

WATER PERMIT NO. 1763-1

Name of Applicant: Sturgis Municipal Utility Board

Address: 1147 Sherman St, Sturgis SD Phone: 605 347-4425

Amount of Water Claimed: 0.83 cfs Total Acres: NA

Source of Water Supply: groundwater (1 existing well)

Water to be used for: municipal County: Meade

Type of Waste Disposal System:

Location:

PRIORITY

Date Received: 1-25-2002

Fee: \$300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Increases the diversion rate authorized by 1062-1

Diversion Point: NW ¼ SE ¼ Sec 6-T5N-R5E

Land to be Irrigated: NA

Depth of Well: 762 feet

Well Driller: :

Remarks:

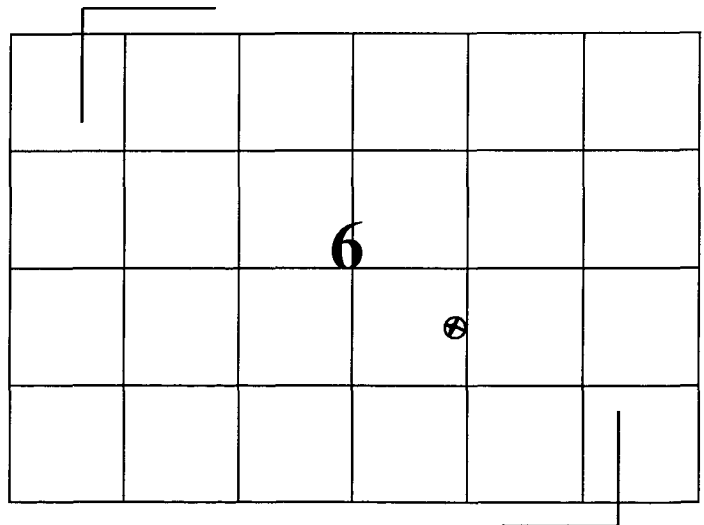
Type of Map: topo

Prepared by: Jerry Hunt, P.E.

Reviewed and the Number Assigned on: 1-25-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 1763-1

Date of first receipt of application December 24, 2001.

Date of return to applicant for corrections, amendments or changes January 2, 2002.

Date of receipt of corrected application January 25, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1763-1 to Sturgis Municipal Utility Board, 1147 Sherman St, Sturgis SD 57785 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1763-1 appropriates 0.83 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 1062-1. Water Right No. 1062-1 authorizes 0.06 cfs from one well (Minnelusa Formation) 450 feet deep located in the NW ¼ SE ¼ Section 6-T5N-R5E for industrial use. During recent rehabilitation, the well was deepened to 762 feet and the diversion rate was increased. This permit increases the water appropriation from the well from 0.06 cfs to 0.89 cfs. This permit also adds municipal use to Water Right No. 1062-1.
2. The water appropriated shall be used for the purpose of supplying water for municipal use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1763-1 is April 8, 2002.
5. The date from which applicant may claim right is December 24, 2001.
6. One-fifth of the construction is to be completed on or before October 8, 2004.
7. All construction is to be completed on or before April 8, 2007.
8. Water is to be put to beneficial use on or before April 8, 2011.
9. 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 well 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 Sturgis Municipal Utility Board shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Formation.

WATER MANAGEMENT BOARD

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

APR 16 2002
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1763-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Meado Co. Times-Tribune, Sturgis</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other

Type of Application: 1 New 1062-2 Vested Right (Use predates Mar 2, 1955) Amendment/Correction to Permit No.
(check one) Place to Beneficial Use Water Reserved by Future Use Permit No.

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

Additional depth drilled and increase in water appropriation - includes municipal use

- Name of Applicant Sturgis Municipal Utility Board Phone (605) 347-4425
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1147 Sherman St Sturgis State SD 57785
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.83 add'l 0.89 *CFS or 373 gpm add'l 400 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Groundwater - Minnelusa Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 SE 1/4, Section 6, T5N, R5E
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used Year round Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Rehabilitation of well - Permit #1062-1 originally permitted for 0.06 cfs (276 gpm) and completed to 450 feet. Drilled additional feet to a depth of 762 feet and increased amount of water available to 0.89 cfs (400 gpm).

STATE OF SOUTH DAKOTA)
County of _____) SS

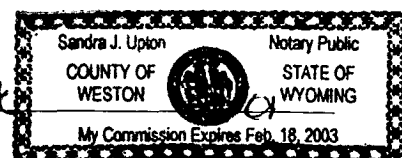
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, JERRY HUNT, 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 Jerry Hunt

Subscribed and sworn to before me this 17th day of December

Sandra J. Upton



Notary Public signature

(Complete applicable portions only) (type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6 1/4-inches Depth 762 feet
- b) Casing Type Steel Diameter 4 1/2-inches O. D. Thickness Schedule 40
- c) Screen Type Stainless Steel Diameter 4 - inches N. D. Thickness NA
- d) Gravel Pack None Length of Gravel Pack NA
- e) Depth to Top of Water Bearing 375 feet
- f) Depth to Water (ground surface to water) 81.66 feet
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 400 feet -- Bradley

2. Wastewater Disposal System Information

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

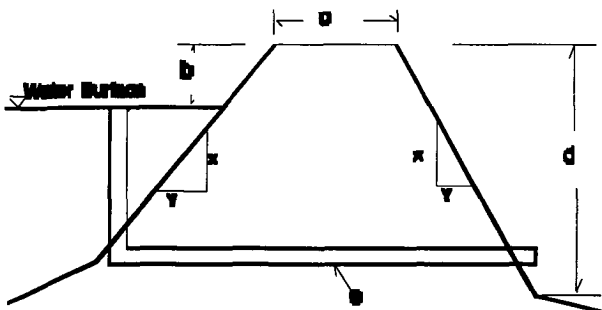
3. Dugout Information

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417064

Pierre, January 25, 20 02

RECEIVED OF Weston Engineering Inc., PO Box 260, Upton, WY 82730

the following amount in fees for services rendered as provided for by law: for Sturgis Municipal Utility Board

Fee for Application for Permit No. <u>1763-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	25 00
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Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
--	--

Fee to retain Future Use Permit No. _____ after period of seven years.	
--	--

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1763-1</u>	50 00
--	-------

Fee for Filing Transfer Form _____	
------------------------------------	--

Fee for Filing Extension Request _____	
--	--

Fee for _____	
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(Any Other Work Provided by Law)

Total 75 00

By Darland E. Ebel
Chief Engineer gm

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 417036

Pierre, January 2, 2002

RECEIVED OF Weston Engineering, Inc., PO Box 260, Upton WY 82730
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1763-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

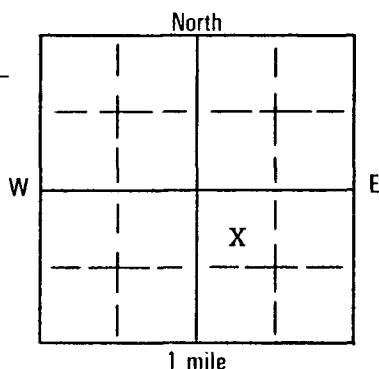
By Darland Erbe
Chief Engineer *gm*

SOUTH DAKOTA WELL REHABILITATION REPORT

10-85

Location NW 1/4 SE 1/4 Sec 6 Twp 5N Rg 5E

County

MeadePlease mark well
location with
an "X"Rehabilitation Completion Date December 17, 2001

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Stock
☐ Irrigation ☐ Industrial

Well Owner:

Name Sturgis Municipal Utility BoardAddress 1025 First Street, Sturgis, SD 57785Describe original construction if possible?
(Attach original log if known)9" casing set to 375'4 3/4" open hole to 460'

RECEIVED

FEB 14 2002

WATER RIGHTS
PROGRAMDescription of condition of well before rehabilitation: Well produced approximately 38 g.p.m.well casing and grout appeared to be intact.

Description of rehabilitation work completed: Ream open hole section from 375'-460', drill 6 1/2"
hole to 1002'. Discuss potential of mixing Madison & Minnelusa with Ken
Buhler, DENR. Plug hole back to 780' (contact) with cement grout. Hang
screens & liner in well. Disinfect well. Air develop and pump test.

Recasing information: Material S.S. Diameter 4 Inches Depth 762 Feet

Describe screen or perforations 0.020 stainless steel Screen Location Top liner @ 355'
From 380 To 410 490-570
From 420 To 450 582-762
460-480

Grout: ☐ YES ☒ NO Describe grouting procedure and grout _____

Well Test Data:

Specific capacity 29 gpm/ft.Static water level 81.66'*13.5 feet drawdown after
32 hours pumping @ 410 gpm

If a flowing well GPM _____ Shut in _____ PSI

This well rehabilitation was completed under license # 604

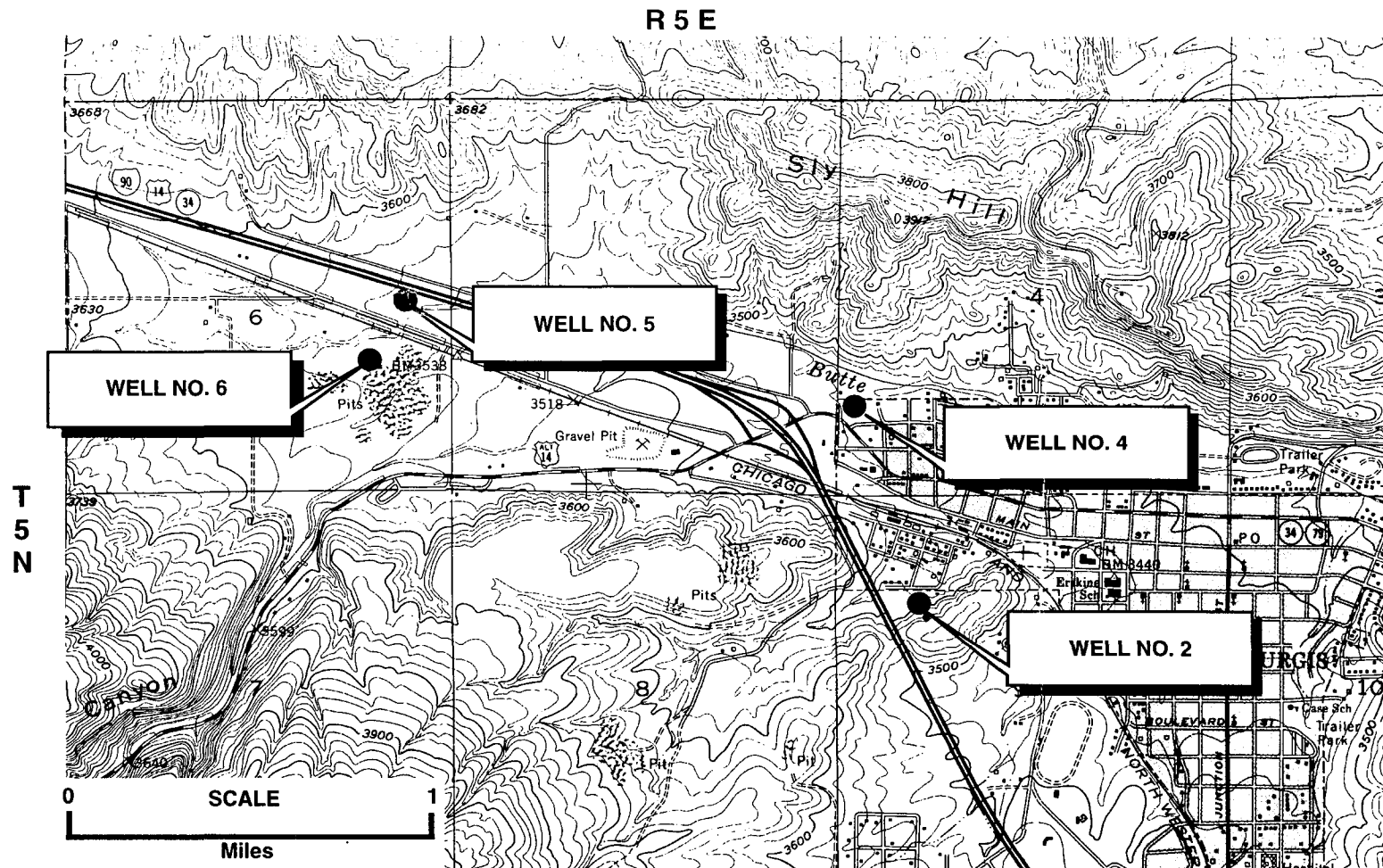
And this report is true and accurate.

Drilling firm Weston Engineering, Inc

Signature of Licensed Representative _____

Signature of Well Owner _____

Date January 29, 2002



Sturgis Well No. 6 : 617 feet S 0°00'03"E and 94 feet N 89°59'57"E of the NW Corner of lot SD-1 a portion of the NW 1/4 SE 1/4 of Section 6, T5N, R5E. (taken from original permit, Permit # 1026-1)

**STURGIS WELL NO. 6 REHABILITATION
APPLICATION FOR PERMIT TO APPROPRIATE WATER
FIGURE 1 -- SITE LOCATION MAP**



Signature _____

[Signature]
Jerry Hunt, P. E. # 4753



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 2, 2002

Jerry Hunt
Weston Engineering, Inc.
PO Box 260
Upton WY 82730

RE: Sturgis Municipal Utility Board

Dear Mr. Hunt:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the Sturgis Municipal Utility Board.

We have received the \$275 application filing fee. The application filing fee, based on the additional 373 gallons per minute requested by this application, will be \$300. The Water Rights Program also collects the \$50 licensing fee at the time of filing (\$350 total). Please submit an additional \$75.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Sturgis Municipal Utility Board



WATER PERMIT APPLICATION NO. 1763-1
STURGIS MUNICIPAL UTILITY BOARD
MARCH 5, 2002

Water Permit Application No. 1763-1 proposes to appropriate an additional 0.83 cubic feet of water per second (cfs) from a well that is currently authorized by Water Right No. 1062-1. Water Right No. 1062-1 authorizes industrial use of 0.06 cfs, from a well (Sturgis Well No. 6) completed into the Minnelusa aquifer located in the NW¼ SE¼ Sec. 6, T5N-R5E, in Meade County. The well was recently deepened from an original depth of 450 feet to a depth of 762 feet, and the well capacity was increased. Approval of this application will increase the total appropriation from this well to 0.89 cfs and will permit municipal use of water from the well.

AQUIFER: Minnelusa Aquifer (MNLS)

GENERAL:

The Minnelusa aquifer consists of the permeable units, primarily sandstone and fractured carbonates, of the Pennsylvanian and Permian age Minnelusa Formation. The top of the Minnelusa Formation is expected to be approximately 340 feet below grade at this well site (Carter and Redden, 1999a). The entire Minnelusa Formation is around 450 feet thick in this area (Carter and Redden, 1999a, Carter and Redden 1999b). Although well sorted sand lenses have porosity's approaching 25%, the average porosity of the Minnelusa is estimated to be 10% and the effective porosity is assumed to be 5% (Rahn, 1979). The Minnelusa Formation underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre-feet of recoverable water in storage (Allen and others, 1984). The aquifer is areally extensive around the Black Hills and is hydraulically connected into the counties surrounding Meade County. Ground water movement is probably toward the north and east. The water quality of the aquifer is generally good near the outcrop but deteriorates considerably with distance from the recharge area. There is no aquifer-test data available for the Minnelusa Aquifer at this site; therefore, the aquifer transmissivity and storage coefficient values are unknown. Estimates from regional studies of the aquifer indicate the aquifer transmissivity may range from 30 to 1000 ft²/d, and the storage coefficient ranges from 6.6×10^{-5} to 2×10^{-4} (Kyllonen and Peter, 1987). The Minnelusa aquifer is overlain and confined by the Opeche Shale. The water level of this well is reported to be approximately 82 feet below grade in this well following rehabilitation. The Minnelusa Formation unconformably overlies the Madison Limestone and the two aquifers (Minnelusa and Madison) are probably hydraulically distinct.

WATER AVAILABILITY:

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1. This statute requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge to the Minnelusa aquifer occurs primarily through precipitation falling directly on the outcrop and from streamflow losses. Average annual recharge to the Minnelusa from 1931-98 was estimated to be 112,075 ac-ft/yr (Carter and others, 2001a).

There are a total of 173 appropriations from the Minnelusa aquifer in South Dakota, including two Future Use Reservations. The aquifer is used primarily for domestic commercial, municipal, suburban housing and irrigation uses. The Future Use Permits (No. 902-1 and 969-1) reserve 1,460 acre-feet annually. Water Permits and Rights represent appropriations up to 10,649.7 acre-feet annually for irrigation use (Water Rights, 2001) and a combined diversion rate of 27.512 cfs for non-irrigation uses. Maximum well withdrawals from the Minnelusa aquifer, assuming (1) that permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); would be approximately 23,000 acre-feet per year. The actual amount of water used from the aquifer is considerably less than this estimate. The total well withdrawals from the aquifer are estimated to be about 8,100 ac-ft/yr (Carter and others, 2001b).

The maximum potential withdrawal from the Minnelusa aquifer at the current level of appropriation is approximately 21% of the average annual recharge estimated for the aquifer. Therefore, based on a simple water budget, it is clear that unappropriated water is available for this appropriation.

The Water Rights Program monitors 23 observation wells completed into the Minnelusa aquifer in the Black Hills area. Water Rights Observation Well LA-86C is located about one mile northwest of this well site. The hydrograph for the well (see figure 1), is fairly typical for the Minnelusa aquifer. That is, the water levels reach their peak in the early summer each year and gradually decline until spring. The majority of the recharge to the system occurs between March and July.

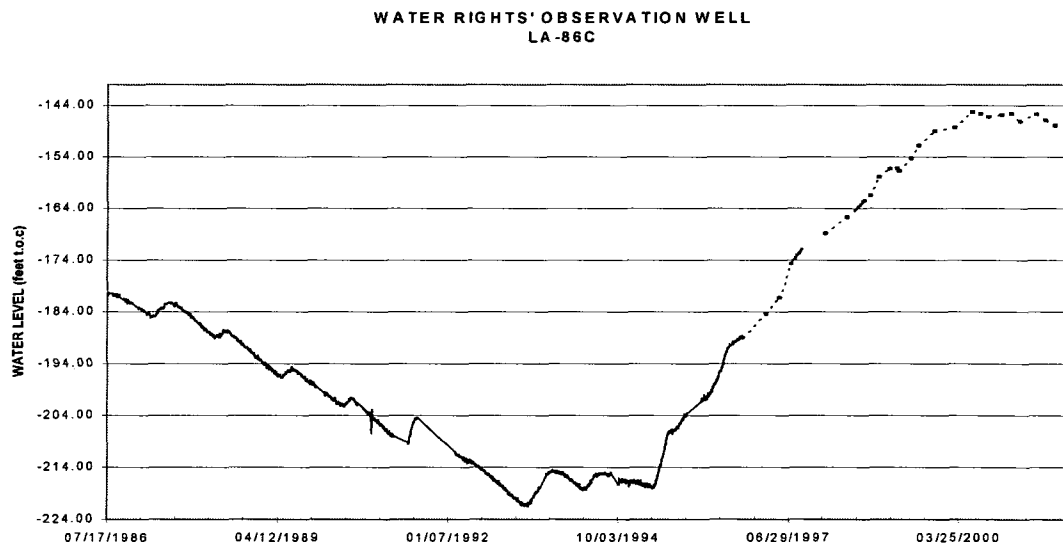


Figure 1. Minnelusa aquifer Observation Well, (one mile northwest of 1763-1)

The hydrograph shows the magnitude of fluctuation in the water levels in the area of more than 76 feet, with the lowest water level on record occurring in April 1993 and the highest occurring in June 2000. The effects of well interference can be seen in 1990 when approximately 5 feet of drawdown was measured in this well as the Minnelusa was essentially “being pumped” at a rate of approximately 150 gpm, while drilling a Madison aquifer observation well approximately 20’ away.

It is obvious from the hydrograph that withdrawals have not exceeded recharge for the period of record. The observation well data suggests that at the existing level of development, the aquifer is capable of sustaining additional withdrawals.

AFFECTS ON EXISTING RIGHTS:

There are 173 Water Rights/Permits that appropriate water from the Minnelusa aquifer in South Dakota (Water Rights, 2002c). There are 59 permits/rights appropriating water from the Minnelusa aquifer in Meade County (Water Rights, 2002c), where the aquifer is used primarily for suburban housing development, commercial, municipal and irrigation use. There are a number of domestic wells completed into the Minnelusa aquifer on file with the Water Rights Program (Water Rights, 2002a).

There are 8 Water Rights/Permits appropriating groundwater from the Minnelusa aquifer within two miles of this well site. They include:

Permit No	Name	Use	cfs
1318-1	Gerald Baldwin	COM	0.04
1349-1	Warren Mann	COM	0.10
1351-1	Molly B’s Truckstop	COM	0.08
1558-1	Leo Bestgen	SHD	0.05
1705-1	Sturgis Water Department	MUN	0.78
1709-1	Murray Water Company	SHD	0.33
1716-1	Wm & Beverly Lore	COM	0.04
1722-1	Wilderness Outpost/Resort	COM	0.17

The nearest Minnelusa appropriation to this Water Permit No. 1558-1, Leo Bestgen, which is located approximately one-half mile northeast of this well.

The Rehabilitation Report for this well (Sturgis Well No. 6) identifies the specific capacity of this well as 29 gpm/ft. Therefore, pumping the well at a rate of 0.89 cfs (400 gpm) should result in a drawdown of approximately 14 feet. Any well interference this proposed use would have on other water users is not expected to be adverse due to the distance between wells, and the relatively low drawdown expected in this well at this proposed diversion rate.

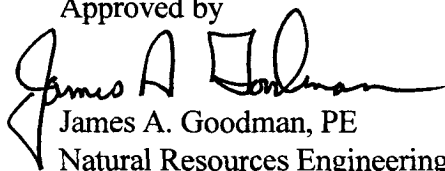
CONCLUSIONS:

1. The Minnelusa Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. The Minnelusa is under artesian conditions and drawdown due to this diversion can be expected. This drawdown is not expected to adversely affect adequate wells in the area.



Ken Buhler
Natural Resources Engineering Specialist

Approved by



James A. Goodman, PE
Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 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-Division of Geological Survey, Vermillion SD
- Carter, J.M., and Redden, J.A., 1999a, Altitude of the Top of the Minnelusa Formation in the Black Hills Area, South Dakota, U.S. Geological Survey Hydrologic Investigations Atlas HA-744-C,
- Carter, J.M., and Redden, J.A., 1999b, Altitude of the Top of the Madison Limestone in the Black Hills Area, South Dakota, U.S. Geological Survey Hydrologic Investigations Atlas HA-744-D,
- Carter, J.M., Driscoll, D.G., and Hamade, G.R., 2001a, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota, and Wyoming, Water Years 1931-98, U.S. Geological Survey Water Resources Investigations Report 00-4278,
- Carter, J.M., Driscoll, D.G., Hamade, G.R., and Jarrell, G.J., 2001b, Hydrologic Budgets for the Madison and Minnelusa Aquifers, Black Hills of South Dakota and Wyoming, Water Years 1987-96, U.S. Geological Survey Water Resources Investigations Report 01-4119,

- Kyllonen, D.P., Peter, K.D., 1987, GeoHydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, U.S. Geological Survey, Water Resources Investigations Report 86-4158, Rapid City, SD
- Rahn, P.H., 1979, Ground Water Resources of Western South Dakota, US Army Corps of Engineers, Draft Report-Final
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Minnelusa Aquifer in the Black Hills Area, South Dakota, U.S. Geological Survey Hydrologic Investigations Atlas HA-745-C
- Water Rights Program, 2001, "2000 Irrigation Summary by Aquifer", DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2002a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2002b, "Observation Well Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Water Rights Program, 2002c, "Water Permit/Right Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD



**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. 1763-1, Sturgis Municipal Utility Board**

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. 1763-1, Sturgis Municipal Utility Board, c/o Jerry Hunt, 1147 Sherman Street, Sturgis SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1763-1 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 well 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 Sturgis Municipal Utility Board shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Formation.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 8, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 2002

Ray Murray, President
Murray Water Company
2551 Dolan Creek Rd
Sturgis, SD 5785

Dear Mr. Murray:

Please find a copy of the report, recommendation and notice of application for a water right permit application filed by the Sturgis Municipal Utility Board. The notice is to be published in the Meade County Times-Tribune on March 20 and 27, 2002.

If you have any question on this application, please contact Ken Buhler of the Water Rights Program at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 2002

Jerry Hunt
Weston Engineering, Inc.
PO Box 260
Upton, WY 82730

Dear Mr. Hunt:

Please find enclosed a copy of the report, recommendation and notice of application for a water right permit application filed by the Sturgis municipal Utility Board, also enclosed are your copies of the receipts. The notice is to be published in the Meade County Times-Tribune on March 20 and 27, 2002.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 11, 2002

Sturgis Municipal Utility Board
1147 Sherman St.
Sturgis, SD 57785

Dear Sir:

Water Permit Application No. 1763-1 for municipal 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 # 605-347-4425). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1763-1 to Appropriate Water to be published twice. Please publish the first notice on March 20, 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 Sturgis Municipal Utility Board, 1147 Sherman St., Sturgis, SD 57785 (Ph # 605-347-4425).

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. 1763-1

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

Date _____

We are in receipt of your letter of March 11, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1763-1 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 March 20, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1763-1 to Appropriate Water

Notice is given that Sturgis Municipal Utility Board, 1147 Sherman St, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 1062-1. Water Right No. 1062-1 authorizes 0.06 cfs from one well (Minnelusa Formation) 450 feet deep located in the NW ¼ SE ¼ Section 6-T5N-R5E for industrial use. During recent rehabilitation, the well was deepened to 762 feet and the diversion rate was increased. This application proposes to increase the water appropriation from the well from 0.06 cfs to 0.89 cfs. This application also adds municipal use to Water Right No. 1062-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1763-1 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 8, 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 20 2002

Mar 27 2002

waiting for

_____ 200 _____

_____ 200 _____

_____ 200 _____

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

_____ day of _____ 200 _____

Notary Public, South Dakota

My commission expires _____

Appropriate water

NOTICE OF APPLICATION NO. 1763-1 to Appropriate Water

Notice is given that Sturgis Municipal Utility Board, 1147 Sherman St, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 1062-1. Water Right No. 1062-1 authorizes 0.06 cfs from one well (Minnelusa Formation) 450 feet deep located in the NW1/4SE1/4 Section 6-T5N-R5E for industrial use. During recent rehabilitation, the well was deepened to 762 feet and the diversion rate was increased. This application proposes to increase the water appropriation from the well from 0.06 cfs to 0.89 cfs. This application also adds municipal use to Water Right No. 1062-1.

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Publ March 20 and 27, 2002
Meade County Times-Tribune

RECEIVED

MAR 25 2002

WATER RIGHTS
PROGRAM



APR 16 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sturgis Municipal Utility Board
1147 Sherman St.
Sturgis, SD 57785

Dear Sir:

Enclosed is Water Permit No. 1763-1 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 4/18/2002

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
APR 24 2002

FROM: Sturgis Water Dept
(name)
1025 First Street
(address)
Sturgis, S.D. 57785 (605) 347-4425
(city, state, zip) (phone)

WATER RIGHTS
PROGRAM

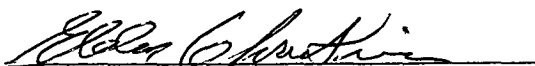
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

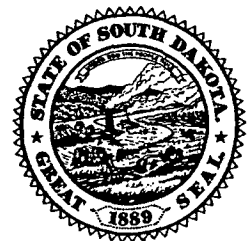
Water Permit No. #763-1 states that the water use system is to be constructed by
4/8/2007 (date), and water is to be put to beneficial use by 4/8/2011 (date).

The water use system was completed on July 31, 2001 (date).

Applying the water to beneficial use was completed on Aug 3, 2001 (date).

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


(signature)



Permit No. 1763-1
Belle Fourche 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 this day, May 12, 2003, made a thorough examination of the water use system constructed by Sturgis Municipal Utility Board of 1147 Sherman St, Sturgis SD 57785 holder of Permit No. 1763-1 and Water Right No. 1062-1, bearing the priority of December 24, 2001 and May 12, 1975, respectively authorizing the diversion of 0.83 and 0.06 cu. ft. per second, respectively, of the waters of ground water (Minnelusa Formation) for municipal and industrial purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Eldon Christians, city employee**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Weston Engineering
- 2) No. of Wells 1
- 3) Depth(s) 780 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 4 inches
- 2) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 340 feet
- 3) Static water level 82 feet

Motor/Pump:

- 1) Make Submersible unit
- 2) Size 60 hp
- 3) Capacity 400 GPM

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

Water is diverted to the Sturgis municipal water supply system.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 2,050 feet W and 1,900 feet N from the SE corner of section 6-T5N-R5E (NW¼SE¼ -- Lat. 44.42167, Long. -103.55698). The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water which is to be used for municipal and industrial purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.89* cfs.

All structures, wells and lands on map Y

*Comments or other permit(s) associated with the project:
Permit No. 1763-1 incorporates No. 1062-1 which appropriates 0.06 cfs from the same well. Total combined diversion rate is 0.89 cfs.



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: September 4, 2003

Scale: 1 inch equals 487 feet

680

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: July 22, 2003

Water Right No. 1763-1

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1763-1

(1) Sturgis Municipal Utility Board, 1147 Sherman St, Sturgis SD 57785 made Application No. 1763-1, December 24, 2001 for a water permit to divert 0.83 cubic feet of water per second (cfs) from groundwater (one well), Meade County, South Dakota for industrial and municipal purposes. Permit No. 1763-1, with a priority date of December 24, 2001 was approved April 8, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 8, 2007 and for the application to beneficial use of said water on or before April 8, 2011.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on April 24, 2002. The *Notice* stated the diversion system was completed on July 31, 2001 and the water placed to beneficial use on August 3, 2001.

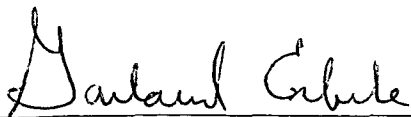
Water Right No. 1062-1, with a priority date of May 12, 1975 authorizes 0.06 cfs from the same well described in No. 1763-1 for industrial use. The applicable portions of No. 1062-1 are incorporated into 1763-1.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 1763-1 is issued a license to divert a total of 0.89 cfs from groundwater (one well), bearing priority dates of May 12, 1975 (0.06 cfs) and December 24, 2001 (0.83 cfs). The water is used for the purpose of industrial and municipal use.

The diversion point is located: 2,050 feet west and 1,900 feet north from the southeast corner of Section 6-T5N-R5E (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 1763-1 including the following now applicable qualifications:

- The well 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 Sturgis Municipal Utility Board shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Formation.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2003

date





OCT 10 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

1763-1

Sturgis Municipal Utility Board
1147 Sherman St
Sturgis SD 57785

Dear Sir:

Enclosed is Water License No. 1763-1. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

NOTE: The applicable portions of No. 1062-1 are incorporated into Water License No.1763-1

enclosures