additional information regarding the City's permit as I had taken a couple of leave of absences and in my absence the forms had not been completed. During this conversation I did convey that I may be interested in attending the May 2012 meeting (05/02/2012) but I would need to confer with the Superintendent with regard to this. I did confer with the Superintendent and he did express a desire to attempt to explain/resolve this issue by attending the May 2012 meeting. Therefore please consider this my official request for time on the May, 2012 Board agenda to discuss the irrigation permit that is currently under suspension. I will be watching for a communication of confirmation of placement onto the agenda as well as a time if approved (confirmation with a time, date and place of the hearing).

Thank you for your time, patience, assistance in this matter.

Sheila J. Ganje

----- Original Message -----

From : Genny.McMath@state.sd.us[mailto:Genny.McMath@state.sd.us]
Sent : 4/3/2012 7:24:08 AM
To : sjganje@cityofeaglebutte.com
Cc :
Subject : RE: May, 2012 Water Management Board Meeting

Ms. Ganje, On March 15, 2012 we received the 2009 irrigation questionnaire from you. I spoke with you on the phone a day or so after that and it was my understanding you were going to submit a letter requesting time on the May, 2012 Board agenda to discuss the irrigation permit that is currently under suspension. To date, we have not received the letter requesting time on the agenda. The agenda for the meeting will be finalized within the next week. If you would like to have a time slot on the agenda for the hearing, we still need to get something from you in writing. Once we receive the request from you, we will schedule the matter for hearing and send you written confirmation with a time, date and place of the hearing so you can attend. If you have decided not to proceed, please let me know. Genny McMath Water Rights Program 605.773.5455

**REPORT ON
SUSPENDED WATER PERMIT NO. 1755-1, CITY OF EAGLE BUTTE
MAY 2, 2012**

Water Permit Summary

Water Permit No. 1755-1, with a priority date of August 2001, authorizes diversion of water from Brueschke Dam for irrigation of a golf course.

Water Permit No. 1755-1 specified a completion date for the project of September 26, 2006 and placement of water to beneficial use on or before September 26, 2010. The permit was approved with the irrigation questionnaire qualification.

Past Board Action:

Date Mailed	Date Due	Date Received	Reported Use	Board Action
2002	December 2, 2002	October 24, 2002	No system – lack of water	None
2003	December 1, 2003	November 3, 2003	No system – lack of water	None
2004	December 3, 2004	November 30, 2004	No system – lack of water	None
2005	December 2, 2005	January 12, 2006	No system – lack of water	None
2006	December 1, 2006	October 30, 2006	No system – lack of water	None
2007	December 3, 2007	DID NOT RECEIVE		March 12, 2008
2008	Suspended for 2008 due to non-return of 2007 questionnaire			
2009	December 1, 2009	DID NOT RECEIVE		March 11, 2010
2010	Suspended for 2010, 2011 and 2012 due to non-return of 2009 questionnaire*			

***2009 questionnaire received March 15, 2012 (attached)**

2007 questionnaire: January 18, 2008 – “Notice” was sent to John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150; “Notice” signed for on January 23, 2008 by L Ward (authorized agent).

The action taken by the Board on March 12, 2008 included the following statement: If the 2007 irrigation questionnaire is received prior to April 11, 2008, the suspension will not take effect.

2009 questionnaire: January 22, 2010 – “Notice” sent to John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150; “Notice” signed for on January 27, 2010 by L Benoist.

The action taken by the Board on March 11, 2010 included the following statement: If the 2009 irrigation questionnaire is received prior to April 11, 2010, the suspension will not take effect.

April 20, 2012: An email request was received from Sheila J Ganje, Finance Officer, City of Eagle Butte, requesting time on the agenda to discuss the current suspension of Water Permit No. 1755-1.


Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 23, 2012

NOTICE

TO: Sheila J Ganje, Finance Officer, City of Eagle Butte,
PO Box 150, Eagle Butte SD 57645-0150

FROM: Garland Erbele
Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water
Permit No. 1755-1

On April 20, 2012, an email communication was received from you requesting time on the Water Management Board agenda to discuss the current suspension of Water Permit No. 1755-1.

Your request to have the Board reconsider suspension of Water Permit No. 1755-1 has been scheduled for **9:45 am (Central Time), May 2, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave., Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After the evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of the water permit, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by an attorney. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning the notice or the hearing process, please contact Genny McMath at (605) 773-3352.

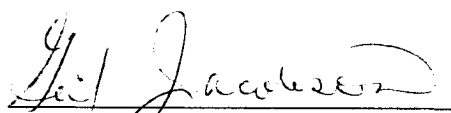
c: Diane Best, Assistant Attorney General

Note: Prior to April 30, 2012, please contact the Water Rights Program, 523 E Capitol Ave., Pierre SD or by phone at (605) 773-3352, if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

I hereby certify that on April 23, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated April 23, 2012 regarding rescinding suspension of Water Permit No. 1755-1 addressed as stated below:

City of Eagle Butte, Sheila J Gange, PO Box 150, Eagle Butte SD 57645



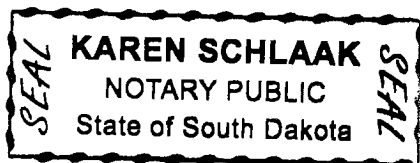
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of April, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 3, 2012

NOTICE

TO: Sheila J Ganje, Finance Officer, City of Eagle Butte
PO Box 150, Eagle Butte SD 57645-0150

FROM: Garland Erbele
Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read "Garland Erbele", written over the printed name and title.

SUBJECT: Reinstatement of Water Permit No. 1755-1

On May 2, 2012, the Water Management Board passed a motion to lift the suspension of Water Permit No. 1755-1. The permit is in the third and final year of a three year suspension that began in 2010. The Board's action allows the City to irrigate the golf course in 2012 from Brueschke Dam in accordance with Water Permit No. 1755-1.

The Board took into consideration the 2009 irrigation questionnaire was now on file with the Water Rights Program. They also took into consideration your testimony explaining the circumstances which lead to the suspension including the lack of water in the city's dam for irrigation use.

Please be aware that under SDCL 46-1-12, the Board has the authority to suspend a permit or license for a period of up to one year for the first violation; for up to three years for the second violation; and may cancel the permit or license for a third violation. Any future violations for Water Permit No. 1755-1 will be the third violation and may result in the permit being subject to cancellation.

You will be receiving the 2012 irrigation questionnaire in October, 2012. If you have any questions concerning reporting requirements, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

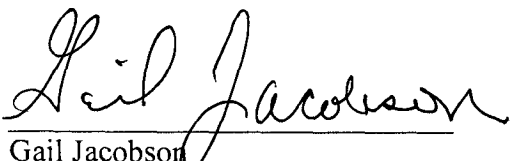
CERTIFICATION

I hereby certify that on May 3, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 3, 2012 regarding reinstatement of water permit No. 1755-1 addressed as stated below:

Shiela Gange, City of Eagle Butte, Po Box 150, Eagle Butte SD 57645

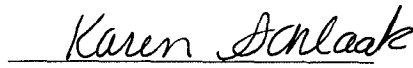
A copy of the above described Notice was sent to:

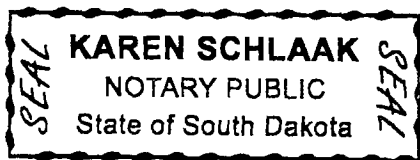
Diane Best, Assistant Attorney General, 317 N Main, Sioux Falls SD 57104-6004


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of May, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





1755-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: CITY OF EAGLE BUTTE, SHEILA GANJE, FINANCE OFFICER, PO BOX 150, EAGLE BUTTE, SD 57645 0150

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1755-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1755-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** 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) 1755-1 in accordance with applicable provisions of SDCL 46-1-12. **Due to two previous violations, the Water Rights Program will recommend to the Board that the permit be cancelled;**
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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

1755-1



USPS Tracking®

Tracking Number: 7012164000022248186

Updated Delivery Day: Wednesday, January 20, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Avi

Text I

DATE & TIME	STATUS OF ITEM	LOCATION	Email
January 19, 2016 , 2:23 pm	Delivered	EAGLE BUTTE, SD 57625	

Your item was delivered at 2:23 pm on January 19, 2016 in EAGLE BUTTE, SD 57625.

January 19, 2016 , 10:36 am	Available for Pickup	EAGLE BUTTE, SD 57625
January 19, 2016 , 10:22 am	Arrived at Unit	EAGLE BUTTE, SD 57625
January 18, 2016 , 5:27 pm	Departed USPS Origin Facility	BISMARCK, ND 58504
January 17, 2016 , 12:20 pm	Arrived at USPS Origin Facility	BISMARCK, ND 58504
January 16, 2016 , 11:30 pm	Departed USPS Facility	HURON, SD 57399
January 15, 2016 , 9:10 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 15, 2016 , 6:05 pm	Departed Post Office	PIERRE, SD 57501

7012 1640 0000 2224 8186

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

CITY OF EAGLE BUTTE
SHEILA GANJE, FINANCE OFFICER
PO BOX 150
EAGLE BUTTE SD 57645 0150

PS Form 3800, August 2006 See Reverse for Instructions



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 9, 2016

1755-1

City of Eagle Butte
Sheila Ganje, Finance Officer
PO Box 150
Eagle Butte SD 57645-0150

Dear Ms. Ganje:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 1755-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1755-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: CITY OF EAGLE BUTTE, SHEILA GANJE, FINANCE OFFICER, PO BOX 150, EAGLE BUTTE, SD 57645 0150

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1755-1. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 1755-1 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** 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) 1755-1 in accordance with applicable provisions of SDCL 46-1-12; **Due to two previous violations, the recommendation to the Board will be to cancel the water permit.**
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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: TJVBME**

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.

1755-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

1755-1

Sheila Ganje, Finance Officer
City of Eagle Butte
PO Box 150
Eagle Butte SD 57645-0150

Dear Ms. Ganje:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit No. 1755-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Going forward, please keep in mind it only takes a minute or so to check the appropriate box and return the form when it is originally mailed in October. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 29, 2024

1755-1

City of Eagle Butte
c/o Shela Ganje, Finance Officer
PO Box 150
Eagle Butte SD 57645

Dear Ms. Ganje:

I write to you today in response to the 2024 Irrigation Questionnaire information you submitted for the City's Permit No. 1755-1.

Permit No. 1755-1 (copy enclosed) authorized the impoundment of an additional 56 acre-feet of water, to what was already authorized under Vested Water Right No. 438-1. The water was to be used for irrigation of a local golf course.

Permit No. 1755-1 was approved on September 24, 2001, with construction to be completed by September 24, 2006, and water to be put to beneficial use by September 24, 2010.

On this year's report, and numerous previous reports, the selection of "System Not Constructed" was made. Unfortunately, with the dates for both construction completion and the placement of water to use having passed, this permit should be cancelled due to non-construction.

Please contact me to discuss cancellation of this permit.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 23, 2025

No. 1755-1

City of Eagle Butte
c/o Sheila Ganje
PO Box 150
Eagle Butte, SD 57645

Dear. Ms. Ganje:

I'm writing to you today in reference to Water Permit No. 1755-1.

On October 29, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Permit No. 1755-1, due to non-construction. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Permit No. 1755-1.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure