

WATER PERMIT NO. 1762A-1

Name of Applicant: Philip Bestgen

Address: 20144 Avalanche Rd, Whitewood SD 57793

Phone: 605 347-3145

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: wells

Water to be used for: irrigation

County: Meade

Type of Waste Disposal System:

Location: 5 miles east of Whitewood

PRIORITY Date Received: 10-16-2003

Application/License Fee: \$50

Corrected Application Received: 10-23-2003

Period of Annual Use: April 1 – November 30

Remarks: change acreage and diversion point authorized by Water Permit No. 1762-1

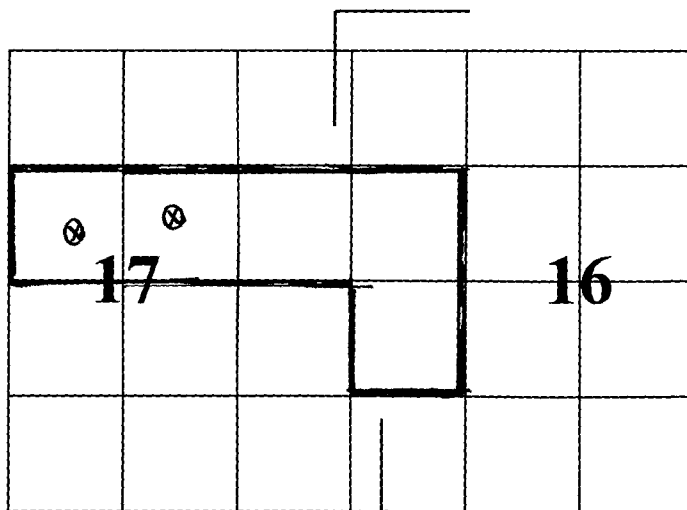
Diversion Point: SW ¼ NE ¼ & SE ¼ NW ¼ Sec

17-T6N-R5E

Land to be Irrigated: SW ¼ NW ¼, NW ¼ SW ¼

Sec 16; S ½ NE ¼, SE ¼ NW ¼ Sec 17; all in

T6N-R5E



Depth of Well: approximately 560 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Darrel Vig, NRCS

Reviewed and the Number Assigned on: 10-23-2003

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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	(office use only)	
	No. <u>1762A-1</u>	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Meade Co. Times-Tribune, Sturgis</u>	

RECEIVED
OCT 16 2003
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right X Amendment/Correction to Permit No. 1762-1
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Move 49.2 existing permitted acres

- Name of Applicant Philip Bestgen Phone (605) 347-3145
 (check one) X Owner _____ Tenant/lessee _____
 Mailing Address 20144 Avalanche Rd Whitewood State SD 57793
 no add'l (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.93 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 135.2
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) At present
SE 1/4 of NW 1/4 Sec 16, T6N, R5E, and appropriate diversion
point in Sec 17, T6N, R5E County Meade
- County or counties where water will be used Meade
 (Change location of 2 wells - SE 1/4 NW 1/4 SW 1/4 NE 1/4 Sec 17 - T6N-R5E)
- Annual period during which water is to be used Apr. 1 - Nov. 30
- 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 Sec. 16	40	SE 1/4 NW 1/4 Sec. 17	24
NW 1/4 SW 1/4 Sec. 16	10		
SE 1/4 NE 1/4 Sec. 17	32		
SW 1/4 NE 1/4 Sec. 17	29.2	total	135.2

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

Description and Map attached

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 15th day of October 20 03

BROOKE PICKETT, Notary Public
 My Commission Expires April 9, 2009

Brooke Pickett
 Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 1762A-1

Date of first receipt of application October 16, 2003.

Date of return to applicant for corrections, amendments or changes October 16, 2003.

Date of receipt of corrected application October 23, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1762A-1 to Philip Bestgen, 20144 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. 1762A-1 changes the location of the diversion points and the irrigation acreage authorized by Water Permit No. 1762-1. Water Permit No. 1762-1 appropriated additional water, increased the application rate for irrigation, increased the number of wells, added a storage pond and increased the annual period for irrigation that was authorized by Water Right No. 1499-1. Water Permit No. 1762-1 combined with Water Right No. 1499-1 appropriate 1.93 cubic feet of water per second from two wells (Inyan Kara aquifer) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, to irrigate 135.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 17; all in T6N-R5E. This permit authorizes changes in the location of the two wells to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; and changes the location of a portion of the acreage to be irrigated to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17; all in T6NR5E. Water can be diverted directly for irrigation or into four existing storage ponds prior to irrigation use. Water Permit No. 1762A-1 does not increase the amount of water appropriated or number of acres to be irrigated. The permit holder has requested these changes to utilize acres more suitable for irrigation.
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 October 16, 2003.
4. The date of approval of Permit No. 1762A-1 is December 22, 2003.
5. One-fifth of the construction is to be completed on or before June 22, 2006.
6. All construction is to be completed on or before October 22, 2008.
7. Water is to be put to beneficial use on or before October 22, 2012.
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)

Water Permit No. 1762A-1

Philip Bestgen

Page 2

2. The wells authorized by Permit Nos. 1762-1 and 1762A-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. 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

FEB 23 2004

date



We would like to exchange (31.2) permitted acres in SE1/4 of NW1/4 Sec 16 and (18) acres of the permitted 28 acres in NW1/4 of SW1/4 Sec 16, for (25.2) acres in addition to the (4) existing permitted acres in SW1/4 of the NE1/4 Sec 17 and (24) acres in the SE1/4 of the NW1/4 Sec 17. All above acres are located in T6N-R5E Meade County. Proposed land is more suitable for irrigation.

We would also like to relocate ^(already permitted) two proposed wells in SE1/4 of the NE1/4 of Sec 17 to proposed permitted acres in Sec 17.

See attached map.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 23, 2003

RECEIVED OF Philip Bestgen, 20144 Avalanche Rd, Whitewood SD 57793-6416

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

Fee for Application for Permit No. <u>1762A-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000900

By

Darland Eiche

Chief Engineer

gm

NW Corner
of Sec. 17-T6-R5

Darrell Vig, Dist. Conservationist
NRCS, Sturgis, SD 57785
10/21/03

NE Corner of
Sec. 17-T6-R5

Owner: Philip Bestgen

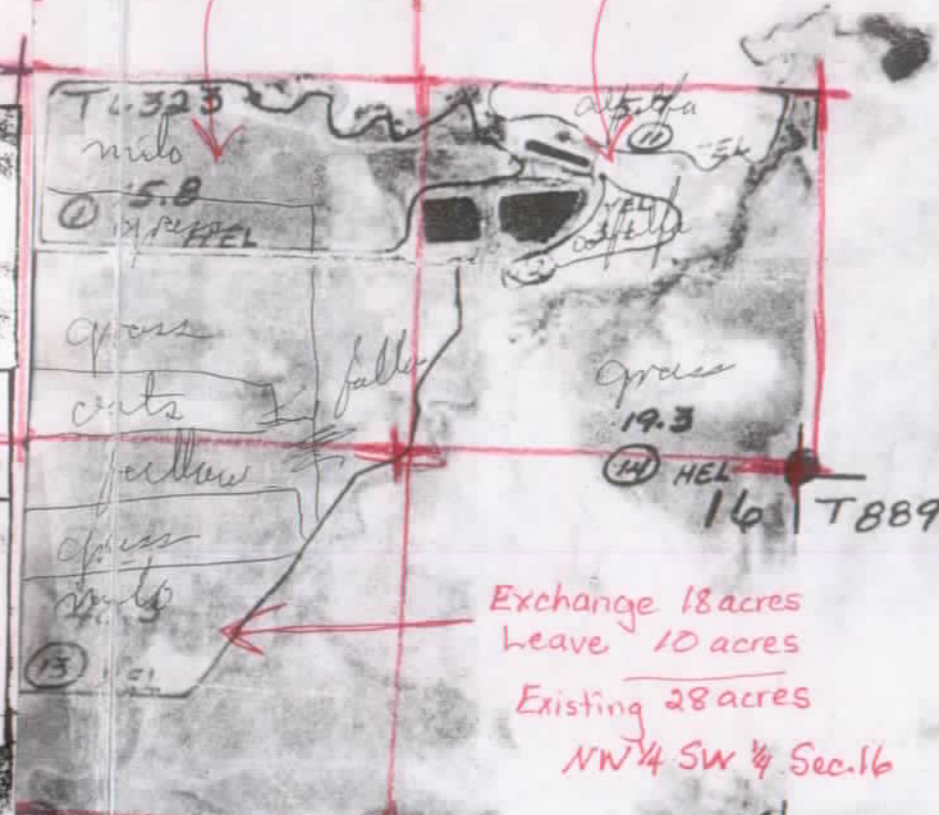
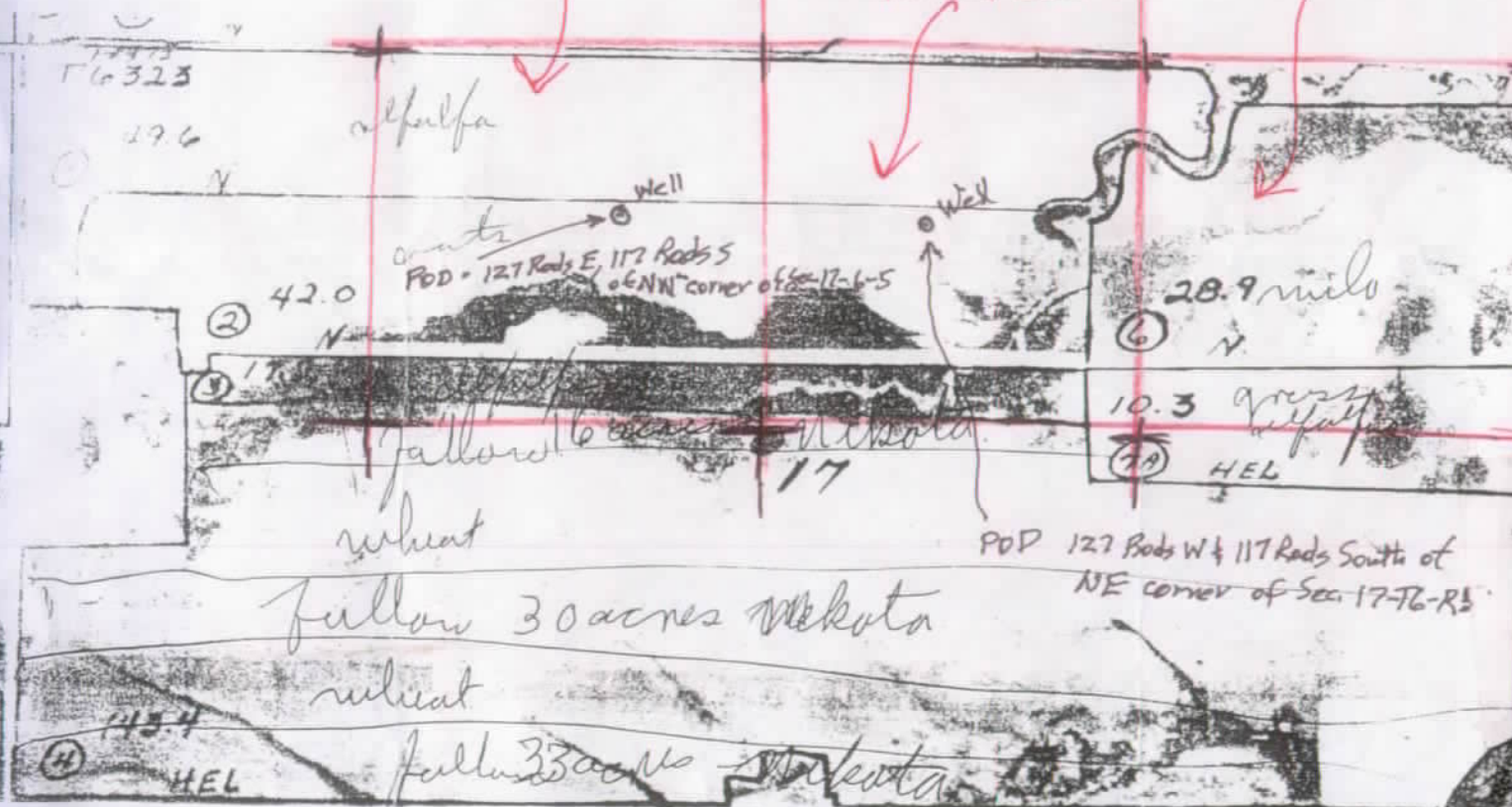
Proposed 24 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17

Proposed 25.2 acres
Existing 4 acres
Total 29.2 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17

Leave Existing 32 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17

Leave Existing 40 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16

Exchange 31.2 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16



Exchange 18 acres
Leave 10 acres

Existing 28 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16

1762A-1



October 16, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Philip Bestgen
20144 Avalanche Rd.
Whitewood SD 57793

Dear Mr. Bestgen:

Thank you for submitting the *Application for a Permit to Appropriate Water* requesting to change the location of existing permitted acreage. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. 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 (i.e. local NRCS office).
- The application filing fee will be \$50.
- Water Permit No. 1762-1 authorizes two wells located in the SE ¼ NE ¼ Section 17. The attachment with your application indicates you would like to relocate the two wells. Please mark the proposed location of the two wells on the map, if they are to be located somewhere other than the SE ¼ NE ¼ Section 17.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTES Oct 21, 03

Dear Karen,

Enclosed find the map
signed, as requested, by

Daniel Vig, Dist Conservationist
NRC S, Sturgis, S.D. - 57785

Also find the \$50 fee
for service -

Thank you

Phil Buegen

20144 Avonchance Rd
Whitewood SD 57783

(605-347-3145)



WATER PERMIT APPLICATION NO. 1762A-1
PHILIP BESTGEN
NOVEMBER 6, 2003

Water Permit Application No. 1762A-1 proposes to change the location of the diversion points and the irrigation acreage authorized by Water Permit No. 1762-1. Water Permit No. 1762-1 appropriated additional water, increased the application rate for irrigation, increased the number of wells, added a storage pond and increased the annual period for irrigation that was authorized by Water Right No. 1499-1. Water Permit No. 1762-1 combined with Water Right No. 1499-1 appropriate 1.93 cubic feet of water per second from two wells (Inyan Kara aquifer) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, to irrigate 135.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 17; all in T6N-R5E. This application proposes to change the location of the two wells to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; and change the location of a portion of the acreage to be irrigated to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17; all in T6NR5E. Water can be diverted directly for irrigation or into four existing storage ponds prior to irrigation use. Water Permit Application No. 1762A-1 does not propose to increase the amount of water appropriated or number of acres to be irrigated. The applicant is requesting these changes to utilize acres more suitable for irrigation.

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). The well sites proposed by this application are located approximately one mile from the outcrop (recharge area) of the Inyan Kara. The top of the aquifer is expected to be approximately 200 feet below grade (Carter and Redden, 1999). The potentiometric surface map of the Inyan Kara (Strobel and others, 2000), and completion reports for area 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 about one mile southeast of the well sites proposed by this application. The hydrograph for this observation well is shown below in figure 1. The hydrograph clearly demonstrates the aquifer is recharged (Water Rights, 2003b).

**WATER RIGHTS' OBSERVATION WELL
MD-89A**

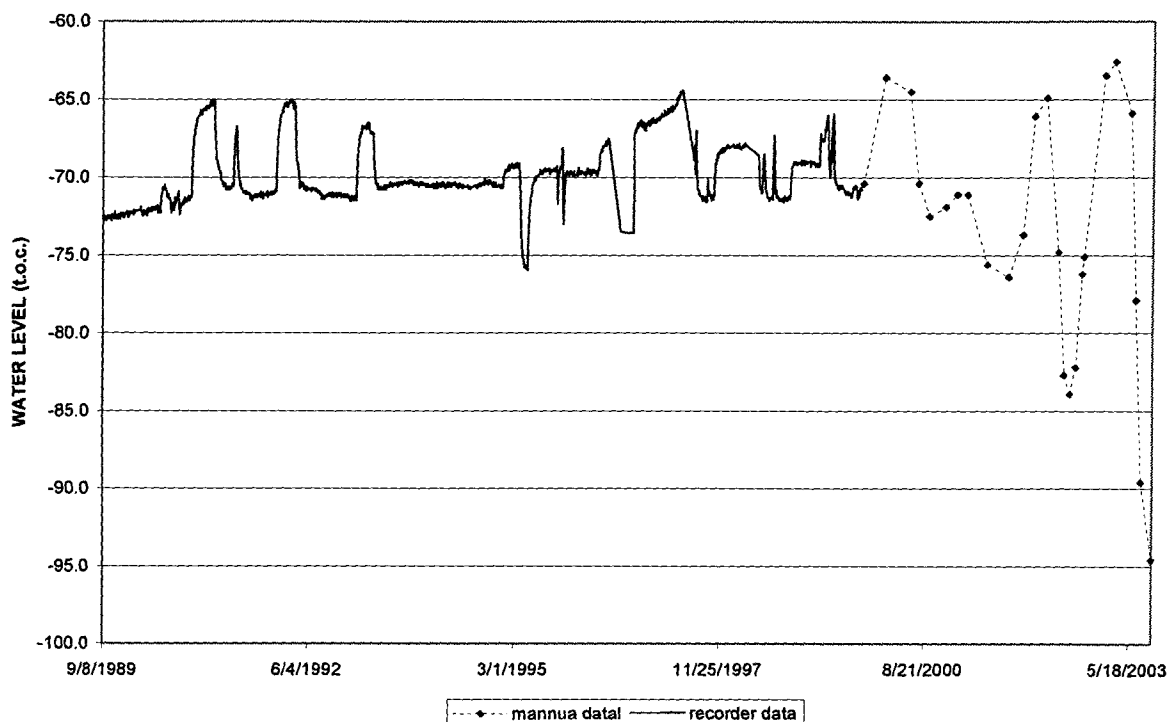


Figure 1. Hydrograph of Inyan Kara Observation Well located approximately one mile southeast of the well sites proposed by 1726A-1

The early portion of the hydrograph, (1989-1995), exhibits some interesting and as yet unexplained water level fluctuations. After 1995, the hydrograph appears to show the affects of nearby pumping on the water levels. The hydrograph may show the influence of two wells used to supply water to Water Right No. 1449-1 which are located about one-half mile north of the observation well. The installation of one of the wells in 1995 appears to coincide with the first major downward spike in the hydrograph. Since 1995, drawdown from the well appears to be measurable at the observation well. A second well installed for Water Right No. 1499-1, in 2000 may have increased the drawdown measured at this observation well.

The volume of water used by Water Right No. 1499-1, (which incorporates portions 1449-1 and 555-1), has not been constant and may have influenced the hydrograph. Table 1 shows the water use from this appropriation.

YEAR	WATER USE REPORTED (ac-ft)
1989	18
1990	28
1991	25
1992	26
1993	36.3
1994	28.13
1995	37.42
1996	1.84
1997	4
1998	15.98
1999	9.94
2000	19.08
2001	43.16
2002	69.68

EXISTING WATER RIGHTS:

The Inyan Kara Aquifer has been developed in at least 23 counties in South Dakota with 142 Water Rights/Permits. There are 29 rights/permits appropriating water from the Inyan Kara Aquifer in Meade County (Water Rights, 2003c). In addition, there are several domestic well logs on file for wells completed into the Inyan Kara Aquifer in this area (Water Rights, 2003a).

In addition to the applicant's existing wells, the diversion points proposed by this application are located less than two miles from two existing Inyan Kara appropriations: Water Right No 431-1, James/Ava Parsons, and Water Permit No. 1773-1 Boucher & McCrea Trust. Water Right No. 431-1 appropriates water for the irrigation of 10.5 acres with a diversion rate of 0.17 cfs. Irrigation questionnaires indicate the Water Right has not been used since 1998 at which time only 2.3 acre-feet was pumped. Water Permit No.1773-1 appropriates 0.044 cfs use from a commercial campground. It is possible that drawdown from the wells proposed for this application could be measurable in nearby wells supplied from the Inyan Kara, including the wells for Water Right No. 431-1 and Water Permit No. 1773-1. Although possibly measurable, any well interference is not expected to be "adverse".

CONCLUSIONS:

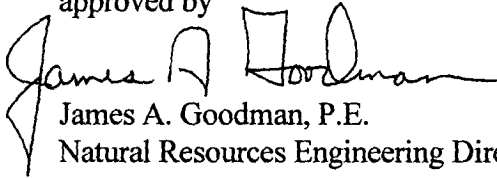
1. This application does not propose to increase the amount of water appropriated or acres authorized for irrigation. The application simply proposes to change the location authorized for two wells and change the location of acreage authorized for irrigation.
2. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.

3. The proposed change in the location of the proposed irrigation wells will not increase the probability of well interference with existing wells.
4. 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, 2003a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2003b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2003c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2003d, "Irrigation Questioner Summaries 1989-2003" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 1762A-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. 1762A-1, Philip Bestgen, 21044 Avalanche Road, Whitewood SD 57793.

The Chief Engineer is recommending APPROVAL of Application No. 1762A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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 Nos. 1762-1 and 1762A-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. 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
November 21, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

November 24, 2003

Philip Bestgen
21044 Avalanche Rd
Whitewood SD 57793

Dear Mr. Bestgen:

Water Permit Application No. 1762A-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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 24, 2003

Meade Co. Times Tribune
PO Box 129
Sturgis, SD 57785-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1762A-1 to Appropriate Water to be published twice. Please publish the first notice on December 3, 2003 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 (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. 1762A-1

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

Date _____

We are in receipt of your letter of November 24, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1762A-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 December 3, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1762A-1 to Amend Water Permit No. 1762-1

Notice is given that Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 has filed an application for a water permit proposing to change the location of the diversion points and the irrigation acreage authorized by Water Permit No. 1762-1. Water Permit No. 1762-1 appropriated additional water, increased the application rate for irrigation, increased the number of wells, added a storage pond and increased the annual period for irrigation that was authorized by Water Right No. 1499-1. Water Permit No. 1762-1 combined with Water Right No. 1499-1 appropriate 1.93 cubic feet of water per second from two wells (Inyan Kara aquifer) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, to irrigate 135.2 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 17; all in T6N-R5E. This application proposes to change the location of the two wells to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; and change the location of a portion of the acreage to be irrigated to the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17; all in T6NR5E. Water can be diverted directly for irrigation or into four existing storage ponds prior to irrigation use. Water Permit Application No. 1762A-1 does not propose to increase the amount of water appropriated or number of acres to be irrigated. The applicant is requesting these changes to utilize acres more suitable for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 December 22, 2003.

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 OF MEADE

Dawn Blakeman, Being duly sworn, says, That the Meade County Times/Black Hills Press is and, during all times hereinafter mentioned, is a legal newspaper 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 issue (s) bearing the following dates:

Dec 3	200	3		200
Dec 10	200	3		200
	200			200
	200			200
	200			200

That the full amount of the fee charged for publishing the same, to-wit the sum of

\$ 5108, I insure 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.

Dawn Blakeman

Accounting Clerk

Subscribed and sworn before me this

17 Day of Dec 2003

Samela Beehler

Notary Public, South Dakota

My Commission expires

Feb 8, 2007

RECEIVED
DEC 18 2003
WATER RIGHTS
PROGRAM

Amended water permit

NOTICE OF APPLICATION NO.
1762A-1 to Amend Water
Permit No. 1762-1

Notice is given that Phillip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 has filed an application for a water permit proposing to change the location of the diversion points and the irrigation acreage authorized by Water Permit No. 1762-1. Water Permit No. 1762-1 appropriated additional water, increased the application rate for irrigation, increased the number of wells, added a storage pond and increased the annual period for irrigation that was authorized by Water Right No. 1499-1. Water Permit No. 1762-1 combined with Water Right No. 1499-1 appropriate 1.93 cubic feet of water per second from two wells (Inyan Kara aquifer) located in the SE1/4 NW1/4 Sec. 17, to irrigate 135.2 acres located in the S1/2 NW1/4 and the NW 1/4 SW1/4 Sec. 16, and the S1/2 NE1/4 of Sec. 17; all in T6N-R5E. This application proposes to change the location of the two wells to the SE1/4 NW1/4 and the SW1/4 NE1/4 Sec. 17; and change the location of a portion of the acreage to be irrigated to the SW1/4 NW1/4, NW1/4 SW1/4 Sec. 16 and S1/2 NE1/4, SE1/4 NW1/4 Sec. 17; all in T6NR5E. Water can be diverted directly for irrigation or into four existing storage ponds prior to irrigation use. Water Permit Application No. 1762A-1 does not propose to increase the amount of water appropriated or num-

ber of acres to be irrigated. The applicant is requesting these changes to utilize acres more suitable for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1762A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 December 22, 2003.

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.

Publ Dec. 3 and 10, 2003
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 23 2004

Philip Bestgen
20144 Avalance Rd
Whitewood SD 57793

Dear Mr. Bestgen:

Enclosed is Water Permit No. 1762A-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,

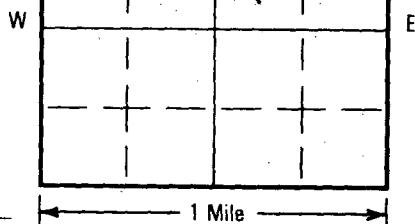
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

1762A-1
07-92Location ~~SW~~ ~~NE~~ 1/4 Sec 17 Twp 6 Rg 5
County ~~Meade~~ NE
North

Please mark well location with an "X"



Well Completion Date

4 10 04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/2 MI. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
23 LB/FT	7 IN	Top	252 FT	8 3/4 IN
plastic LB/FT	4 1/2 IN	228 FT	328 FT	12 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	40	_____ lb./gal	Top	252 ft
_____	_____	_____ lb./gal	_____	_____ ft

Describe grouting procedure Bottom Hole plugSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 1/2 IN Length _____ FEETMaterial plasticSlot Size _____ Set From 250 Feet to 320 FeetOther information Blank Bottoms 24" on top
Sand packed 8/12 silica sandWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? K packerDescribe packer(s) and location? Set at 225

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

Laboratory sent to for water quality analysis _____

NO, Why Not? _____

Well Owner: Philip Bestgen

Business Name: _____

Address: 20144 Quabache Rd
White Wood SD 57793

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
gravel + clay	Top	16
Shale	16	235
Sand Dakota	235	318
Clay Fuzon	318	328

STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☒ OtherDescribe: air Test400 # at 300 ft250 # at 120 ft

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

MAY 12 2004

This well was drilled under license # 197 WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Neaton Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

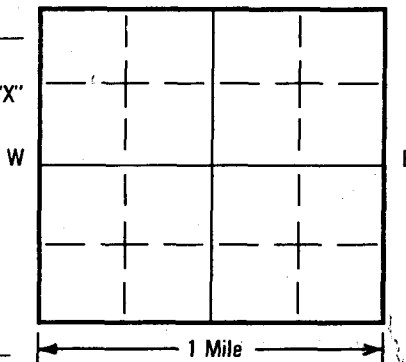
Philip BestgenDate: 7 May 10 - 2004

SOUTH DAKOTA WATER WELL COMPLETION REPORT

1762A-1
07-92

Location SW 1/4 NW 1/4 Sec 17 Twp 6 Rg 5
County Meade

Please mark well location with an "X"



Well Completion Date

Sept 26 07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from Septic Tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23 LB/FT</u>	<u>7 IN</u>	<u>Top</u>	<u>254 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>Cement</u>	<u>30</u>	<u>lb./gal</u>	<u>Top</u>	<u>254 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure

Bottom Hole plug

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 4 1/2 IN Length _____ FEET

Material PVC

Slot Size 25 Set From _____ Feet to _____ Feet

Other information Blank screen from 254 - 334

Blank 334 - 424 screen Blank screen

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material? Rubber set at Top

Describe packer(s) and location? at screen in 7' h

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

Laboratory sent to for water quality analysis

☒ NO, Why Not? _____

Well Owner: Phillip Bestgen

Business Name: _____

Address: 20144 Avalanche Rd
Whitewood, SD 57793

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	6
Gravel	6	10
Shale	15	135
Newcastle	135	140
Shale	140	200
Dakota?	200	245
Sand	245	332
Fuzon	332	435
Sand + clay layers	435	530
good sand at	490	520

STATIC WATER LEVEL

40

Feet

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: air test

☐ Bailed

200 cpm at

☒ Other

220 ft

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped

GPM

_____ ft. After _____ Hrs. pumped

GPM

If pump installed, pump rate _____

GPM

REMARKS

Note is under required
254 - 334 / 424 to Bottom 12 1/2"
Sand packed with Silica Sand

This well was drilled under license # 197

And this report is true and accurate.

Drilling firm Horton Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: Oct 1, 2007

RECEIVED
RECEIVED
JAN - 3 2008
WATER PROGRAM

RECEIVED

DEC - 1 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Nov 26, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Philip Bestgen
(name)20144 Avalanche Rd.
(address)White wood S. Dak 57793
(city, state, zip)605 347-3145
(phone)

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

Water Permit No. 1762A-1 states that the water use system is to be constructed byOct 22, 2008
(date), and water is to be put to beneficial use by Oct 22, 2012
(date)The water use system was completed on 05 15 08
(date)Applying the water to beneficial use was completed on 05 15 08
(date)

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

Philip Bestgen
(signature)

We contacted your office in early Sept. for a final inspection. We did not submit this form at that time.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2008

1762A-1

Philip Bestgen
20144 Avalanch Rd
Whitewood SD 57793

Dear Mr. Bestgen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

1762A-1

Nov. 29, 2012

RECEIVED

DEC - 3 2012

**WATER RIGHTS
PROGRAM**

Dear Sir or Madam,

In regards to permit # 1762A-1 [Philip Bestgen]. A notice of completion of works and application of water to beneficial use form was submitted Nov. 26 2008 (see attached). We have not been contacted about inspection and being issued a water license for this permit.

Contact information Roch Bestgen (605)347-1699

RECEIVED

DEC - 3 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Nov 26, 2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Philip Bestgen
(name)
20144 Avalanche Rd
(address)
White wood S. Dak 57743 605 347 3145
(city, state, zip) (phone)

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

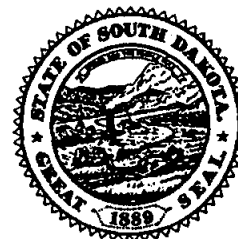
Water Permit No. 1762A- states that the water use system is to be constructed by
Oct 22, 2008 , and water is to be put to beneficial use by Oct 22 2012 .
(date) (date)

The water use system was completed on 05 15 08 .
(date)

Applying the water to beneficial use was completed on 05 15 08 .
(date)

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

Philip Bestgen
(signature)



Permit Nos. 1762-1 & 1762A-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have on this day, 5/18/2015, made a thorough examination of the water use system constructed by **Phillip Bestgen, 21044 Avalanche Road, Whitewood, SD 57793** holder of **Permit no. 1762-1**, bearing the priority date of **January 8, 2002** and **Permit No. 1762A-1**, bearing the priority date **October 16, 2003**. Permit No. **1762-1** is authorized to appropriate a total of **1.93 cfs (866 gpm)** from four wells (**Inyan Kara Aquifer**) and/or three holding ponds. Permit No. **1762A-1** is authorized to change the location of two of the wells and a portion of the irrigated acreage authorized by Permit No. 1762-1; used for **irrigation purposes**, in **Meade County**.

Inspection contact and relationship to
permit holder, if applicable:

Roch Bestgen,
Owner's son

A. Works used to divert the water:

Well #1 - flowing with Grundfos booster pump at 40 gpm capacity, Well #2 - flowing with Grundfos booster pump at 80 gpm capacity, Well #3 - static with Grundfos submersible pump at 280 gpm capacity, Well #4 - static with Franklin submersible pump at 280 gpm capacity & solid set sprinkler with traveling gun at 300 gpm capacity.

Wells #1 & #2 are configured to supply water to the irrigation system or to refill the ponds when required and Wells #3 & #4 are configured to supply water to center pivots only. Owner stated that only two pumps are operated at the same time to prevent exceedance of the diversion authority.

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

1800' of 8" & 2" PVC distribution lines with sprinklers and traveling gun with nozzle.

The system is in the following condition **good**.

The point of diversion (well #1) is located specifically at **Lat/Lon – N44.484035/W-103.522806 which is approximately 1700 feet south and 1500 feet east of the NW corner of Section 16, T6N-R5E.**

The point of diversion (well#2) is located specifically at **Lat/Lon – N44.483502/W-103.524748 which is approximately 1925 feet south and 975 feet east of the NW corner of Section 16, T6N-R5E.**

The point of diversion (well#3) is located specifically at **Lat/Lon – N44.483572/W-103.536557 which is approximately 1850 feet south and 2050 feet west of the NE corner of Section 17, T6N-R5E.**

The point of diversion (well#4) is located specifically at **Lat/Lon – N44.483588/W-103.540994 which is approximately 2025 feet south and 1850 feet east of the NW corner of Section 17, T6N-R5E.**

The point of diversion (Pond Pump) is located specifically at **Lat/Lon – N44.484467/W-103.522315 which is approximately 1575 feet south and 1600 feet east of the NW corner of Section 16, T6N-R5E.**

Report of Examination of Works

Permit Nos. 1762-1 & 1762A-1

The works are capable of diverting **1.93 cfs** which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows:

Section 16, T6N-R5E
SW¼ NW¼ - 40.0 acres
NW¼ NW¼ - 10.0 acres

Section 17, T6N-R5E
SE¼ NW¼ - 24.0 acres
SW¼ NE¼ - 29.2 acres
SE¼ NE¼ - 32 acres

Comprising a total of **135.2 acres** of land and the license should be issued for **1.93 cfs**.

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**.

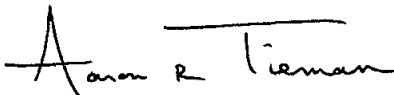
Comments: **Additional water rights/permits associated with this water use system:**

- **Water Right No. 555-1 - priority date March 21, 1961, authorizes diversion of 0.26 cfs from a well to irrigate 95.2 acres.**
- **Water Right No. 1449-1 - priority date September 26, 1988, authorizes 2 storage ponds and irrigation of 40 additional acres.**
- **Water Right No. 1499-1 - priority date October 30, 1990, authorizes an additional storage pond.**
- **Water Permit No. 1762-1 - priority date January 8, 2002, authorizes additional groundwater diversion, increases application rate, adds 2 additional wells & extends the annual period of use.**

Currently, Water Right Nos. 555-1 & 1449-1 are incorporated into Water Right No. 1499-1.

Upon licensing of Water Permit No. 1762A-1, applicable portions of Water Right No. 1499-1 & Water Permit No. 1762-1 should be incorporated into Permit No. 1762A-1 for a total appropriation of 1.93 cfs from 4 wells and/or 3 holding ponds for irrigation of 135.2 acres.

Water Permit No. 1762A-1 does not increase the amount of water appropriated or number of acres to be irrigated. The permit holder has requested these changes to utilize acreage more suitable for irrigation.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **September 24, 2015**

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 1762-1 & 1762A-1

DATE OF INVESTIGATION:	May 18, 2015
NAME & ADDRESS OF PERMIT HOLDER	Phillip Bestgen 21044 Avalanche Road Whitewood, SD 57793
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Roch Bestgen, (Owner's son)
DIVERSION POINT LEGAL LOCATION	SW¼ NW¼, SE¼ NW¼ Section 16, T6N-R5E SE¼ NW¼, SW¼ NE¼ Section 17, T6N-R5E
WATER SUPPLY SOURCE	Ground water, Inyan Kara Aquifer

Other permit(s) associated with the project: 555-1, 1449-1 & 1499-1

WELL INFORMATION:

1) Well Drilling Firm: Heaton Drilling

2) No. of Wells Four

3) Depth(s) Well #1 - 540 feet Well #2 - 566 feet Well #3 - 328 feet Well #4 - 530 feet

4) Well logs available yes

5) Comment:

	<u>Well #1</u>	<u>Well #2</u>	<u>Well #3</u>	<u>Well #4</u>
1) Diameter:	<u>2 7/8 & 6 inches</u>	<u>6 inches</u>	<u>4 1/2 & 7 inches</u>	<u>7 inches</u>
2) Length:	<u>100 & 417 feet</u>	<u>380 feet</u>	<u>100 & 252 feet</u>	<u>254 feet</u>
3) Type:	<u>PVC</u>	<u>PVC</u>	<u>Steel</u>	<u>Steel</u>

	<u>Well #1</u>	<u>Well #2</u>	<u>Well #3</u>	<u>Well #4</u>
1) Type:	<u>Steel</u>	<u>Steel</u>	<u>PVC</u>	<u>PVC</u>
2) Length:	<u>50 feet</u>	<u>186 feet</u>	<u>70 feet</u>	<u>80 feet</u>
3) Static water level:	<u>Flowing</u>	<u>Flowing</u>	<u>10 feet</u>	<u>40 feet</u>

	<u>Well #1</u>	<u>Well #2</u>	<u>Well #3</u>	<u>Well #4</u>
1) Make:	<u>Grundfos (Booster)</u>	<u>Grundfos (Booster)</u>	<u>Grundfos</u>	<u>Franklin</u>
2) Capacity:	<u>40 gpm</u>	<u>80 gpm</u>	<u>280 gpm</u>	<u>280 gpm</u>

	<u>Well #1</u>	<u>Well #2</u>	<u>Well #3</u>	<u>Well #4</u>
1) Make:	<u>A & O</u>	<u>Franklin</u>	<u>Franklin</u>	<u>Franklin</u>
2) Horsepower:	<u>3 hp</u>	<u>5 hp</u>	<u>30 hp</u>	<u>20 hp</u>

Solid Set Pump (Water pumped from ponds)

1) Make: Berkeley
 2) Model: 6BKFBTCCX
 3) Size: 4 inch (IN&OUT)
 4) Capacity: 300 gpm

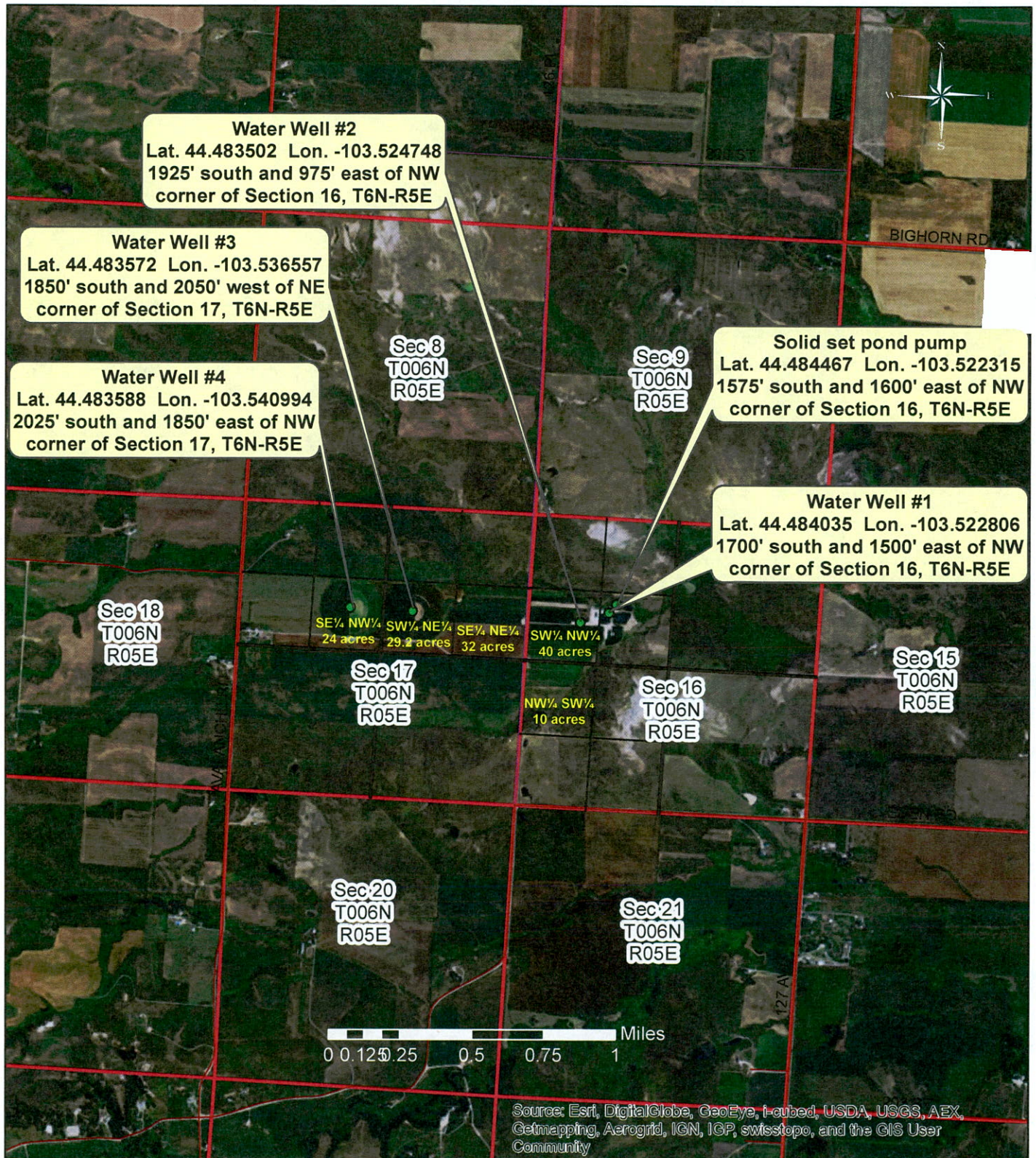
DISTRIBUTION LINES OR CANALS:

Type: Irrigation system distribution lines (1,800 feet - 8 inch & 2 inch PVC).

PERMIT QUALIFICATIONS:

1) Special qualifications to permit being abided by: Yes
 2) All structures, wells and lands on map: Yes

Water Right 1762-1 & 1762A-1
Phillip Bestgen
September 24, 2015



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



1762A-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.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1762A-1**

(1) Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 made Application No. 1762A-1, October 16, 2003 for a water permit to change the location of the diversion points and the acreage irrigated authorized under Water Permit No. 1762-1 to areas more suitable for irrigation. Water Permit No. 1762A-1 did not allow for an increase in the water appropriated or the number of acres irrigated. The project is located in Meade County, South Dakota. Permit No. 1762A-1 was approved December 22, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2008 and for the application to beneficial use of said water on or before October 22, 2012.

The water right and water permits associated with the water use system are as follows:

- **Water Right No. 1499-1** authorizes diversion of 0.026 cfs from two wells (Inyan Kara Formation). Water can also be diverted at a rate of 0.78 cfs from three storage ponds for irrigation of 135.2 acres. The priority dates retained are:
 - a) March 21, 1961 (95.2 acres and 0.26 cfs from the wells as established under No. 555-1);
 - b) September 26, 1988 (two ponds & an additional 40 acres as established under No. 1449-1);
 - c) October 30, 1990 (one pond as established under No. 1499-1).
- **Water Permit No. 1762-1**, with a priority date of January 8, 2002, authorizes an additional 1.67 cfs, two additional wells and also increases the period of annual use for irrigation of the acres described in Water Right No. 1499-1.

The applicable portions of Water Right No. 1499-1 and 1762-1 are incorporated into Water License No. 1762A-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.93 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 is located approximately 1,700 feet south and 1,500 feet east of the NW corner of Section 16, T6N-R5E (SE ¼ NW ¼ Section 16);

Well #2 is located approximately 1,925 feet south and 975 feet east of the NW corner of Section 16, T6N-R5E (SW ¼ NW ¼ Section 16);

Well #3 is located approximately 1,850 feet south and 2,050 feet west of the NE corner of Section 17, T6N-R5E (SW ¼ NE ¼ Section 17);

Well #4 is located approximately 2,025 feet south and 1,850 feet east of the NW corner of Section 17, T6N-R5E (SE ¼ NW ¼ Section 17)

The **three ponds** are in the same area with the point of diversion where the pump is located approximately 1,575 feet south and 1,600 feet east of the NW corner of Section 16, T6N-R5E (SE ¼ NW ¼ Section 16).

continued

Water License No. 1762A-1

Page 2

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16, T6N, R5E		Section 17, T6N, R5E	
SW ¼ NW ¼	40.0 acres	SE ¼ NW ¼	24.0 acres
NW ¼ NW ¼	10.0 acres	SW ¼ NE ¼	29.2 acres
		SE ¼ NE ¼	32.0 acres

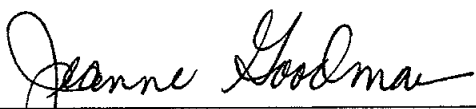
Total 135.2 acres

- **Priority dates: March 21, 1961 for 95.2 acres; September 26, 1988 for 40.0 acres**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Philip Bestgen, 21044 Avalanche Rd, Whitewood SD 57793 the holder and/or owner of Incorporated Water Right No. 1762A-1 is issued a license to appropriate water, the right to use 1.93 cubic feet of water per second from ground water (four wells – Inyan Kara Aquifer) and three ponds with priority dates of March 21, 1961 (0.26 cfs, 95.2 acres and 2 wells); September 26, 1988 (2 ponds and 40 acres); October 30, 1990 (1 pond); January 8, 2002 (2 wells – Inyan Kara Aquifer and 1.67 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1762A-1 and subject to the following qualifications:

- 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.
- The wells authorized by Permit Nos. 1762-1 & 1762A-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. ***Wells were drilled by Heaton Drilling. Copies of the logs are on file with the Water Rights Program.***
- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 08 2015

date





1762A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 16, 2016

556-1
1762A-1

Roch Bestgen
12698 Eden Rd
Whitewood SD 57790

Dear Mr. Bestgen:

Thank you for contacting us in regard to the ownership changes needed for Water Right Nos. 556-1 and 1762A-1.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED
FEB 25 2016
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1762A-1

Date: 02/18/16

I/We request that Water Right No. 1762A-1

formerly owned by: Philip Bestgen

be transferred to: (name & address) Roch or Rita Bestgen, 12698 Eden Rd, Whitewood SD 57793

Telephone No. 605 347-1699

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

135.2 acres – SW ¼ NW ¼ and NW ¼ NW ¼ Section 16, T6N, R5E

SE ¼ NW ¼, S ½ NE ¼ Section 17, T6N, R5E

I/We understand that the validity of Water Right No. 1762A-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Roch Bestgen
Rita Bestgen, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 16

RECEIVED OF Roch or Rita Bestgen 12698 Eden Rd Whitewood SD 57793

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1762A-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07769**

By *Jean Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 3, 2016

556-1
1762A-1

Roch or Rita Bestgen
12698 Eden Rd
Whitewood SD 57793

Dear Mr. & Mrs. Bestgen:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership of Water Right Nos. 556-1 and 1762A-1.

The ownership changes have been completed. The above water rights formerly listed in the name of Philip Bestgen are now listed in your names.

Enclosed for your records are Receipt Nos. 07768 and 07769 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2018

556-1
1762A-1

Roch & Rita Bestgen
20140 126th Pl
Whitewood SD 57793-6600

Dear Mr. & Mrs. Bestgen:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires.

The notice was originally mailed to 12698 Eden Rd, Whitewood SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures