

WATER PERMIT NO. 1762-1

Name of Applicant: Philip Bestgen

Address: 21044 Avalance Rd, Whitewood SD 57793

Phone: 605 347-3145

Amount of Water Claimed: 1.15 cfs add'l

Total Acres: 135.2 (no add'l)

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: 5 miles east of Whitewood

PRIORITY

Date Received: 1-8-2002

Fee: \$150

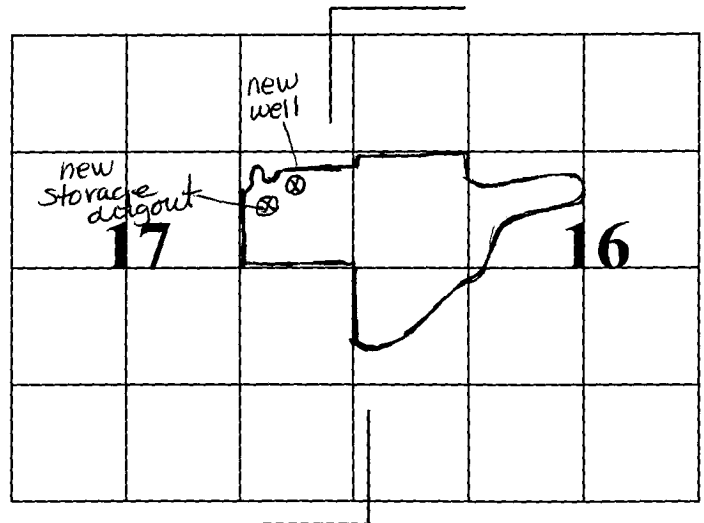
Corrected Application Received::

Period of Annual Use: April 1 – November 30

Remarks: Increase diversion rate by adding wells and storage pond – Water Right No. 1499-1

Diversion Point: SE ¼ NE ¼ Sec 17-T6N-R5E

Land to be Irrigated: SW ¼ NW ¼, NW ¼ SW ¼,
SE ¼ NW ¼ Sec 16; S ½ NE ¼ Sec 17; all in
T6N-R5E



Depth of Well: approximate 550 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Darrell Vig, NRCS

Reviewed and the Number Assigned on: 1-8-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1762-1

Date of first receipt of application January 8, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1762-1 to Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 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. 1762-1 appropriates additional ground water, increases the application rate for irrigation, increases the number of wells, adds a pond and increases the annual period for irrigation that is authorized by Water Right No. 1499-1. Water Right No. 1499-1 appropriates 0.26 cubic feet of water per second (cfs) from two wells (Inyan Kara Formation) located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T6N, R5E into 3 ponds located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T6N, R5E. Water can be diverted from the ponds at a rate of 0.78 cfs to irrigate 135.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17, T6N, R5E.

This permit authorizes two additional wells (Inyan Kara Aquifer) approximately 560 feet deep, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T6N, R5E, and appropriates an additional 1.67 cfs from the new wells and the wells currently authorized by Water Right No. 1499-1. Water may be diverted directly for irrigation or into the 3 existing storage ponds or a new storage pond (approximate 2 acre foot storage capacity) also located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17. Water from the storage ponds may be applied to the irrigated land at a rate of 1.93 cfs, which is a 1.15 cfs increase over the currently authorized application rate. This permit expands the annual period when irrigation may take place annually from April 1 through November 30.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is January 8, 2002.
4. The date of approval of Permit No. 1762-1 is April 1, 2002.
5. One-fifth of the construction is to be completed on or before October 1, 2004.
6. All construction is to be completed on or before April 1, 2007.
7. Water is to be put to beneficial use on or before April 1, 2011.
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. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. The wells authorized by Permit No. 1762-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Water Permit No. 1762-1 authorizes an additional pond with a storage capacity of 2 acre feet of water.
5. 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

MAY 31 2002

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>1762-1</u> (office use only)
	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Meade Co. Times Tribune, Sturgis</u> <u>57785</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)
Increase div rate and AF authorized by 1499-1

1. Name of Applicant Philip Bestgen Phone 605-347-3145
(check one) X Owner Tenant/lessee
- Mailing Address 21044 Avalanche Rd, Whitewood State S.D. 57793
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.15 Add'l *CFS or 2 Add'l **GPM ***AF Total Acreage No Add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 Existing wells
and 2 existing ponds. SE 1/4 NW 1/4 Section 16-T6N-R5E
2 proposed wells and proposed pond SE 1/4 NE 1/4 Sect. 17-T6N-R5E County Meade
5. County or counties where water will be used Meade
6. Annual period during which water is to be used April 1 Thru Nov. 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
T6N-R5E (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 NW 1/4 Section 16	40	SE 1/4 NE 1/4 Sect. 12	32
NW 1/4 SW 1/4 " "	28	SW 1/4 NE 1/4 " "	4
SE 1/4 NW 1/4 " "	31.2		

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

Attached: ① Description of Project and Request.
② Map locating proposed project.
③ Copies of existing well logs

STATE OF SOUTH DAKOTA) SS
County of meade

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

I, Philip Bestgen, 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 Philip Bestgen

Subscribed and sworn to before me this 7th day of January 2002

Janine Short
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

SEE Attached well logs

- 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 _____

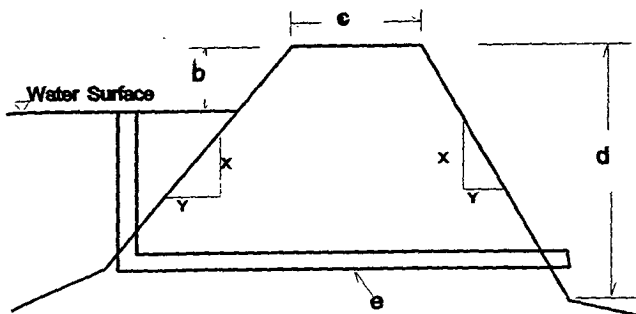
3. Dugout Information

- a) Surface Dimensions 200' x 85' Depth 12.0'
- b) Depth to water (ground surface to water level) 1'

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:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

**Application for Permit
(Philip Bestgen)**

Description of Project

To diversify our farming interests into a profitable entity, a sod farm was started in 1998 on this land. Development in the Black Hills area has grown thus the business has also grown to a point where expansion is impossible under the current water allowance. Current water licence no.1499-1 is no longer sufficient to handle the demand.. Efficient operation and growth of this sod farm is contingent on this requested permit.

Description of Request

This application requests an increase from groundwater (well) currently at .26 c.f.s. to 1.93c.f.s., an increase of 1.67c.f.s. This will be accomplished by adding booster pumps in the two existing wells and to drill two new wells into the same formation approximately one half mile from existing wells with booster pumps in the new wells. Also one new holding pond will be needed at the proposed new well site.

This application requests an increase for diversion (currently pumping to solid set sprinkler and traveling gun) from 3 existing holding ponds and proposed new holding pond from .78c.f.s. to 1.93c.f.s., an increase of 1.15c.f.s.

This application asks for an extension of diversion time from current April through October to April through November.

This application does not request any new acres to be irrigated.

Any questions or communication concerning this application should be directed to Roch Bestgen at (605)347-4690 or (605) 347-9606.

(Rock)

NE Corner of
Sec. 17-T6N-R5E

T6364
760205

P.O.D.
1080' West and 1610'
South of NE corner of
Sec. 17-T6N-R5E

Proposed
Storage Dugout

Storage Ponds

T6323

1A 4.8
HEL

1B

11.0

5.7
11 HEL

HEL
3.1

Existing Wells

19.3
14 HEL

16

40.3

13 HEL

T6365
76067

Philip Bestgen
Irrigation Water Rights Application
Meade Co. S.D.

Prepared by
Dannell Vign, DC
NRCS
Sturgis, SD
12/21/01

M2

(6-5)

15

T1392

1762-1

10

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

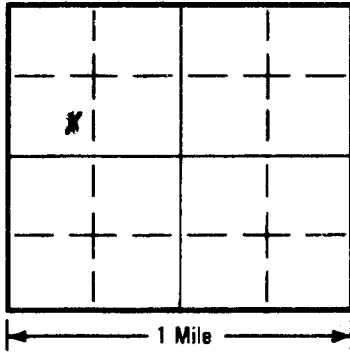
Location SEW 1/4 NW 1/4 Sec 16 Twp 6 Rg 3
County _____ North

Please mark well location with an "X"

W

E

Well Completion Date

Oct 6 00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from None (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>6 IN</u>	<u>0 FT</u>	<u>380 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Type II</u>	<u>30</u>	_____ lb./gal	<u>380 ft</u>	<u>200 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure cement methodSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 2 1/8 IN Length 186 FEETMaterial SteelSlot Size 4 x 12 Set From 380 Feet to 420 FeetOther information 4 x 12 Set From 536 Feet to 566 Feet packer at 378 + 536WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? Rubber Formation PackerDescribe packer(s) and location? 378 + 536

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

Laboratory sent to for water quality analysis

☒ NO, Why Not? _____Irrigation purpose
 Well Owner: Bestgen Phil
 Business Name: North Hill Six Farm
 Address: RR2 Box 24
Wichita SD 57293

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>Gumbo & Gravel</u>	<u>0</u>	<u>18</u>
<u>Shale</u>	<u>18</u>	<u>215</u>
<u>Dakota</u>	<u>215</u>	<u>257</u>
<u>Fuscon</u>	<u>257</u>	<u>380</u>
<u>Sakata sand</u>	<u>380</u>	<u>420</u>
<u>Fusion</u>	<u>420</u>	<u>526</u>
<u>Sakata sand</u>	<u>526</u>	<u>566</u>

STATIC WATER LEVEL Flow FeetIf flowing: closed in pressure 6 PSIGPM flow 24 through Six (6) inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 0 GPMCan well be completely shut in? yes

WELL TEST DATA:

☐ PumpedDescribe: Air Test☐ Bailed☒ Other _____

Pumping Level Below Land Surface

160 ft. After 3 Hrs. pumped 250 - 280 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 197

And this report is true and accurate.

Drilling firm Heaton Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 0

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417044

Pierre, January 8

2002

RECEIVED OF Philip Bestgen, RR 2 Box 24, Whitewood, SD 57793-9706

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

Fee for Application for Permit No. 1762-1 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. 1762-1

50 00

Fee for Filing Transfer Form

Fee for Filing Extension Request

Fee for

(Any Other Work Provided by Law)

Total

200 00

By

Chief Engineer

Darland Erbe
gme

WATER PERMIT APPLICATION NO. 1762-1
PHILIP BESTGEN
FEBRUARY 26, 2002

Water Permit Application No. 1762-1 proposes to appropriate additional ground water, increase the application rate for irrigation, increase the number of wells, add a storage pond and increase the annual period for irrigation that is authorized by Water Right No. 1499-1. Water Right No. 1499-1 appropriates 0.26 cubic feet of water per second from two wells (Inyan Kara aquifer) located in the S½ NW¼ Sec. 16, T6N-R5E. Water can currently be diverted from storage ponds at a rate of 0.78 cfs to irrigate 135.2 acres located in the S½ NW¼ and the NW¼ SW¼ of Sec. 16; and the S½ NE¼ of Sec. 17, T6N-R5E.

This application proposes to drill two additional wells (Inyan Kara aquifer) approximately 560 feet deep, located in the SE¼ NE¼ Sec. 17, T6N-R5E, and appropriate an additional 1.67 cfs from the new wells and from the wells currently authorized by Water Right No. 1499-1. Water from the wells is to be diverted directly for irrigation or into storage ponds, [three existing ponds, one proposed pond (approximately 2 acre-foot storage capacity) to be located in the SE¼ NE¼ Sec. 17]. This application proposes to apply water from the storage ponds to the irrigated land at a rate of 1.93 cfs, which is a 1.15 cfs increase over the application rate currently authorized. Water Permit Application No. 1726-1 proposes to extend the period when irrigation may take place to include April 1 through November 30 annually.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The Fuson Shale sometimes separates these two formations, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underling over 36,000 square miles of western South Dakota (Allen, 1984). The aquifer underlies 2,107,520 acres and contains an estimated 36,354,720 acre-feet of recoverable water in storage in Meade County alone (Allen, 1984). This well site is approximately one and one-quarter mile from the outcrop (recharge area) of the Inyan Kara. The top of the aquifer is expected to be approximately 250 feet below grade (Carter and Redden, 1999). The potentiometric surface map of the Inyan Kara (Strobel and others, 2000), and completion reports for existing wells indicate that Inyan Kara wells in this area will probably flow.

WATER AVAILABILITY:

Water Rights Program monitors 7 observation wells completed into the Inyan Kara Aquifer in the Black Hills Area. Hydrographs of most of these wells indicate the aquifer is in dynamic equilibrium showing minor changes in water level corresponding with seasonal or climatic conditions only. The nearest observation well to this permit (MD-89A) is located approximately one mile southeast of this well. The hydrograph for this well, figure 1, exhibits some interesting

and as yet unexplained water level fluctuations, but clearly demonstrates the aquifer is recharged and in general, water levels of the aquifer have risen in recent years.

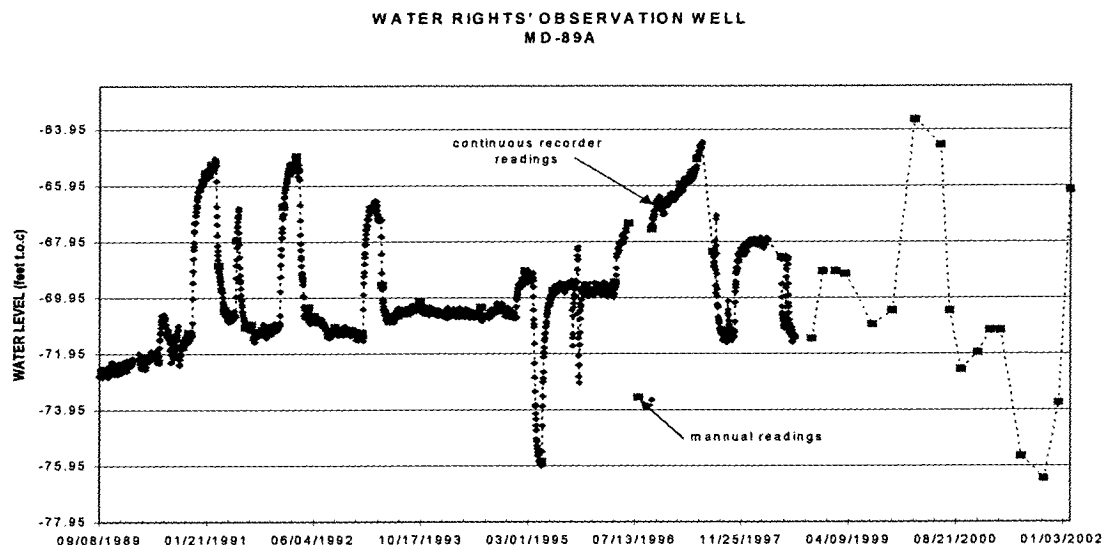


Figure 1. Hydrograph of Inyan Kara Observation Well located approximately 1.25 miles southeast of the well sites proposed by 726-1

The hydrograph information indicates water is available for this appropriation (Water Rights, 2002_b).

EXISTING WATER RIGHTS:

There are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 2002a).

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 133 Water Rights/Permits (Water Rights, 2002c). There are 22 rights/permits appropriating water from the Inyan Kara Aquifer in Meade County. The nearest Water Right from the Inyan Kara aquifer, No. 1717-1, which is approximately three-quarters of a mile from this well, belongs to the applicant. The nearest Inyan Kara appropriation that does not belong to the applicant is Water Right No 431-1, Alan Parsons, and is located approximately two miles southwest from this well.

Given the distances involved, it is not likely that this appropriation would adversely affect existing water rights or adequate domestic wells.

CONCLUSIONS:

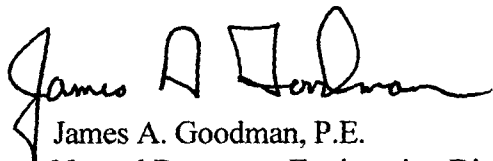
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.

3. Wells constructed at the locations proposed by this application are expected to flow at the surface. The wells should be shut in when not in use to prevent the waste of water.



Ken Buhler
Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Geological Survey, Vermillion SD

Carter, J.M., Redden, J.A., Altitude of the Top of the Inyan Kara Group in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-744-A, U.S., Department of the Interior, U.S. Geological Survey, Rapid City, SD

Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota, Hydrologic Investigations Atlas HA-745-A, U.S. Department of the Interior, U.S. Geological Survey, Rapid City, SD

Water Rights, 2002a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2002b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2002c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**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. 1762-1, Philip Bestgen**

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. 1762-1, Philip Bestgen, 21044 Avalanche Road, Whitewood SD 57793.

The Chief Engineer is recommending APPROVAL of Application No. 1762-1 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. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 1762-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Water Permit No. 1762-1 authorizes and additional pond with a storage capacity of 2 acre feet of water.
5. 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
March 1, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1762-1 to Appropriate Water to be published twice. Please publish the first notice on March 13, 2002 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 Philip Bestgen, 21044 Avalanche Rd., Whitewood, SD 57743 (Ph # 605-347-3145).

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. 1762-1

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

Date _____

We are in receipt of your letter of March 4, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1762-1 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.**

March 4, 2002

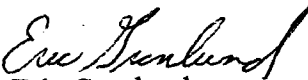
Philip Bestgen
21044 Avalanche Rd.
Whitewood, SD 57743

Dear Mr. Bestgen:

Water Permit Application No. 1762-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times Tribune printed at Sturgis, SD (Ph # 605-347-2503). 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 March 13, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1762-1 to Appropriate Water

Notice is given that Philip Bestgen, 21044 Avalanche Road, Whitewood SD 57793 has filed the following application for a water permit.

Application No. 1762-1 proposes to appropriate additional ground water, increase the application rate for irrigation, increase the number of wells, add a pond and increase the annual period for irrigation that is authorized by Water Right No. 1499-1. Water Right No. 1499-1 appropriates 0.26 cubic feet of water per second (cfs) from two wells (Inyan Kara Formation) located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T6N, R5E into 3 ponds located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T6N, R5E. Water can be diverted from the ponds at a rate of 0.78 cfs to irrigate 135.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17, T6N, R5E.

This application proposes to drill two additional wells (Inyan Kara Aquifer) approximately 560 feet deep, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T6N, R5E, and appropriate an additional 1.67 cfs from the new wells and the wells currently authorized by Water Right No. 1499-1. Water may be diverted directly for irrigation or into the 3 existing storage ponds or a new storage pond (approximate 2 acre foot storage capacity) also located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17. Water from the storage ponds may be applied to the irrigated land at a rate of 1.93 cfs, which is a 1.15 cfs increase over the currently authorized application rate. Finally, this application will expand the annual period when irrigation may take place annually from April 1 through November 30.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762-1 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 April 1, 2002.

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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY MEADE

Sharon Allison, Being duly sworn, says: That the Meade County Times and Black Hills Press are and, during all times hereinafter mentioned, are legal newspapers as defined in SDDCL 17-2-2, as amended, published in Sturgis, Meade County, South Dakota, by Country Media, Inc.; that affiant is and, during all of said times, was employed as an accounting clerk by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a copy of which is attached, was published in said newspaper for the issues (s) bearing the following dates:

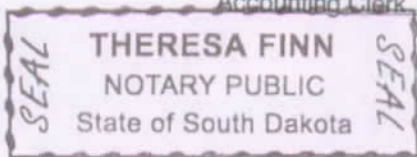
Mar 13 2002
Mar 20 2002
____ 200 ____
____ 200 ____
____ 200 ____

RECEIVED
APR 12 2002
WATER RIGHTS
PROGRAM

That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 56.68, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fees has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Sharon Allison

Accounting Clerk



Subscribed and sworn before me this

10th day of April 2002

Theresa Finn
Notary Public, South Dakota

My commission expires 11/19/07

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Publ March 13 and 20, 2002
Meade County Times-Tribune

Appropriate water

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 31 2002

Philip Bestgen
21044 Avalanche Rd.
Whitewood, SD 57793

Dear Mr. Bestgen:

Enclosed is Water Permit No. 1762-1 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

1762-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 08 2015

1499-1
1762-1
1762A-1

Philip Bestgen
21044 Avalanche Rd
Whitewood SD 57793

Dear Mr. Bestgen:

Enclosed is Water License No. 1762A-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.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 1762A-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1499-1 and Water Permit No. 1762-1 were incorporated into Water License No. 1762A-1.