

WATER PERMIT NO. 1785-1

Name of Applicant: Jerry Seaman

Address: PO Box 275, Newell SD

Phone: 605 456-2712

Amount of Water Claimed: 0.44 cfs

Total Acres: 30.6

Source of Water Supply: runoff

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 3 miles northwest of Newell

PRIORITY

Date Received: 2-7-03

Application/License Fee: \$200

Corrected Application Received: 2-11-03

Period of Annual Use: May 1- October 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 21-T9N-R5E

Land to be Irrigated: SE ¼ Sec 21-T9N-R5E

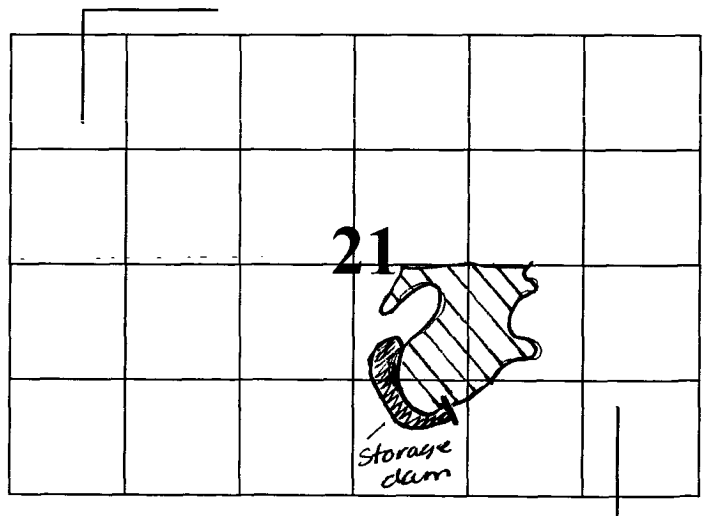
Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: John Schmidt, NRCS



Reviewed and the Number Assigned on: 2-11-03

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1785-1

Date of first receipt of application February 7, 2003.

Date of return to applicant for corrections, amendments or changes February 7, 2003.

Date of receipt of corrected application February 10, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1785-1 to Jerry Seaman, RR 1 Box 131, Newell SD 57760-0275 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. 1785-1 appropriates 0.44 cubic feet of water per second of runoff which accumulates in a 4.3 acre-feet storage dam located in the SW ¼ SE ¼ Section 21 with water impounded in the W ½ SE ¼ Section 21 to irrigate 30.6 acres located in the SE ¼ Section 21; all in T9N-R5E. The dam may receive return flows from the Belle Fourche Irrigation District.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31 (storage in dam year round for domestic purposes).
3. The date from which applicant may claim right is February 7, 2003.
4. The date of approval of Permit No. 1785-1 is April 28, 2003.
5. One-fifth of the construction is to be completed on or before October 28, 2005.
6. All construction is to be completed on or before April 28, 2008.
7. Water is to be put to beneficial use on or before April 28, 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 13 2003

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1785-1</u>	(office use only) Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Butte Co. Valley Irrigator, Newell</u>	

RECEIVED
FEB - 7 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant Jerry Seaman Phone 605-456-2712
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 275 RR 1 Box 131 Newell State SD 57760-0275
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.44 *CFS or 200 **GPM ***AF Total Acreage 30.6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Runoff and irrigation waste water
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Butte
SW 1/4 x SE 1/4, Sec 21 T9N R5E Water Impounded: W 1/2
SE 1/4 Sec 21-T9N-R5E
- County or counties where water will be used Butte
- Annual period during which water is to be used May 1 to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SE 1/4 Sec 21 T9N R5E	16.5		
SE 1/4 SE 1/4 Sec 21 T9N R5E	1.6		
SW 1/4 SE 1/4 Sec 21 T9N R5E	2.5		
NW 1/4 SE 1/4 Sec 21 T9N R5E	10.0		

- Give a description of the project. (Attach sheet if more space is needed)
Project involves installing a water storage dam to store run off and
irrigation waste water to pump irrigate 30.6 Acres of land.

STATE OF SOUTH DAKOTA) SS
County of Butte

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 Lee Seaman, 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 Lee Seaman

Subscribed and sworn to before me this 6th day of February 2003

DIANA D. PAGE
My Commission Expires Jan. 10, 2008

Diana D. Page
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

3. Dugout Information

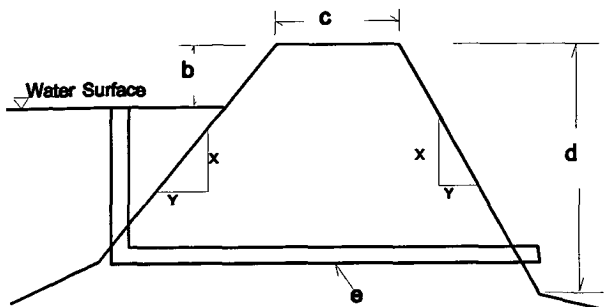
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

Natural Resources Conservation Service
1837 5th Ave. South
Belle Fourche SD 57717



- b) Freeboard 3 Ft.
- c) Crest Width 12 Ft.
Crest Length 30 Ft.
- d) Height 10 Ft.
- e) Primary Outlet Capacity 8.8 CFS
If pipe, diameter 12 in.
- f) Secondary Spillway Capacity 250 Ft.
Spillway Width 50 Ft.
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 1.0 Ac
- i) Storage 4.3 Acre Feet
- j) Drainage Area Above Dam 316 Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 20 03

RECEIVED OF Jerry Lee Seanna, RR 1 Box 131, Newell SD 57760

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

Fee for Application for Permit No. <u>1725-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1725-1</u>	50	00
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	200.00

No.

000848

By

Darland Erbe

Chief Engineer

gm



Lohmiller silty clay loam, 0 to 2 percent slopes (LnA).—This soil is on bottom land and low terraces along the Belle Fourche River and its tributaries. Areas are irregular in shape and range from 5 to 300 acres in size. This soil has the profile described as representative of the series, but in the vicinity of Fruitdale the underlying material below a depth of 30 inches is more sandy.

Included with this soil in mapping are areas of Glenberg and Haverson soils in areas where the alluvium is less clayey.

This Lohmiller soil takes in water slowly. Available water capacity is moderate or high. Fertility is low, but crops respond well to commercial fertilizer. The soil is high in content of lime and blows easily. Runoff is slow. Some areas receive additional moisture in the form of runoff from adjacent sloping soils.

Many areas are cultivated and irrigated. The soil is well suited to all crops grown under irrigation in the county. Conserving moisture and controlling soil blowing are the main concerns in management. Clayey range site; capability units I-1 irrigated and IIIc-2 dryland; windbreak group 1.

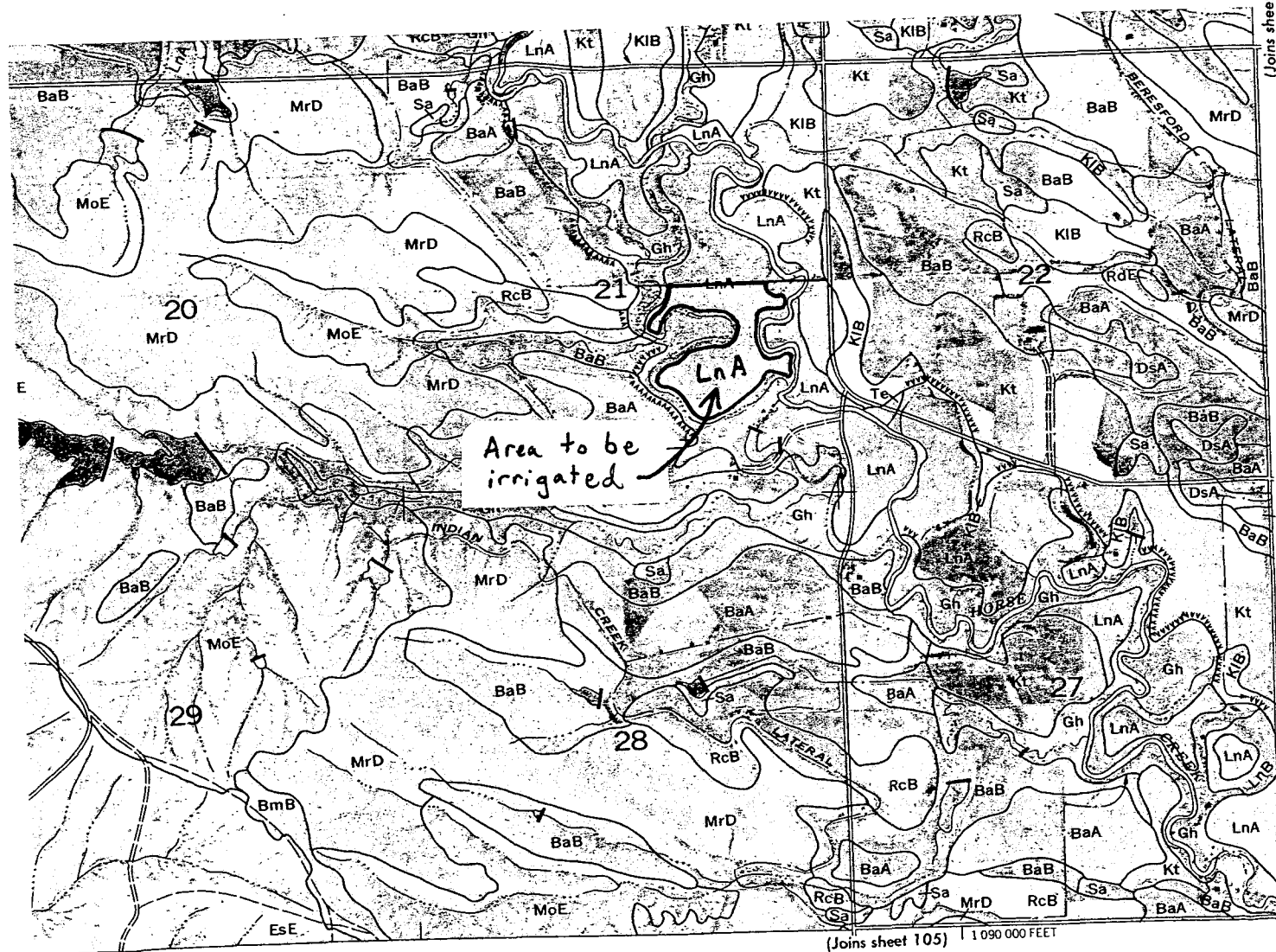
2 Miles
10000 Feet

Scale 1:24,000

34000 FEET
1 0 1000 2000 3000 4000 5000

(Joins sheet 105) 1 090 000 FEET

(Joins sheet 96)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2003

Jerry Seaman
PO Box 275
Newell SD 57760-0275

Dear Mr. Seaman:

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

Item No. 2 of the application indicates the amount of water claimed to be 0.87 cubic feet of water per second (cfs) or approximately 390 gallons per minute (gpm). State Statutes limit diversions to 1 cfs for each 70 acres irrigated. This would mean that you are allowed 0.44 cfs or approximately 200 gpm for the 30.6 acres to be irrigated. We understand that in order to accommodate some types of irrigation systems, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Water Rights Program - File Documentation

NAME: Jerry Seaman

ADDRESS: Newell SD

DATE: 2-10-2003 **COUNTY:** Butte **TELEPHONE:** 605 456-2712

RE: Pending application

COMMENTS:

Jerry Seaman called regarding my letter dated February 7, 2003. Mr. Seaman stated he had Tom Verhelst, NRCS help prepare the application. He originally applied for 0.87 cfs because this would cover any losses that could occur with the system.

Mr. Seaman stated the application should be amended to 0.44 cfs or 200 gpm which is the statutory limit for irrigation of 30.6 acres. Mr. Seaman stated that was all his pump was capable of pumping anyway.

Mr. Seaman stated he understood if he got a larger pump at some future time, he would have to make application to increase the diversion rate.



Karen Schlaak
Environmental Scientist

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Jerry Seaman

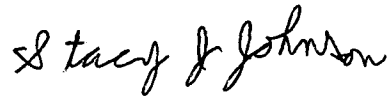
File No. 1785-1

Address: PO Box 275, Newell, SD 57760 **County:** Butte

Date: February 28, 2003 **Telephone:** (605) 456-2712

RE: Water Permit No. 1785-1

Comments: Jerry called me about the message I left for him about if there is any pipe going through the Indian Creek Lateral on his land. He told me that west of the existing dam there is a 2 foot pipe going through Indian Creek Lateral. He told me that he replaced this pipe two years ago. He told me that there is a pipe south of the existing dam in the Indian Creek Lateral. I told him that from looking at the aerial photo of the project area it looked like there was pipe in Indian Creek Lateral.



Stacy J. Johnson
Natural Resources Project Engineer

RECEIVED

MAR 13 2003

WATER RIGHTS
PROGRAM

March 7, 2003

Jerry Seaman
RR 1 Box 131
Newell, SD 57760

Dear Mr Seaman:

We have received your water sample. It has been assigned number 03-0017. I am enclosing a copy of your analysis results.

The salinity hazard of this water is high, as indicated by the electrical conductivity (EC) of 2361 micromhos per cm. This salinity level means that you should plan to do some salt leaching over the life of the irrigation system. As you probably know, salts in the irrigation water and in the root zone interfere with the crop's ability to absorb water, even if adequate water is present in the root zone. The management method to help avoid salinity effects is to leach the salts downward, out of the root zone. This can be accomplished by occasionally applying extra irrigation water or if you get a big rain, especially when the root zone is already wet. The extra water in the root zone will drain downward and carry some of the salts with it. This assumes that the Lohmiller soil has adequate permeability to allow water to drain downward and that there is no water table close to the soil surface (within a couple feet or so) that prevents such drainage. The description of the soil that you included indicates that adequate drainage capacity may exist for the Lohmiller soil, especially where the underlying soils are sandy.

Salt accumulation is a long-term process. If little or no leaching takes place during the first year or two or three of irrigation, you still may not see adverse effects due to salinity. Over time periods such as many years, however, salt will accumulate if not leached adequately and you probably will see adverse effects due to salinity.

The sodium content of this water also poses an irrigation hazard. The adjusted sodium adsorption ratio (SAR) of 7.92 indicates a medium to high sodium risk when irrigating with this water. As you probably know, the danger of irrigating with sodic water is soil particle dispersion at the soil surface, which can result in reduced infiltration rates and problems getting the water into the soil where the crop roots can use it. With reduced infiltration rates, you will see increased runoff from the field. Because your water is quite saline, the effects of the sodium may be suppressed. The Lohmiller soil that you plan to irrigate is noted to have a slow infiltration rate ("This Lohmiller soil takes in water slowly."). The sodium in the irrigation water will make this slow infiltration rate worse, if anything. If you plan to use a surface irrigation method (furrows or borders), the infiltration reduction may not be critical. If you plan to use sprinkler irrigation, the slow infiltration rate combined with any further reduction due to sodium in the irrigation water may result in unacceptably slow infiltration and excessive runoff.

I am the person that left a message on your answering machine late last week. I didn't call back but feel free to call me if you have any questions.

Thank you for sending your water sample. If you have any other questions, don't hesitate to contact us.

Sincerely

Todd P Trooien
Natural Resources Engineer

cc: SD Division of Water Rights

REPORT OF WATER ANALYSIS

Water Quality Laboratory Water Resources Institute South Dakota State University

Ag Engineering 211 -- Box 2120 Brookings, SD 57007 -- Phone (605) 688-4910 Fax (605) 688-4917 -- Email nancy_stuefen@sdstate.edu
http://wri.sdstate.edu

Bill to: Copy: SD Water Rights
Joe Foss Bldg

Submitted by: Jerry Seaman
RR 1 Box 131

Lab Sample #: 03-0017

Site Name:

57501

57760

Date Rec'd: 02/11/2003

Date out of lab: 02/13/2003

County:

Date sampled:

Time sampled:

Source:

Irrigation Analysis

Calcium (Ca)	204.00 ppm	10.200 meq/l
Magnesium (Mg)	150.00 ppm	12.300 meq/l
Sodium (Na)	245.00 ppm	10.657 meq/l
Potassium (K)	18.00 ppm	0.468 meq/l
Alkalinity (Methyl Orange)	172.00 ppm (as CaCO ₃)	
Alkalinity (Phenolphthalein)	ppm (as CaCO ₃)	
Bicarbonate (HCO ₃)	209.87 ppm	3.44 meq/l
Carbonate (CO ₃)	0.00 ppm	0.00 meq/l
Boron (B)	0.47 ppm	
Sulfate (SO ₄)	1416.00 ppm	29.482 meq/l
Nitrate as N (NO ₃)	0.28 ppm	0.020 meq/l
Chloride (Cl)	44.00 ppm	1.232 meq/l
Electrical Conductivity	2361 Micromhos per cm at 25 degrees C	
pH	7.12	
Sodium Adsorption Ratio (SAR)	3.18	
Adjusted SAR	7.92	

Service Performed: Irrigation Analysis

Analysis Cost: 84.50

Amount Received: 50.00

Analysis by: Shirley Mittan

Sales Tax: 3.38

Amount Due: 37.88

CC:

Total Cost: 87.88

gpg = grains per gallon ppm = parts per million meq/l = milliequivalents per liter

Make checks payable to:
SDSU Water Quality Lab
Please write lab number on your check!

Comments:

Lab sample # 03-0017



**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. 1785-1, Jerry Seaman**

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. 1785-1, Jerry Seaman, PO Box 275, Newell SD 57760-0275.

The Chief Engineer is recommending APPROVAL of Application No. 1785-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 1, 2003

NOTE: The water sample analyzed by the Water Resources Institute at SDSU indicates that the salinity and sodium content of the water may require specific irrigation methods to be implemented. I encourage you to consult with the Water Resources Institute or other qualified soils scientist to formulate an irrigation management plan which will maintain the suitability of the soil for plant growth and avoid damage to the soil structure.

REPORT ON WATER PERMIT APPLICATION NO. 1785-1

Jerry Seaman
March 17, 2003

Water Permit Application No. 1785-1 proposes to appropriate 0.44 cubic feet of water per second (cfs) of runoff from a 4.3 acre-feet storage dam to irrigate 30.6 acres. This application proposes irrigating lands located in the SE ¼ Section 21, T9N-R5E. The storage dam will be located in the SW ¼ SE ¼ and water impounded in the W ½ SE ¼ Section 21, T9N-R5E.

This project is located approximately four miles northwest of the town of Newell in Butte County.

Review of the Proposed Project and Existing Water Rights

The proposed dam will be 10 feet high with a storage capacity of 4.3 acre-feet. Due to the small size of the dam, the design of the structure is not subject to the requirements of the Safety of Dam Rules, Chapter 74:02:08. Although the dam is exempt from the Safety of Dam Rules, the spillway will pass more than a 100 year runoff event.

The source of water for this project is an unnamed tributary to Horse Creek which flows to the Belle Fourche River. In addition this project may receive a small amount of irrigation return flow from the Belle Fourche Irrigation District. Lands for this project are within the Belle Fourche Irrigation District.

The Indian Creek Lateral ditch bisects this project's watershed. In a conversation with the Water Rights Program, Mr. Seaman related that there is pipe through Indian Creek Lateral west of an existing dam on his land. Water from the upper watershed flows through the pipe to the existing dam. The project receives overflow from the existing dam. The pipe through the Indian Creek Lateral also conveys water from the upper watershed to the lower watershed. Under normal conditions, it would be expected that the tributary would flow during spring runoff and following some rain events in the watershed. The unnamed tributary can not be considered a reliable water source; there will be times when water will not be available for this project.

There is a United States Geological Survey (USGS) gauging station downstream of this project on Horse Creek above Vale. The gauging station is located in the SE ¼ NE ¼ SE ¼ Section 14, T8N-R6E. There are 11 water rights located between the proposed project and the gauging station. The total diversion rate of these water rights is 16.73 cfs. Flows at this gauging station ranges from 0 to 28 cfs from May to October at the 90% probability level and from 4 to 48 cfs from May to October at the 50% probability level. The above probability levels were obtained using data from this station from 1981 to 2001. A graph of this USGS gauging station data can be found as Attachment 1. Based on the USGS gauging station information water would be available for this project during wet years and possibly during spring runoff events. The watershed for this project is very small and should not take away from the flow in Horse Creek.

There are several existing downstream water rights located on the Belle Fourche River below the confluence of Horse Creek with the Belle Fourche River. It is not likely under most conditions

that these water rights would be adversely impacted by this project if it is approved. The project's watershed is very small and periods of low flow in the Belle Fourche River, would more than likely correspond with periods of low flow in Horse Creek and its tributaries.

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

1. Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

Another concern to the applicant with this project is a soil/water compatibility problem. Long term use of this water may cause soil infiltration problems. The applicant needs to be aware of this potential problem.

Conclusions

1. This application proposes to appropriate 0.44 cfs runoff from a 4.3 acre-feet storage dam for irrigation purposes.
2. Based on the USGS gauging station information water would be available for this project during wet years and possibly during spring runoff events. The watershed for this project is very small and should not take away from the flow in Horse Creek.
3. There are several existing downstream water rights located on the Belle Fourche River below the confluence of Horse Creek under most conditions these water rights will not be adversely impacted by this project.
4. If this application is approved, there may be limited occasions when downstream domestic use and senior water rights may be impacted by this project. To address these occasions, the permit should be issued with the following qualifications:
 - a) Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.
 - b) Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Stacy J. Johnson
Natural Resources Project Engineer

Reviewed by:



For Lynn Beck
Natural Resources Engineer Specialist

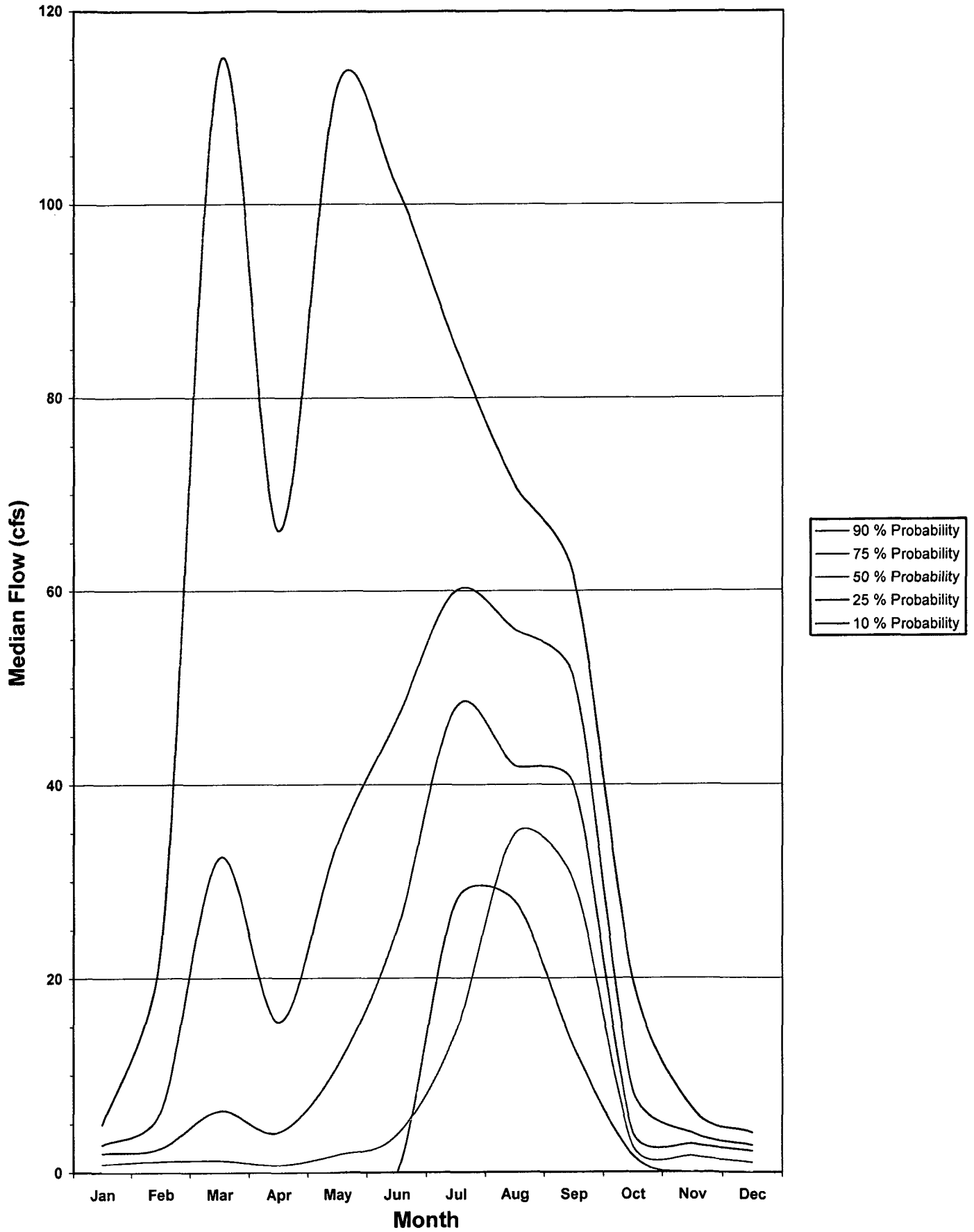
References

Water Rights Program files 2003, DENR-Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD 57501.

United States Geological Survey, Water Resources Data for South Dakota. USGS 1608 Mt. View Road, Rapid City, SD 57702.

Attachment 1

Horse Creek above Vale
1981-2001



Water Permit Application No. 1785-1

Jerry Seaman

Watershed Area

$$\frac{169 \text{ dots}}{40 \text{ acres}} = \frac{308 \text{ dots}}{x}$$

$$169 \text{ dots } x = 308 \text{ dots } (40 \text{ acres})$$

$$x = \frac{12300 \text{ dots } \text{acres}}{169 \text{ dots}} = 72.89 \text{ acres} \times \frac{1 \text{ mi}^2}{640 \text{ acres}} = 0.114 \text{ mi}^2$$

Slope 1

$$2.625 \text{ in} = 5280 \text{ ft}$$

$$2.5 \text{ in} = x$$

$$2.625 \text{ in } x = 5280 \text{ ft} (2.5 \text{ in})$$

$$x = \frac{13200 \text{ ft in}}{2.625 \text{ in}} = 5028 \text{ ft}$$

$$\text{slope 1} = \frac{2930' - 2850'}{5028'} = \frac{80'}{5028'} = \frac{0.016'}{1'} \times \frac{5280'}{1 \text{ mi}} = \frac{84'}{\text{mi}}$$

Slope 2

$$2.625 \text{ in} = 5280 \text{ ft}$$

$$0.625 \text{ in} = x$$

$$2.625 \text{ in } x = 5280 \text{ ft} (0.625 \text{ in})$$

$$x = \frac{3300 \text{ ft in}}{2.625 \text{ in}} = 1257 \text{ ft}$$

$$\text{slope 2} = \frac{2850' - 2830'}{1257'} = \frac{20'}{1257'} = \frac{0.016'}{1'} \times \frac{5280'}{1 \text{ mi}} = \frac{84'}{\text{mi}}$$

Slope 3

$$2.625 \text{ in} = 5280 \text{ ft}$$

$$0.3125 \text{ in} = x$$

$$2.625 \text{ in } x = 5280 \text{ ft} (0.3125 \text{ in})$$

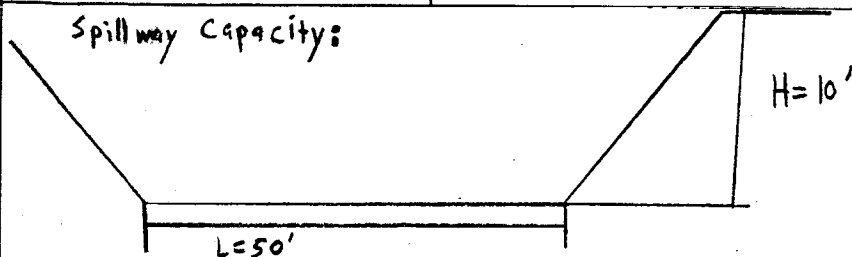
$$x = \frac{1650 \text{ ft in}}{2.625 \text{ in}} = 628 \text{ ft}$$

$$\text{slope 3} = \frac{2850' - 2820'}{628'} = \frac{30'}{628'} = \frac{0.048'}{1'} \times \frac{5280'}{1 \text{ mi}} = \frac{252 \text{ ft}}{\text{mi}}$$

$$\text{Total slope} = \text{slope 1} (0.66) + \text{slope 2} (0.16) + \text{slope 3} (0.16)$$

$$\text{Total slope} = \frac{84 \text{ ft}}{\text{mi}} (0.66) + \frac{84 \text{ ft}}{\text{mi}} (0.16) + \frac{252 \text{ ft}}{\text{mi}} (0.16) = \frac{112 \text{ ft}}{\text{mi}}$$

Spillway Capacity:



Freeboard = 3'

$$Q = CLH^{\frac{3}{2}}$$

C = Constant = 2.6

L = Bottom width or spillway width

H = Height or freeboard

$$Q = CLH^{\frac{3}{2}} = 2.6(50')(3')^{\frac{3}{2}} = 675 \text{ cfs}$$

$$Q_{25} = 83.4 A^{0.60} S^{0.44} S_i^{-0.72}$$

$$Q_{50} = 106 A^{0.63} S^{0.45} S_i^{-0.69}$$

$$Q_{100} = 132 A^{0.65} S^{0.46} S_i^{-0.67}$$

A = Calculate size of watershed = mi^2 S = Slope = $\frac{ft}{mi}$ S_i = Soil infiltration, use map of state

$$A = 0.114 \text{ mi}^2$$

$$S = \frac{112 \text{ ft}}{\text{mi}}$$

$$S_i = 2.50 \text{ inches}$$

$$Q_{25} = 83.4 (0.114 \text{ mi}^2)^{0.60} \left(\frac{112 \text{ ft}}{\text{mi}} \right)^{0.44} (2.50 \text{ inches})^{-0.72} = 93 \text{ cfs}$$

$$Q_{50} = 106 (0.114 \text{ mi}^2)^{0.63} \left(\frac{112 \text{ ft}}{\text{mi}} \right)^{0.45} (2.50 \text{ inches})^{-0.69} = 120 \text{ cfs}$$

$$Q_{100} = 132 (0.114 \text{ mi}^2)^{0.65} \left(\frac{112 \text{ ft}}{\text{mi}} \right)^{0.46} (2.50 \text{ inches})^{-0.67} = 152 \text{ cfs}$$

$$Q_{\text{spillway}} > Q_{100} \therefore \text{OK.}$$

Water Permit Application No. 1785-1



Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 2-28-03



Butte Hydrology

Butte Sections

• Wr_gis.dbf

Water Permit Application No. 1785-1



2 0 2 4 Miles



Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 2-28-03



Butte Hydrology

Butte Sections

• Wr_gis.dbf



**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.

April 2, 2003

Jerry Seaman
PO Box 275
Newell SD 57760-0275

Dear Mr. Seaman:

Water Permit Application No. 1785-1 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 Butte Co Valley Irrigator printed at Newell, SD (Ph # 605-456-2585). 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

April 2, 2003

Butte Co. Valley Irrigator
PO Box 167
Newell SD 57760-0167

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1785-1 to Appropriate Water to be published twice. Please publish the first notice on April 9, 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 Jerry Seaman, PO Box 275, Newell SD (Ph # 605-456-2712).

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. 1785-1

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

Date _____

We are in receipt of your letter of April 2, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1785-1 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 April 9, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1785-1 to Appropriate Water

Notice is given that Jerry Seaman, PO Box 275, Newell SD 57760-0275 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second of runoff from a 4.3 acre-feet storage dam located in the SW ¼ SE ¼ Section 21 with water impounded in the W ½ SE ¼ Section 21 to irrigate 30.6 acres located in the SE ¼ Section 21; all in T9N-R5E. The dam may receive return flows from the Belle Fourche Irrigation District.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1785-1 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 28, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Butte)I, Lori Doughton

certify that the attached printed Notice was taken

from the Butte County
Valley Irrigatorprinted and published in SturgisCounty of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 10, 2003April 17, 2003Cost of Printing \$32.92Lori Doughton
(Signature)Office Manager
(Title)April 17, 2003
(Date Signed)

Thursday, April 17, 2003

PUBLIC NOTICE

NOTICE OF APPLICATION
NO. 1785-1 to Appropriate
Water

Notice is given that Jerry Seaman, RR 1 Box 131, Newell SD 57760 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second of runoff from 4.3 acre-feet storage dam located in the SW 1/4 SE 1/4 Section 21 with water impounded in the W 1/2 SE 1/4 Section 21 to irrigate 30.6 acres located in the SE 1/4 Section 21; all in T9N-R5E. The dam may receive return flows from the Belle Fourche Irrigation District.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1785-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) its is 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 28, 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 is obtained. Contact Eric Gronlund at the above

Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published Thursday, March 20, 27, April 3, April 10, April 17, April 24, May 1, May 8, May 15, 2003
Butte County Valley Irrigator

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APR 21 2003

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 13 2003

Jerry Seaman
RR 1 Box 131
Newell SD 57760-0275

Dear Mr. Seaman:

Enclosed is Water Permit No. 1785-1 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



1785-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1785-1

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JERRY SEAMAN
18459 STONELAKE RD
NEWELL SD 57760 0275

are mailing.

Waiver of Signature ☐ YES ☐ NO

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 24, 2006

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 1785-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1785-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 15, 2007

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 1785-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

1785-1

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 5, 2008

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 1785-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1785-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1785-1


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- Notice Left, January 22, 2011, 3:24 pm, NEWELL, SD 57760
- Out for Delivery, January 22, 2011, 8:59 am, NEWELL, SD 57760
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JERRY SEAMAN
18459 STONELAKE RD
NEWELL SD 57760 0275

Waiver of Signature ☐ YES ☐ NOPostmark
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Form 3835, May 2008

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2011

NOTICE

TO: Jerry Seaman, 18459 Stonelake Rd, Newell SD 57760

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

SUBJECT: Unclaimed Mail Concerning Violation of Water Permit No. 1785-1

The attached notice was sent "Signature Confirmation" requested. The post office has returned the mail to our office marked "unclaimed" and indicated they notified you January 22nd to pick up and sign for the package.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 22, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2011 regarding unclaimed mail concerning violation of Water Permit No. 1785-1 addressed as stated below:

Jerry Seaman, 18459 Stonelake Rd, Newell SD 57760



Gail Jacobson
Secretary/Water Rights

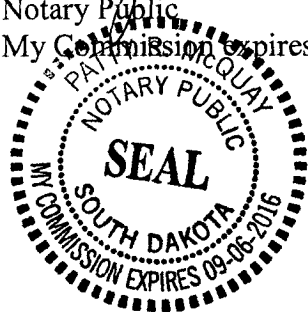
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 2011.



Patty McQuay
Notary Public

My Commission Expires September 6, 2016





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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March 3, 2011

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 1785-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1785-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 3, 2016

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760-0275

Dear Mr. Seaman:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 1785-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Permit Nos. 1785-1
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, **January 22, 2016**, made a thorough examination of the water use system constructed by **Jerry Seaman, 18459 Stonelake Rd, Newell, SD 57760** holder of Permit No. **1785-1**, bearing the priority of **February 7, 2003**, authorizing the diversion of **0.44** cubic foot of water per second (cfs), of the waters of the **surface water runoff and irrigation waste water** for **irrigation purposes**, in **Butte County**.

I have to report on the condition of the same as follows:

A. Works used to divert the water:

Pump/Motor:

- 1) **Make: unknown**
- 2) **Capacity: 200 gpm**

B. Works used to transport/apply water to beneficial use:

Surface water runoff and irrigation waste water are impounded in a 4.3 acre-foot dam which is used for irrigation purposes.

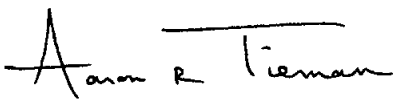
The system is in the following condition **good**. The point of diversion is located **900 feet N and 1475 feet W from the SE corner of Section 21, T9N-R5E (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Lat/Lon N44.722373/W-103.512543**. The works are capable of diverting and conveying to the place of use **0.44** cfs which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.44** cfs. Water has been put to beneficial use to the maximum extent as follows:

Section 21, T9N-R5E
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 10.0 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 16.5 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 2.5 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 1.6 acres
30.6 acres

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

Exceptions to compliance are: **none**

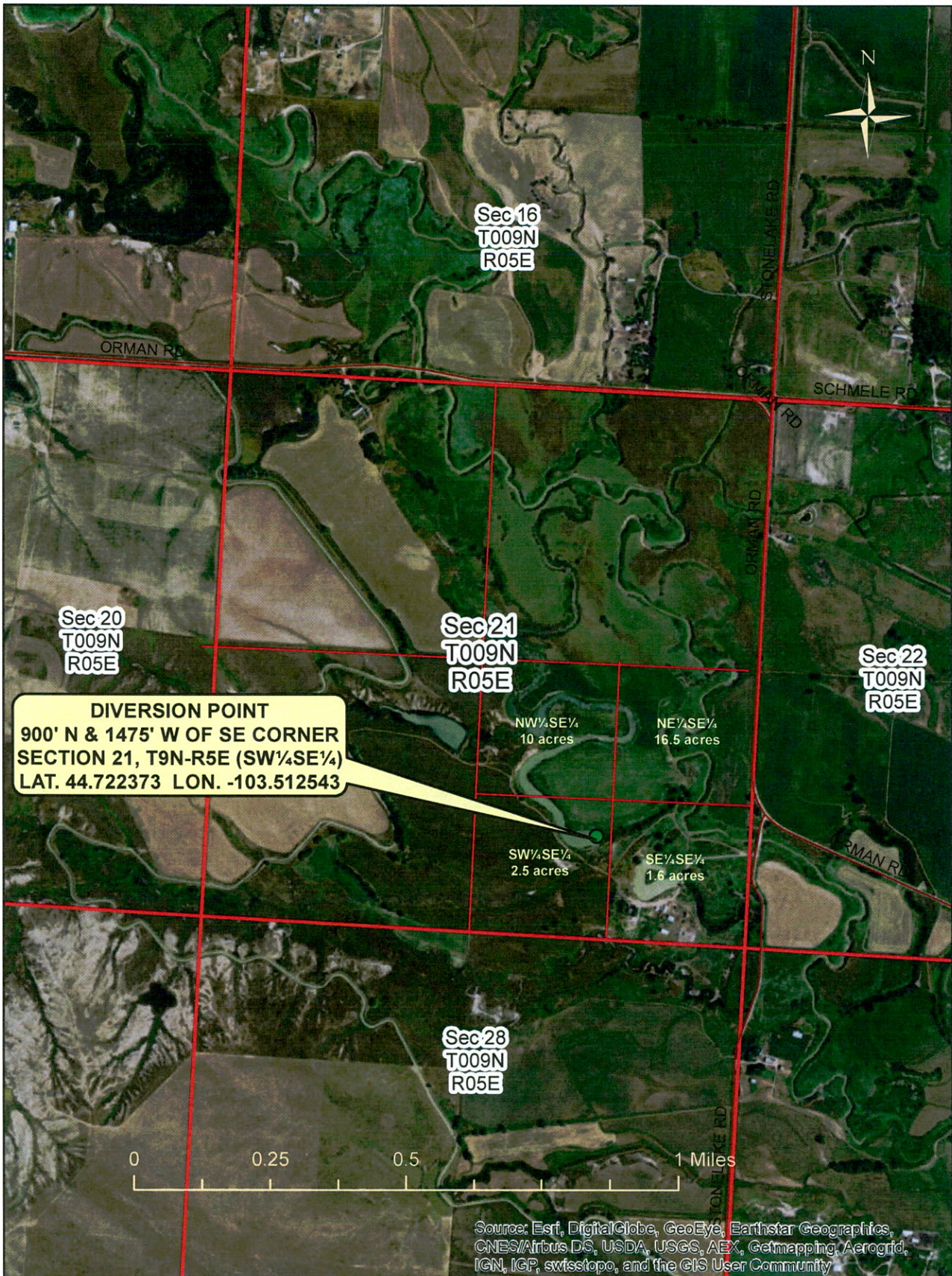
Comments:



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

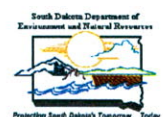
Date report completed: **June 22, 2016**

WATER PERMIT NO. 1785-1
JUNE 22, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DNR Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 01 2016

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760

Dear Mr. Seaman:

Enclosed is Water License No. 1785-1. 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.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1785-1**

(1) Jerry Seaman, 18459 Stonelake Rd, Newell SD 57760 made Application No. 1785-1, February 7, 2003 for a water permit to divert 0.44 cubic feet of water per second from runoff, which accumulates in a 4.3 acre-feet storage dam located in Butte County, South Dakota used for irrigation and domestic purposes. Permit No. 1785-1, with a priority date of February 7, 2003 was approved April 28, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2008 and for the application to beneficial use of said water on or before April 28, 2012.

(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 0.44 cubic feet of water per second for beneficial use.

The location of the diversion point is 900 feet N and 1,475 feet W of the SE corner of Section 21, T9N, R5E (SW ¼ SE ¼). Runoff water and irrigation waste water are impounded in the 4.3 acre feet dam.

(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 21, T9N, R5E	NW ¼ SE ¼	10.0 acres
	NE ¼ SE ¼	16.5 acres
	SW ¼ SE ¼	2.5 acres
	SE ¼ SE ¼	1.6 acres
	Total	30.6 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry Seaman, 18459 Stonelake Rd, Newell SD 57760 the holder and/or owner of Water Right No. 1785-1 is issued a license to appropriate water, the right to use 0.44 cubic feet of water per second from runoff accumulated in a 4.3 acre-feet storage dam with a priority date of February 7, 2003 from the location specified in (2) of this license for irrigation and domestic purposes.

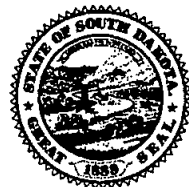
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1785-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- 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

JUL 01 2016
date





1785-1

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JERRY SEAMAN, 18459 STONELAKE RD, NEWELL, SD 57760 0275

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1785-1. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1785-1 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1785-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GZNRQF**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 14, 2022

1785-1

Jerry Seaman
18459 Stonelake Rd
Newell SD 57760-0275

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1785-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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