

WATER PERMIT NO. 1808-1

Name of Applicant: Tom R Seaman

Address: HC 76 Box 3, Newell SD 57760 Phone: 605 456-2678

Amount of Water Claimed: 2.0 cfs Total Acres: 145

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Butte

Type of Waste Disposal System:

Location: 3 miles southwest of Newell

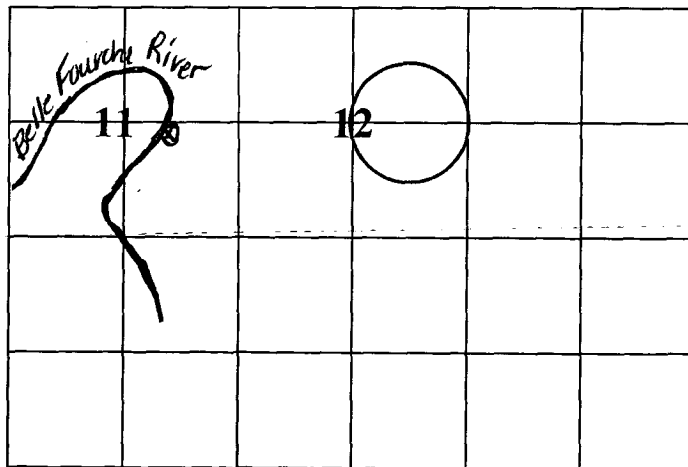
PRIORITY Date Received: 9-29-03 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 11-T8N-R5E

Land to be Irrigated: S ½ NE ¼, N ½ SE ¼ Sec 12-T8N-R5E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Barry ? Butte Co Extension Office

Reviewed and the Number Assigned on: 9-29-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1808-1 FOR IRRIGATION

Date of first receipt of application September 29, 2003.

The Water Management Board approved Water Permit No. 1808-1 on December 3, 2003 for Tom R Seaman, 12941 US Hwy 212, Newell SD 57760 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. 1808-1 appropriates 2.0 cubic feet of water per second from the Belle Fourche River located in the NW ¼ SE ¼ Section 11 to irrigate 145 acres located in the S ½ NE ¼, N ½ SE ¼ Section 12; all in T8N-R5E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 29, 2003.
4. One-fifth of the construction is to be completed on or before June 3, 2006.
5. All construction is to be completed on or before December 3, 2008.
6. Water is to be put to beneficial use on or before December 3, 2012.
7. 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. Diversions under this permit shall be in accordance with 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

DEC 29 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>1808-1</u> (office use only)	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Butte Co. Irrigator, Newell</u>	

RECEIVED
SEP 29 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.) _____

1. Name of Applicant Tom R. Seaman Phone 605-456-2678
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address Hc 76 Box 3 Newell State S.D. 57760
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.0 *CFS or **GPM ***AF Total Acreage 145
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Belle Fourche River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Pump in NW1/4 SE1/4 SEC 11T8N R5E County Butte
5. County or counties where water will be used Butte
6. Annual period during which water is to be used May through September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 NE 1/4 Sec. 12	36.25		
SE 1/4 NE 1/4 Sec. 12	36.25		
NW 1/4 SE 1/4 Sec. 12	36.25		
NE 1/4 SE 1/4 Sec. 12	36.25		

8. Give a description of the project. (Attach sheet if more space is needed)
Applying for a pumping permit for a center pivot irrigation system.

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, Tom R. 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 Tom R. Seaman

Subscribed and sworn to before me this 36th day of September 2003

DIANA D. PAGE

My Commission Expires Jan. 10, 2008

Notary Public signature

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 29, 20 03

RECEIVED OF Tom Seaman, HC 76 Box 3, Newell SD 57760

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

Fee for Application for Permit No. <u>1808-1</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>1808-1</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	250.00

No. 000005

By Darlene E. White
Chief Engineer

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WELAND MAP

Butte County
Butte County
Extension Educator

9/26/03

SEE

See Map
018

Belle Fourche
River

Pump
Location

⑦ 17.9 H&L

① H&L ⑥ 12.8

② 4.6

① 13.7 H&L

⑤ 16.7 H&L

T1184
T3050

③ 9.1 H&L

④ 56.1 H&L

② 11.8

T1184

① 90.4 H&L

T2815

019 T1248

1808-1

MAP NOT TO SCALE *Tom Seaman*
THIS IS NOT AN OFFICIAL WETLAND MAP #396





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2003

Curt Anderson
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Clint Pitts
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Gentleman:

Enclosed is a copy of the report, recommendation and public notice on Water Permit Application No. 1808-1 filed by Tom Seaman. The notice of hearing is scheduled to be published in the Butte Co. Irrigator on November 5 and 12, 2003. The notice schedules a December 3rd hearing before the Water Management Board.

This information is being sent to you because of the Bureau of Reclamation and the Belle Fourche Irrigation District's continuing interest in water right issues in this area.

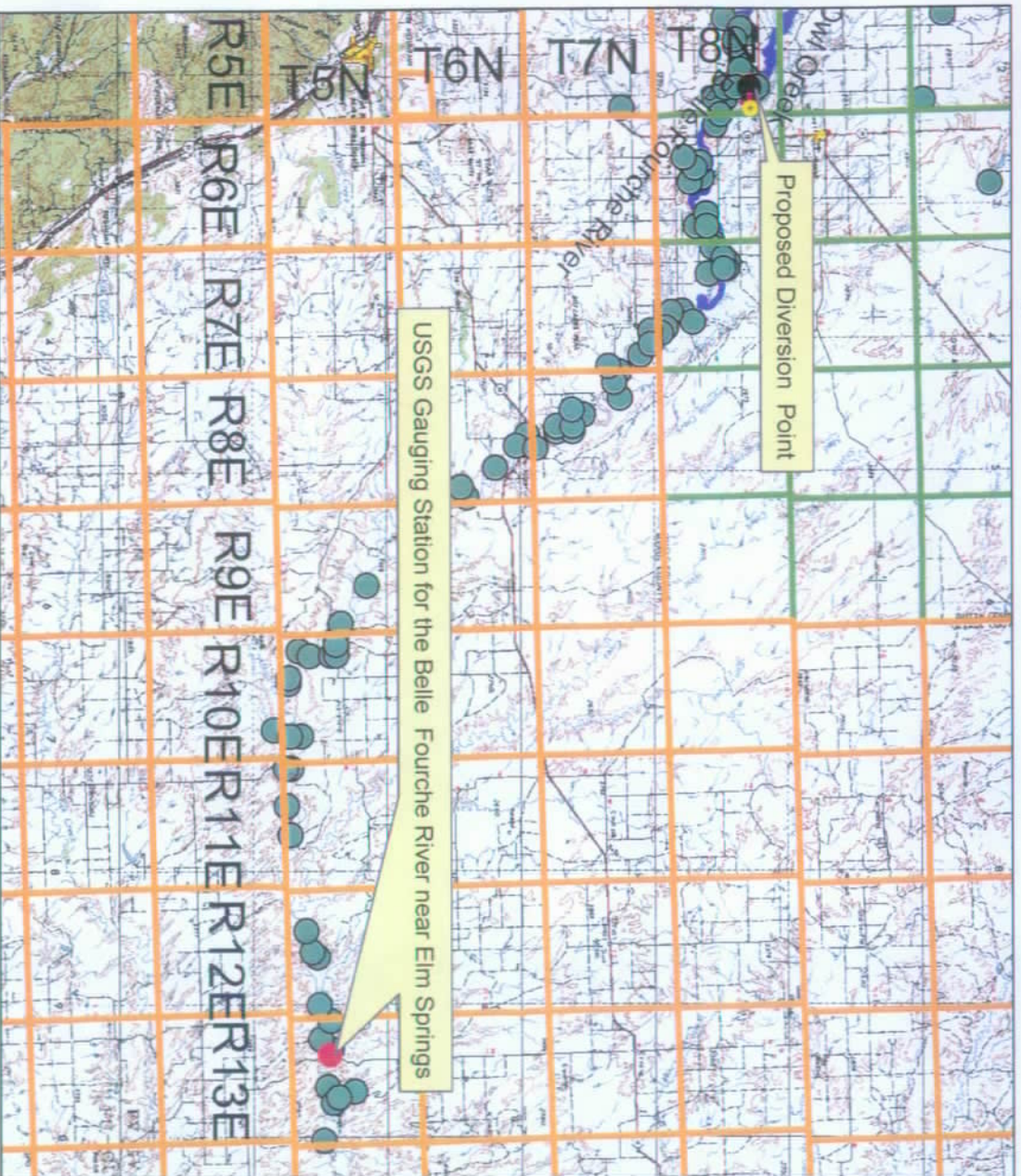
If you have any questions, please contact Mark Rath or myself at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Water Permit Application No. 1808-1



Legend

- Meade Township/Range
- Butte Township/Range
- Water Rights/Permits
- Butte Hydrology



Stacy Johnson
 Stacy J. Johnson
 Natural Resources Project Engineer
 SD DENR Water Rights Program
 Date 10-9-03

REPORT ON WATER PERMIT APPLICATION NO. 1808-1

Tom R Seaman

October 10, 2003

Water Permit Application No. 1808-1 proposes to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River and to irrigate 145 acres. This application proposes irrigating lands located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T8N-R5E. The diversion point will be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T8N-R5E.

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

Review of the Proposed Project and Existing Water Rights

Portions of lands to be irrigated under this application were once covered under Water Right No. 417-1B held by the applicant. This right was cancelled on May 5, 1999, by the Water Management Board.

The source of water for this project is the Belle Fourche River downstream from the Belle Fourche Diversion Dam and below the confluence with Owl Creek, a major source of return water from the Belle Fourche Irrigation District. The Belle Fourche Irrigation District releases water from the Belle Fourche Reservoir into irrigation canals. The canals supply water to lateral ditches and eventually to the irrigator's land. The runoff water from irrigating the land goes into return water wasteways. The return water eventually flows into creeks and rivers such as Owl Creek and the Belle Fourche River and becomes available for other uses.

There is a United States Geological Survey (USGS) gauging station downstream of this project on the Belle Fourche River near Elm Springs. The gauging station is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T5N-R13E. There are 48 water permits/rights located between the proposed project and the gauging station. The total diversion rate of these water permits/rights is 127.58 cfs. Flows at this gauging station ranges from 36 to 94 cfs from May to September at the 90% probability level and 68 to 187 cfs from May to September at the 75 % probability level (Table 1). A graph of this USGS gauging station data can be found as Attachment 1.

Table 1 Probability of flow based upon median monthly data collected at the USGS gauging station on the Belle Fourche River near Elm Springs for years 1934-2002.

Flow Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 %	4	5	34	43	36	94	78	80	65	37	33	13
75 %	11	20	57	65	68	169	187	167	133	54	42	25
50 %	25	37	110	171	233	317	269	242	224	70	59	35
25 %	46	100	510	575	738	797	384	321	286	97	83	50
10 %	106	373	1502	1244	1620	2136	647	419	346	172	141	89

Based on the USGS gauging station information water would be available for this project most of the time. During dry years water may not be available for this project.

There are four downstream water rights within one mile of the proposed project. One water right is located approximately 350 feet southeast from the proposed diversion point. These water rights appropriate 4.65 cfs from the Belle Fourche River for irrigation. During dry years the existing water rights may be adversely impacted by this project. If approved, this water permit would be junior to the downstream water permits/rights.

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.

Conclusions

1. This application proposes to appropriate 2.0 cubic feet of water per second (cfs) from the Belle Fourche River for irrigation purposes.
2. Based on the USGS gauging station information water would be available for this project most of the time. During dry years water may not be available for this project.
3. There are four downstream water rights within one mile of the proposed project. One water right is located approximately 350 feet southeast from the proposed diversion point. These water rights appropriate 4.65 cfs from the Belle Fourche River for irrigation. During dry years the existing water rights may be adversely impacted by this project. If approved, this water permit would be junior to the downstream water permits/rights.
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.


Fol Stacy J. Johnson
Natural Resources Project Engineer

Reviewed by:

A handwritten signature in black ink, appearing to read 'Mark D. Rath', written in a cursive style.

Mark D. Rath

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.

Water Permit Application No. 1808-1



0 1.5 Miles

Legend

- Water Rights/Permits
- Butte Hydrology
- Butte Sections

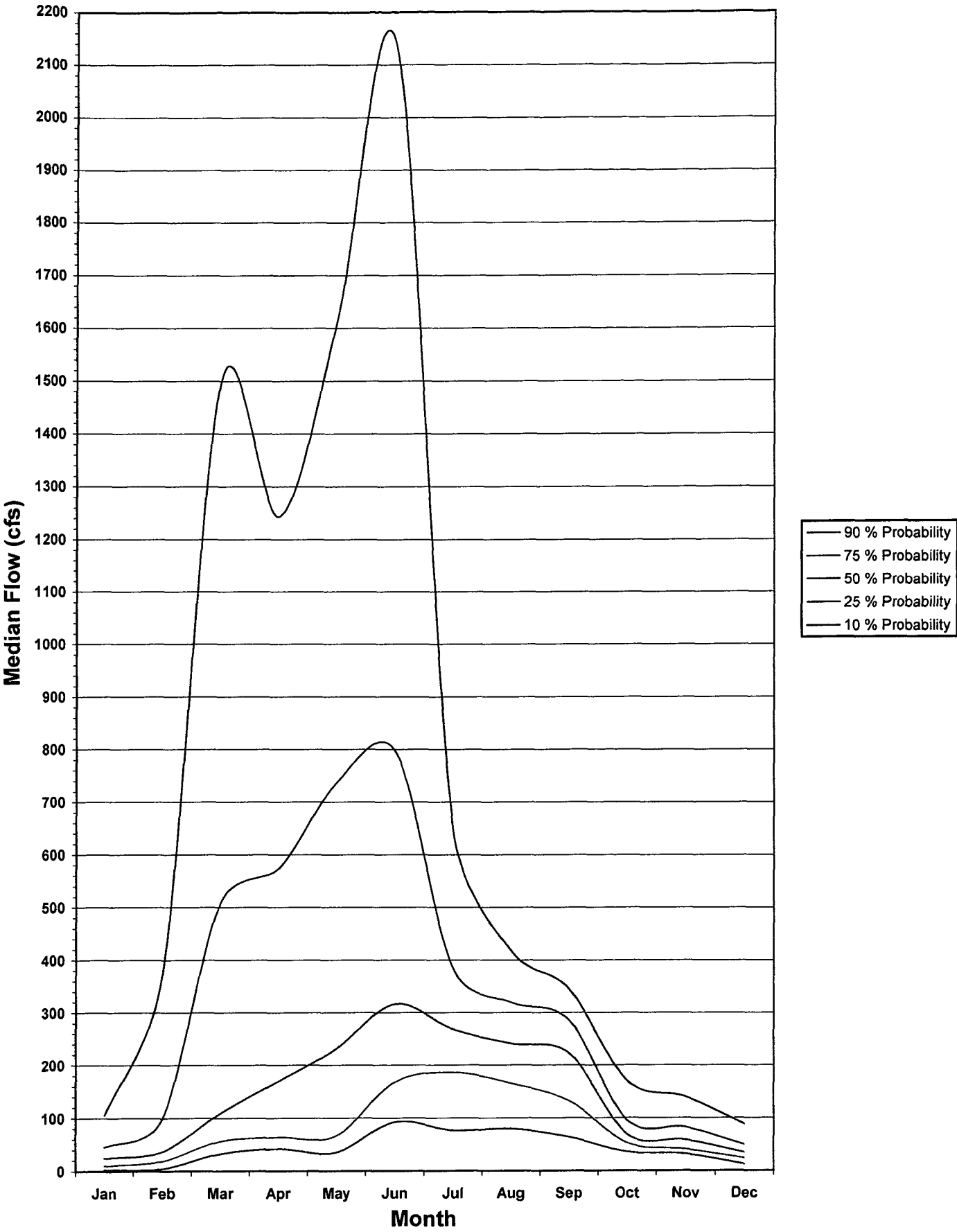


Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 10-7-03

Attachment 1

**Belle Fourche River near Elm Springs
1934-2002**





**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. 1808-1, Tom R. 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. 1808-1, Tom R. Seaman, HC 76 Box 3, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1808-1 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. Diversions under this permit shall be in accordance with 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
October 29, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

October 30, 2003

Tom R Seaman
HC 76 Box 3
Newell SD 57760

Dear Mr. Seaman:

Water Permit Application No. 1808-1 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. 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 /KS

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2003

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1808-1 to Appropriate Water to be published twice. Please publish the first notice on November 5, 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 Tom R Seaman, HC 76 Box 3, Newell SD (Ph # 605-456-2678).

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 /KS
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

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

No. 1808-1

Date _____

We are in receipt of your letter of October 30, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 1808-1 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 November 5, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1808-1 to Appropriate Water

Notice is given that Tom R Seaman, HC 76 Box 3, Newell SD 57760 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from the Belle Fourche River located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 to irrigate 145 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12; all in T8N-R5E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1808-1 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 24, 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.

The Water Management Board will consider this application at 10:00 A.M. December 3, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 3, 2003 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 24, 2003.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 24, 2003, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

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**Published Thursday,
November 6, 2003
And Thursday,
November 15, 2003
Butte County Valley Irrigator**

NOTICE OF HEARING on Application No. 1808- 1 to Appropriate Water

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AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF Butte County Valley Irrigator

Betty J. Bruner, Being duly sworn, says: That the Butte County Valley Irrigator is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDDCL 17-2-2, as amended, published at Newell, Butte County, South Dakota, by Country Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>Nov. 6</u>	<u>200 3</u>	<u>200</u>	<u>200</u>
<u>Nov. 13</u>	<u>200 3</u>	<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>

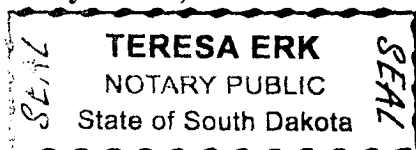
that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 51.04, insures solely to the benefit of the publisher of said newspaper, that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Betty J. Bruner
Office Manager

Subscribed and sworn to before me this

4th day of Dec, 2003
Teresa Erk

Notary Public, South Dakota



My Commission Expires Nov. 19, 2007

RECEIVED
DEC - 9 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

DEC 29 2003

Tom R Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. Seaman:

Enclosed is Water Permit No. 1808-1 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 May 17, 2004

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

FROM:

Tom R. Seaman
(name)

12941 US Highway 212
(address)

Newell S. DAK. 57760
(city, state, zip)

605-456-2678
(phone)

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

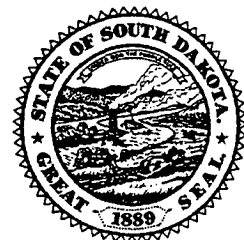
Water Permit No. 1808-1 states that the water use system is to be constructed by
Dec. 3-2008 (date), and water is to be put to beneficial use by Dec. 3, 2012 (date).

The water use system was completed on May 15, 2004 (date).

Applying the water to beneficial use was completed on May 15, 2004 (date).

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

Tom R. Seaman
(signature)



Permit No. 1808-1, Tom R. Seaman
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, August 9, 2006, made a thorough examination of the water use system constructed by Tom Seaman of 12941 US Highway 212, Newell SD 57760 holder of Permit No. 1808-1, bearing the priority of September 29, 2003 authorizing the diversion of 2.0 cfs of the waters of Belle Fourche River for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

The Belle Fourche River diversion works consists of a permanent intake (wet well design) with a turbine pump and motor.

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

Water from the permanent diversion works is conveyed via underground pipeline approximately 5,500 feet to the center pivot. There is a tap in the line to flood irrigate a small parcel of land.

C. Works used to apply water to beneficial use:

Center pivot and gated pipe

The system is in the following condition good. The point of diversion are:

The diversion point is located in the N1/2 SE ¼ Section 11, T8N, R5E along the east-west quarter section line. The works are capable of diverting and conveying to the place of use 1.95 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
all in Section 12, T8N, R5E

NW ¼ NE 1/4	3 acres	NW ¼ SE 1/4	33 acres
NE ¼ NE ¼	3 acres	NE ¼ SE ¼	29 acres
SW ¼ NE ¼	35 acres	SW ¼ SE ¼	2 acres
SE ¼ NE 1/4	35 acres	SE ¼ SE 1/4	5 acres

comprising a total of 145 acres of land and the license should be issued for 1.95 cfs

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: some acres outside of authorized area (see attached report)

Date Report Completed: December 18, 2006



Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

PERMIT QUALIFICATIONS

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

COMMENTS:

Some lands are being irrigated in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12 that were not authorized for irrigation. This may be authorized under SDCL 46-5-30.5.

The flood irrigation portion was not operational at the time of the licensing investigation. However, the "Y" valve was viewed and pipe was available on-site for conducting flood irrigation.

The Belle Fourche River diversion intake structure is shared jointly between Mr. Seaman under Water Permit No. 1808-1 and Brian Stambaugh (NMR Petrophysics) under Water Right No. 1601-1

FIELD INVESTIGATION REPORT FOR PERMIT No. 1808-1

DATE OF INVESTIGATION:	August 29, 2006
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Tom Seaman 12941 US Highway 212 Newell SD 57760
DIVERSION POINT LEGAL LOCATION	See map and attachment

Other permit(s) associated with the project: Water Right No. 1601-1 held in the name of NMR Petrophysics (owned by Brian Stambaugh) shares the same diversion point. Other than that, these water rights are separate.

WELL INFORMATION: not applicable to permit

Belle Fourche River diversion point

	Pump	Motor
	Sargent	US Electric
Model/Serial No.		BF59A (ID# KO4-BF59A-H)
HP		60
Capacity	1.95 cfs (875 gpm)	

DISTRIBUTION LINES OR CANALS:

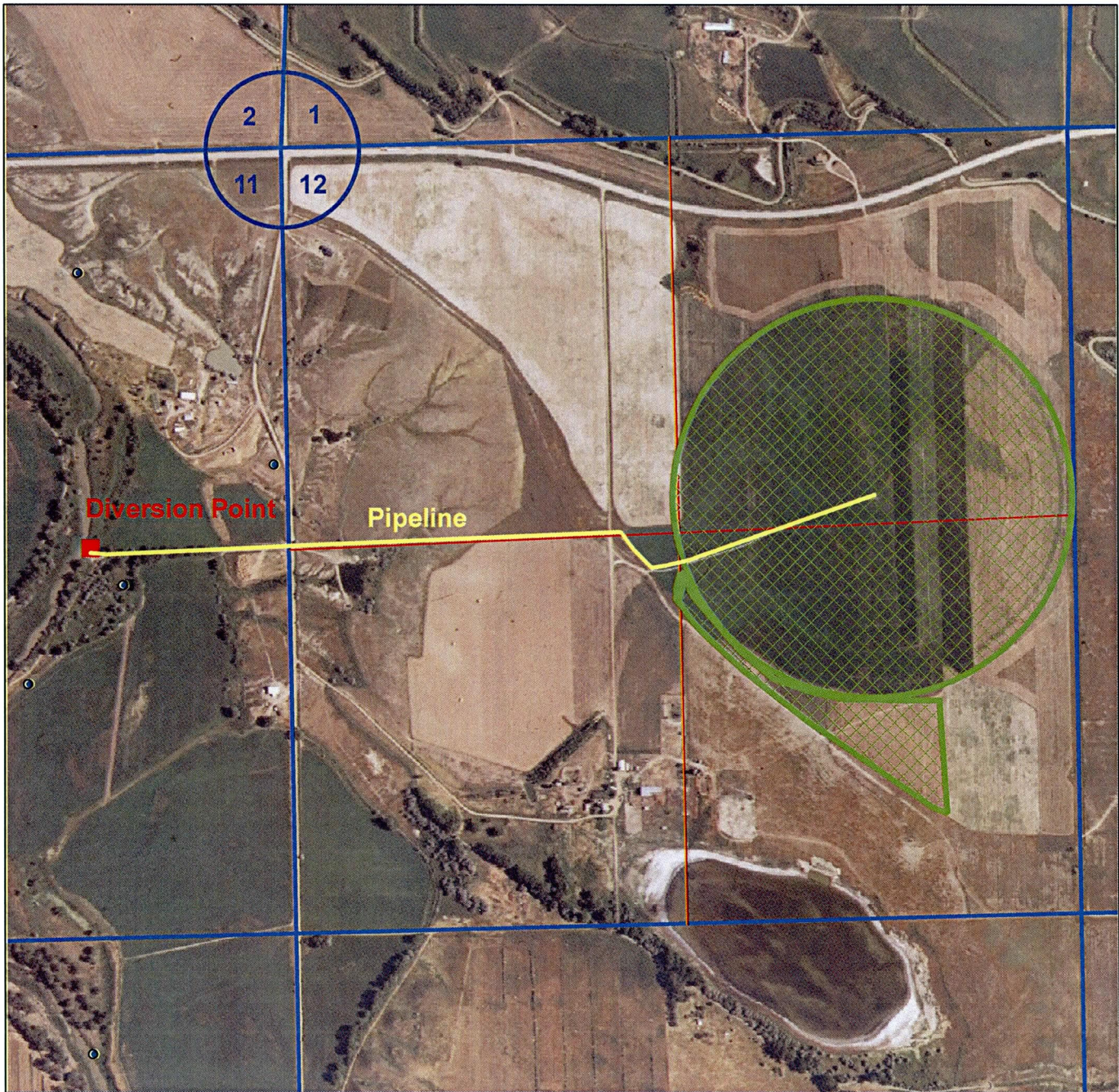
- 1) Type did not view underground pipe – the gated pipe for flood irrigation was aluminum
2) Size assumed 6 inches 3) Length approximately 5,500 feet from river diversion to center pivot

SYSTEM TYPE:

Center pivot: center at Latitude 44.67055 Longitude -103.45149

- | | |
|--|---|
| 1) Make <u>Zimmatic</u> | 5) End gun <u>Yes</u> |
| 2) Overall length <u>approx. 1,150</u> feet | 6) High or low pressure <u>Low (33 psi)</u> |
| 3) Number of towers <u>7</u> | 7) Capacity <u>875</u> GPM |
| 4) Distance between towers <u>approx. 150</u> feet | |

NO CHEMIGATION



0 360 720 1,440 2,160 2,880
Feet



Diversion point from the Belle Fourche River is located on the East-West quarter section line
in the N 1/2 SE 1/4 Section 11, T8N, R5E
Latitude 44.66972
Longitude -103.47181


Eric Gronlund
Water Rights Program, DENR
License Investigation - August 29, 2006

Licensing of Acreage Outside of Permitted Area

NAME: Tom Seaman

ADDRESS: 12941 US Highway 212, Newell SD 57760

DATE: December 18, 2006

COUNTY: Butte

TELEPHONE: 456-2678

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 145 acres as authorized by Permit No. 1808-1. Licensing of the permits will not result in an increase in the number of acres authorized for irrigation.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Water Permit Nos. 1801-1 authorized irrigation of 145 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, T8N, R5E. The irrigation system includes approximately 6 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and 7 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of this section that were not described on the original application. The acres are contiguous to the permitted acreage.

- **Owned by Same Property Owner**

Mr. Seaman owns all the land under irrigation

- **Developed Prior to Expiration of Construction Period**

Time to complete construction was December 3, 2008. A check of the irrigation questionnaire shows that irrigation was being conducted prior to the time to complete construction.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 11 acre area be included in the water license.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1808-1

(1) Tom Seaman, 12941 US Hwy 212, Newell SD 57760 made Application No. 1808-1, September 29, 2003 for a water permit to divert 2.0 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1808-1, with a priority date of September 29, 2003 was approved December 3, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 2008 and for the application to beneficial use of water on or before December 3, 2012.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 19, 2004. The *Notice* stated the diversion system was completed on May 15, 2004 and the water placed to beneficial use on May 15, 2004.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(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 Water Right No. 1808-1 is issued a license, bearing a priority date of September 29, 2003 to appropriate 1.95 cubic feet of water per second from the Belle Fourche River to irrigate 145 acres.

The diversion point is located: 2,640 feet south and 1,355 feet east of the northeast corner Section 11-T8N-R5E (N 1/2 SE 1/4 along the east-west quarter section line). The acres authorized for irrigation are as follows:

Section 12-T8N-R5E			
NW 1/4 NE 1/4	3 acres	NW 1/4 SE 1/4	33 acres
NE 1/4 NE 1/4	3 acres	NE 1/4 SE 1/4	29 acres
SW 1/4 NE 1/4	35 acres	SW 1/4 SE 1/4	2 acres
SE 1/4 NE 1/4	35 acres	SE 1/4 SE 1/4	5 acres
Total 145 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1808-1 including the following now applicable qualifications:

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



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

JAN 23 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 23 2007

1808-1

Tom Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. Seaman:

Enclosed is Water License No. 1808-1. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1808-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2010

1808-1

Tom & Karen Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. & Mrs. Seaman:

Thank you for the prompt return of your 2010 irrigation questionnaire. I note from the questionnaire that you would like the water right listed in both your names.

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

If you have any questions, please contact me.

Sincerely,

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

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RECEIVED

NOV 12 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1808-1

Date: 11-11-2010

I/We request that Water Right No. 1808-1

formerly owned by: Tom Seaman

be transferred to: (name & address) Tom R. OR Karen M. Seaman

Telephone No. 605-456-2678

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

145 acres - E 1/2 Section 12, T8N, R5E

I/We understand that the validity of Water Right No. 1808-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Tom R. Seaman, the new owner, certify that the above information is true and correct.

Tom R. Seaman

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/12, 20 10

RECEIVED OF Tom R Seaman 12941 US Hwy 212 Newell SD 57760

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1808-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04672**

By *Lakshmi Erskine*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2010

Tom R. Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. Seaman:

The Water Rights Program received the transfer of ownership of Water Right No. 1808-1. The ownership change for this water right is complete and now listed in the names of "Tom R or Karen M Seaman". Enclosed for your records is Receipt No. 04672 in the amount of \$50.00.

You also inquired about water availability from the Belle Fourche River to irrigate 25 additional acres using the same diversion works that is authorized by Water Right No. 1808-1. The Belle Fourche River at this location is not currently deemed fully appropriated by the Water Management Board. New applications will be processed and thoroughly reviewed prior to DENR making a recommendation. In the event DENR does not recommend favorably on a application you will have the opportunity to withdraw the application and get a full refund of the filing fee as long as withdrawal takes place prior to public notice in the local newspaper. The public notice does afford citizens the ability to contest the application and cause of formal hearing before the Water Management Board.

Enclosed are applications forms. Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

RECEIVED

NOV 12 2010

WATER RIGHTS
PROGRAM

Dear Sirs,

Can you tell me if it is possible to get another water permit from the Belle Fourche River? The complete system I have in place for Water Right #1808-1 could easily be added onto with gated pipe and bring in another app. 25 acres of excellent ground. If it is possible I would rather have it separte from 1808-1 as it is on a drainage opposite to drainage on 1808-1 but could still be served by the same electric pump and app. 3/4 mile of underground line.

Phone # - 456-2678

210-3097 Cell

Address - (Pom. R. Seaman)

12941 U.S. Hwy. 212

Newell S.D. 57760

Thankyou -
Pom. R. Seaman

P.S. When I bought this place in 1998 this 25 acres was a part of a existing water right held by Elton Eller or Michael Sack. Since it hadn't been used for several years it ~~forfeited~~ it was forfeited when I bought the property and tried to keep up the previous right. It is excellent land with good slope. The old irrigation ditches are still there but I would replace them with gated pipe. 145 acres under 1808-1 are part of this old right.



1808-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 18 2018

417-1A
1808-1
1948-1

Tom R & Karen M Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. & Mrs. Seaman:

Enclosed is Water License No. 1948-1. 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.

Upon licensing, the applicable portions of Water Right Nos. 417-1A and 1808-1 were incorporated into Water Right No. 1948-1. All priority dates were retained.

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

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