

WATER PERMIT NO. 1811-1

Name of Applicant: Butte Electric Cooperative, Inc.

Address: PO Box 137, Newell SD 57760

Phone: 1-800-928-8839

Amount of Water Claimed: 0.033 cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Lawrence

Type of Waste Disposal System:

Location: ½ north of Spearfish

PRIORITY

Date Received: 12-31-03

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: provide water for warehouse, garage and small office

Diversion Point: NW ¼ SW ¼ Sec 33-T7N-R2E

Land to be Irrigated:

Depth of Well: 300 – 350 feet deep

Well Driller :

Remarks:

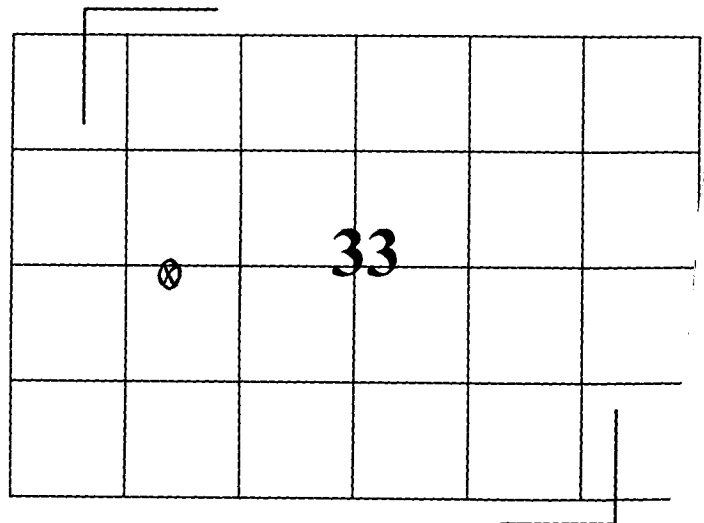
Type of Map: aerial

Prepared by: Bart Krautschun, Butte Co.

Reviewed and the Number Assigned on: 12-31-03

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1811-1</u> (office use only) Hydrologic Unit <u>10120203</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

RECEIVED
DEC 31 2003
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation

(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant BUTTE ELECTRIC COOPERATIVE, INC. Phone 1-800-928-8839
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address PO BOX 137 NEWELL State SD 57760
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.033 *CFS or 10-15 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply MINNEKAHTA LIMESTONE

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____

1 WELL IN NW 1/4 SW 1/4 SECTION 33 - T7N-R2E
County LAWRENCE

5. County or counties where water will be used LAWRENCE

6. Annual period during which water is to be used JANUARY 1 - DECEMBER 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

PURPOSE OF WELL IS TO PROVIDE WATER FOR A WAREHOUSE, GARAGE AND SMALL OFFICE AREA
FOR BUTTE ELECTRIC COOPERATIVE, INC.

STATE OF SOUTH DAKOTA)

County of LAWRENCE SS

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

I, DAVE ZWETZIG, 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 David Zwetzig

Subscribed and sworn to before me this 29 day of December 20 03

Ken Redman

Notary Public signature

MY COMMISSION EXPIRES JULY 24, 2005

**SOUTH DAKOTA
WATER PERMIT NO. 1811-1**

Date of first receipt of application December 31, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1811-1 to Butte Electric Cooperative, Inc., c/o Dave Zwetzig, PO Box 137, 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. 1811-1 appropriates 0.033 cubic feet of water per second (15 gallons per minute) from one well approximately 325 feet deep located in the NW ¼ SW ¼ Section 33-T7N-R2E.
2. The water appropriated shall be used for the purpose of commercial use at the Cooperatives warehouse, garage and office and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1811-1 is February 9, 2004.
5. The date from which applicant may claim right is December 31, 2003.
6. One-fifth of the construction is to be completed on or before August 9, 2006.
7. All construction is to be completed on or before February 9, 2009.
8. Water is to be put to beneficial use on or before February 9, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1811-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 20 2004

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 3/4" Depth 300-350 FT
- b) Casing Type PVC Diameter 6" ø Thickness SCHEDULE 40
- c) Screen Type N/A Diameter N/A Thickness N/A
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 290'
- f) Depth to Water (ground surface to water level) 0'
- g) Distance to nearest existing domestic well: 700'

On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SEPTIC TANK, DRAIN FIELD
- b) System Capacity (gallons) 1000 GALLONS Year Constructed 2004
- c) Connected to the City of _____ Sanitary System _____

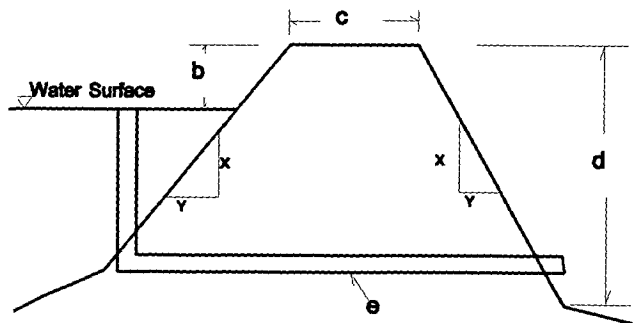
3. Dugout Information

- 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:



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 31, 20 03

RECEIVED OF Butte Electric Cooperative Inc., Box 137, Newell SD 57760-0137

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

Fee for Application for Permit No. <u>1811-1</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1811-1</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	100.00

No.

028

By

Darland Ebele

Chief Engineer

gm

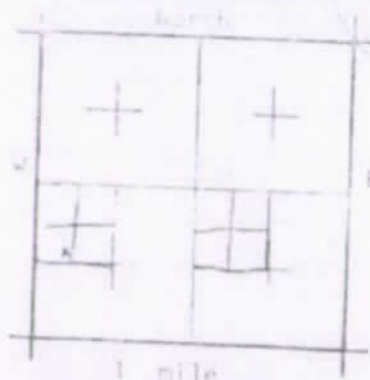
MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP

DEC 2003



State Inspection
with 10/1/80



County LAWRENCE

SW 1/4 NW 1/4 Sec. 33 Twp. 7N Rg. 2E

Proposed Use:

- ☒ Domestic ☐ Municipal ☐ Test
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling:

- ☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 6" 4"
Depth 342' 342' 383
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open YES

Was a well screen installed NO

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed NO

Was well grouted YES

Was water sample taken NO

Remarks: REPLACEMENT WELL

Well Test Data:

AIR TEST

☐ Other

Pumping Level Below Surface

280 ft. After 1 1/2 hrs. Pumped 60

Well Log:

Formation	From	To
Surface	0	1
Brown sandy loam	1	4
sand & fine gravel	4	6
hard rock, quartzite sand	6	37
red silty shale/gyp	37	105
gyp	105	108
gravel/gyp & limestone (hard)	108	116
red silty shale	116	119
gyp/shale/red shale	119	144
red silty shale/shale/gyp	144	179
gyp	179	184
red silty shale/shale/gyp	184	342
pink, grey, white limestone	342	380
red-brown shale	380	383

(Use Back if Necessary)

Date Completed: 11/28/80

Driller:

N&L Drilling 457
Driller's or Firm's Name License

HULETT, WY 82720
Address

Tom & Maureen 11/28/80
Signed By Date

WATER PERMIT APPLICATION NO. 1811-1
BUTTE ELECTRIC COOPERATIVE, INC
JANUARY 8, 2004

Water Permit Application No. 1811-1 proposes to appropriate 0.033 cubic feet of water per second (cfs) (15 gallons per minute) from one well completed into the Minnekahta aquifer, approximately 325 feet deep located in the NW¼ SW¼ Sec. 33, T7N-R2E. The water is for commercial use at the Cooperative's warehouse, garage and office.

AQUIFER: Minnekahta Limestone (MNKT)

General:

The Minnekahta Limestone is a grayish-pink, laminated, limestone approximately 40 feet thick. The top of the Minnekahta is expected to be approximately 300 feet below grade at this well site (Carter and Redden, 1999). The Minnekahta underlies an estimated 126,080 acres of Lawrence County and contains an estimated 315,200 acre feet of recoverable water in storage in the County (Allen and others, 1985). The aquifer is areally extensive around the Black Hills and is hydraulically connected into Wyoming to the west, Butte County to the north and Meade County to the east. The Minnekahta is confined and under artesian conditions in this area and a well at this site is expected to flow (Strobel and others, 2000).

Water Availability:

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

Recharge to the Minnekahta Limestone area occurs through direct infiltration of precipitation falling on the outcrop (approximately one mile southwest of this well site), (Strobel and others, 1999), and possibly from upward leakage from underlying aquifers. The average annual recharge to the Minnekahta has been estimated to be 6,500 ac-ft/yr (Driscoll and Carter, 2001).

Total withdrawals from wells completed into the Minnekahta is estimated to be 700 ac-ft/yr (Driscoll and Carter, 2001). The largest use of the Minnekahta is irrigation use. The number of appropriations and the amount of water reported pumped each of the past 16 years is shown in figure 1.

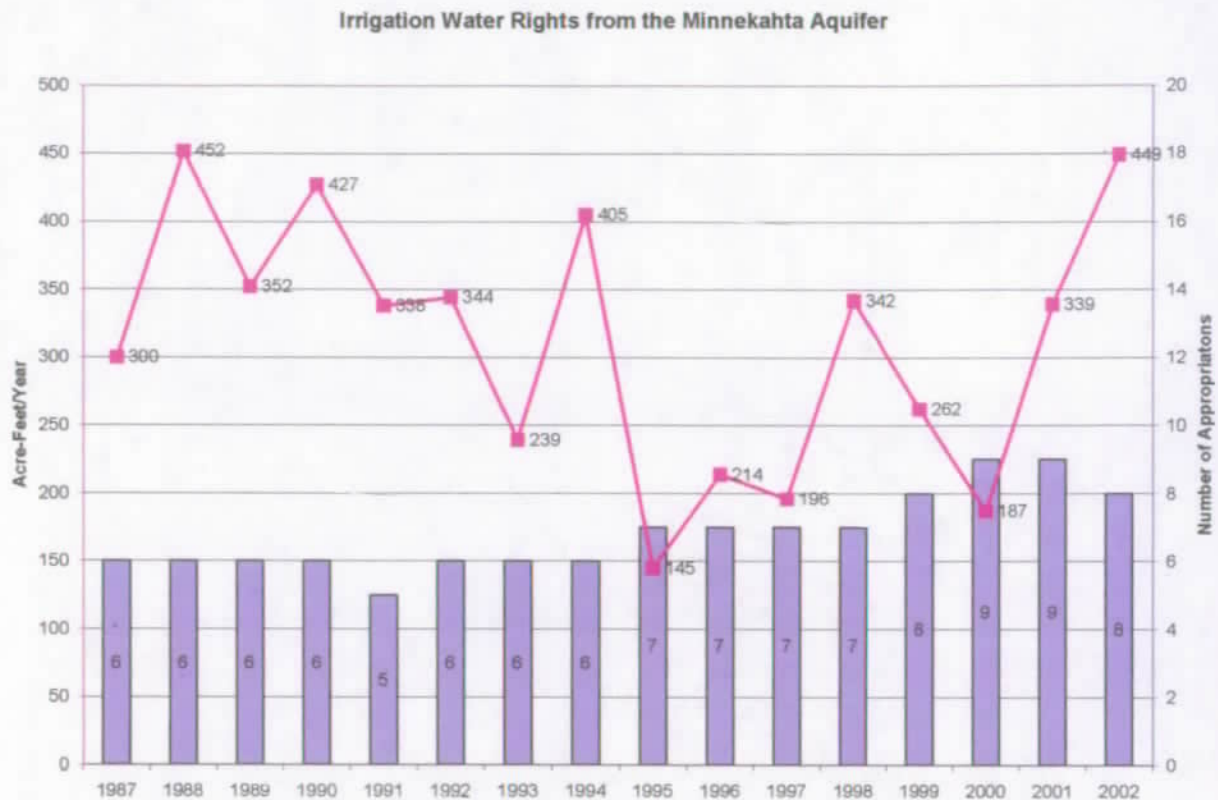


Figure 1. Irrigation Usage of the Minnekahta Aquifer from 1987-2002 (Water Rights, 2003)

A comparison of the average annual recharge and well withdrawals from the Minnekahta aquifer indicate that unappropriated water is available.

The Water Rights Program monitors four observation wells completed into the Minnekahta Limestone (Water Rights, 2004_b). The nearest of these wells, Observation Well LA-86B, is located approximately one mile southwest of this well site. Measurements taken from the well indicate the water level fluctuates naturally, as much as 70 feet in response to seasonal and annual climatic conditions. The water level rises in the spring and declines the rest of the year, and the water level is lower during drought years (figure 2).

**WATER RIGHTS' OBSERVATION WELL
LA-86B**

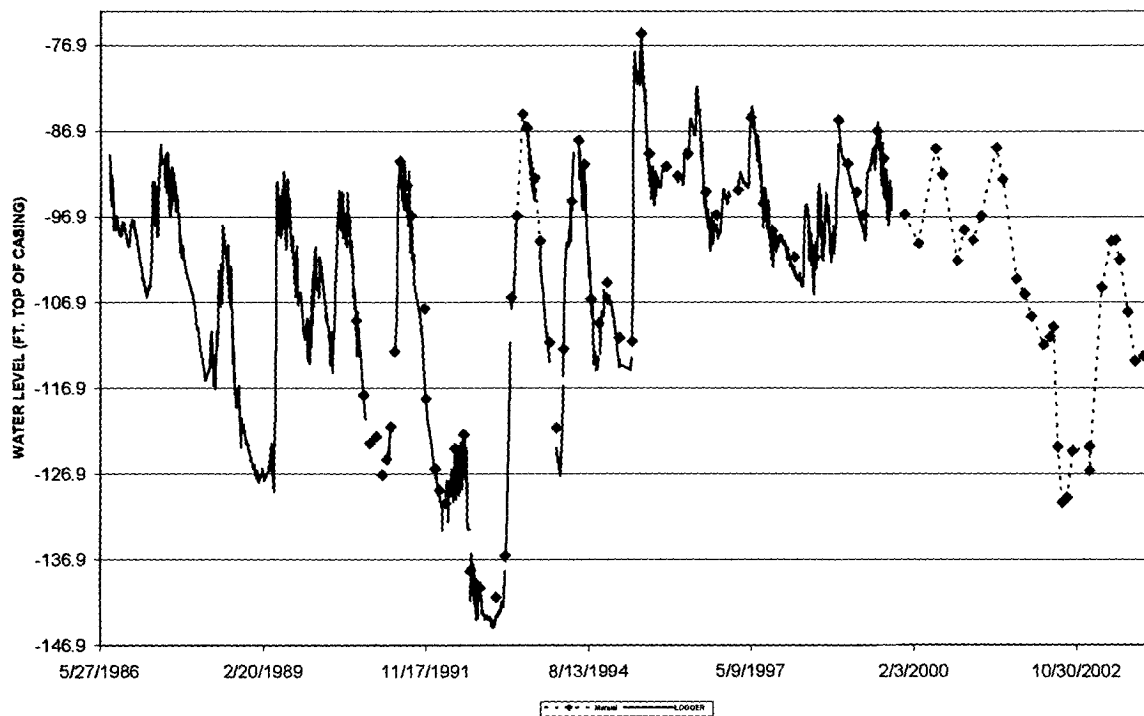


Figure 2. Hydrograph of Water Rights' Observation Well approximately one mile southwest of this well site

In general, the Water level measurements suggest that withdrawals have not exceeded recharge over the period of record. Approval of this application will not cause withdrawals to exceed recharge.

Effects on Existing Water Rights:

There are 46 Water Rights/Permits appropriating groundwater within two miles of this well site (Water Rights, 2004_c). The Water Rights Program also has record of several domestic wells in this area (Water Rights, 2004_a). It is unlikely that wells completed into aquifers other than the Minnekahta aquifer would be affected by diversions made from this well since the Minnekahta is hydraulically isolated from deeper aquifers by the Opeche Shale and from shallower aquifers by the Spearfish Formation.

The Minnekahta Limestone is a major source of water in this area. Of the 28 Water Rights/Permits appropriating water from the Minnekahta Limestone in South Dakota, 17 of these are located in Lawrence County and 15 are within two miles of this well site (Water Rights, 2004_c). They include:

PERMIT NO	NAME	USE	CFS	DISTANCE (miles)
647-1	MC GUIGAN DAIRY INC	IRR	0.40	1.5
1118-1	KENNETH ELLINGSON	COM	0.49	1.5
1129-1	RAND & GAYLA WILLIAMS	COM	0.10	1.6
1164-1	WESTVIEW SUBDIVISION	SHD	0.06	1
1184-1	DON L SMITH	COM	0.10	0.5
1194-1	SPEARFISH FAIRGROUND	IND	0.20	0.25
1265-1	TODD L HECKERT	COM	0.45	1.25
1489-1	LEONARD WALES	SHD	0.05	1.5
1620-1	ALLAN & MATHIS	SHD	0.77	1
1681-1	JOHN & CONNIE NIEHAUS	COM	0.04	0.6
1739-1	SPEARFISH MEADOWS HOMEOWNERS	SHD	0.11	0.6
1779-1	CITY OF SPEARFISH	IRR	0.02	0.26

There are at least two controversial time periods for groundwater appropriations in this area. The first of these periods was a dry period in the early 1960's. In December of 1960, the South Dakota Water Resources Commission, the precursor to the Water Management Board, requested that the State Geological Survey prepare a report on the artesian aquifers in this area because a perceived decline in pressure of the aquifers. Around that time, many of the groundwater permits water permits, including No.'s 647-1, 654-1, and 673-1 contained the following qualification: "This well appears to be in an artesian basin having limited supplies, and restrictions as to flow and time of flow may be made by the Commission to protect prior water rights."

In 1979, Water Rights' staff dealt with a complaint, which involved interference between wells in this area. Withdrawals from the Minnekahta Limestone well authorized by Water Permit No. 1194-1 allegedly were affecting water levels in a nearby domestic well completed into the Minnelusa aquifer, and a Minnekahta Limestone well used to supply Water Permit No. 952-1. The conclusion of the staff investigation stated that while the wells had lost the flow in their wells, sufficient water was still available to meet their needs with the aid of a pump.

The application for Water Right No. 1313-1, an appropriation from the Spearfish aquifer approximately one-half mile from this well site, was contested in 1984, over well interference concerns. Following a hearing the application was approved and there has been no reported controversy.

Increased development from the Minnekahta aquifer in this area may result in more complaints regarding the loss of flow from wells. However, since water law does not protect artesian head pressure as a means of delivery, it is unlikely an adequate well would be considered "adversely affected".

It is not likely that this appropriation will have an adverse impact on water rights in the area since the requested diversion rate is relatively low and the distance to existing wells is sufficient to minimize any potential interference.

Although the impact of this appropriation cannot be quantified precisely, it is still possible to address whether this appropriation can be made without adversely affecting existing water rights, including domestic wells. In the first place, the distance from other Minnekahta wells should be sufficient to minimize interference. Secondly, Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1, provide protection to prior appropriators only to the degree necessary to maintain an adequate depth of water in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement in a prior appropriator's well is not necessarily protected. In fact, in past action, the Water Management Board has concluded that if increased cost or decreased production is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

CONCLUSIONS:

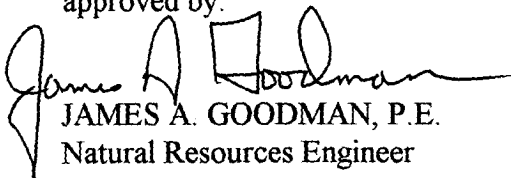
1. The Minnekahta Limestone is a viable source of groundwater in this area.
2. There is a reasonable probability that unappropriated groundwater is available from the Minnekahta Limestone in this area.
3. There are numerous domestic wells and wells supplying appropriative rights in this area.
4. This proposed appropriation should have no adverse affect on existing water rights/permits due to the small increased diversion rate requested from the well.



KEN BUHLER

Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineer

REFERENCES:

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory, Department of Water and Natural Resources,

- Carter, J.M., and Redden, J.A., 1999, Altitude of the Top of the Minnekahta Limestone in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-744-B, 2 sheets, scale 1:100,000
- Driscoll, D.G., and Carter J.M., 2001, Hydrologic Conditions and Budgets in the Black Hills Area of South Dakota Through Water Year 1998: U.S. Geological Survey Water-Resources Investigations Report 01-4226, 143 p.
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000, Potentiometric Surface of the Minnekahta Aquifer in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-745-B, 2 sheets, scale 1:100,000
- Strobel, M.L., Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., and Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000
- Water Rights, 2003, Irrigation Use Summary Report 1987-2002, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2004a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2004b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2004c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**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. 1811-1, Butte Electric Cooperative, Inc.**

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. 1811-1, Butte Electric Cooperative, Inc., c/o Dave Zwetzig, PO Box 137, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1811-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 1811-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 14, 2004



**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.**

January 14, 2004

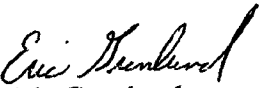
Butte Electric Cooperative Inc
% Dave Zwetzig
PO Box 137
Newell SD 57760

Dear Mr. Zwetzig:

Water Permit Application No. 1811-1 for commercial 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-0007

ATTENTION: Legal Public Notice

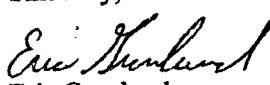
Enclosed is a Notice of Hearing on Application No. 1811-1 to Appropriate Water to be published twice. Please publish the first notice on January 21, 2004 with the second publication 7 days later.

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 Butte Electric Cooperative Inc., % Dave Zwetzig, PO Box 137, Newell SD 57760 (Ph # 800-928-8839).

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. 1811-1

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

Date _____

We are in receipt of your letter of January 14, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 1811-1 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 January 21, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1811-1 to Appropriate Water

Notice is given that Butte Electric Cooperative, Inc., PO Box 137, Newell SD 57760 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well approximately 325 feet deep located in the NW ¼ SW ¼ Section 33-T7N-R2E. The water is for commercial use at the Cooperatives warehouse, garage and office.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1811-1 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 February 9, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application
No. 1811-1 to Appropriate
Water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 21st day of Jan. 2004, and the last publication on the 28th day of Jan. 2004, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 36.88, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Stewart Huntington

Subscribed and sworn to before me this 28th day of Jan. 2004.

Ardis Johnson

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2004

NOTICE OF APPLICATION NO. 1811-1 To Appropriate Water

Notice is given that Butte Electric Cooperative, Inc., PO Box 137, Newell SD 57760 has filed an application for a water permit to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from one well approximately 325 feet deep located in the NW 1/4 SW 1/4 Section 33-T7N-R2E. The water is for commercial use at the Cooperatives warehouse, garage and office.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1811-1 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.



RECEIVED

FEB - 2 2004

WATER RIGHTS
PROGRAM

tion. 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 February 9, 2004.

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.

#849

Jan. 21, 28



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 20 2004

Butte Electric Cooperative Inc
% Dave Zwetzig
PO Box 137
Newell SD 57760

Dear Mr. Zwetzig:

Enclosed is Water Permit No. 1811-1 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,

A handwritten signature in dark ink, appearing to read "Garland Erbele". The signature is fluid and cursive.

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

enclosures

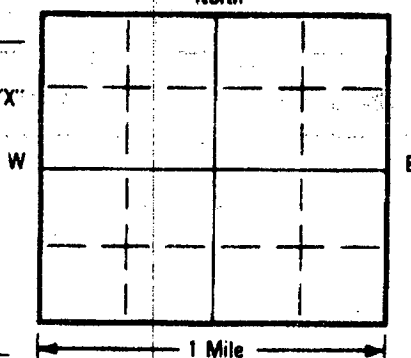
1811-1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SW 1/4 Sec 33 Twp 7N Rg 2E
County Lawrence

Please mark well location with an "X"



Well Completion Date

5-31-04

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from RAIN FIELD (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>5 1/2 IN</u>	<u>0 FT</u>	<u>296 FT</u>	<u>8 3/4 IN</u>
_____ LB/FT	_____ IN	<u>296 FT</u>	<u>332 FT</u>	<u>4 3/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>74</u>	_____ lb./gal	<u>0</u> ft	<u>296</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES. How: clorox

_____ NO. Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: BUTTE ELECTRIC

Business Name: _____

Address: 109 Dartmouth PO Box 137
Newell S.D. 57760

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP</u>	<u>0</u>	<u>10</u>
<u>boulders sand-gravel</u>	<u>10</u>	<u>54</u>
<u>red bed mixed w/ gravel</u>	<u>54</u>	<u>80</u>
<u>Spearfish-red bed-grp</u>	<u>80</u>	<u>295</u>
<u>minnickahita</u>	<u>295</u>	<u>332</u>

STATIC WATER LEVEL 0 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: 2 gpm @ 280'
☐ Bailed
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 93

And this report is true and accurate.

Drilling firm Ellingson Drilling

Signature of License Representative: _____

Jerry Ellingson

Signature of Well Owner or Equitable Property Holder:

David K. Dine for Butte Electric Cooperative

Date: 10 20 04

RECEIVED

DEC - 8 2004

WATER RIGHTS PROGRAM

12-8-04

Permit No. 1811-1
Belle Fourche River - Water District

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

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

I have this day, June 30, 2010, made a thorough examination of the water use system constructed by Butte Electric Cooperative, Inc. of PO Box 137, Newell, SD 57760 holder of Permit No. 1811-1, bearing the priority of December 31, 2003 authorizing the diversion of 0.033 cu. ft. per second of the waters of the Minnekata Formation for Commercial purposes, in Lawrence County.

Inspection contact & relationship **Dave Zwetzig**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Ellingson Drilling
- 2) No. of Wells 1
- 3) Depth(s) 332 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 ½ inches
- 2) Length 332 feet
- 3) Type Plastic

Pump:

- 1) Make Goulds
- 2) Model 7G10
- 3) Size 1 hp
- 4) Capacity 5 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

Report of Examination of Works

Permit No. 1811-1

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2,555 feet north and 210 east of the SW corner of Section 33-T7N-R2E

(N 44.52505, W -103.88926) (NW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.011 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.011 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



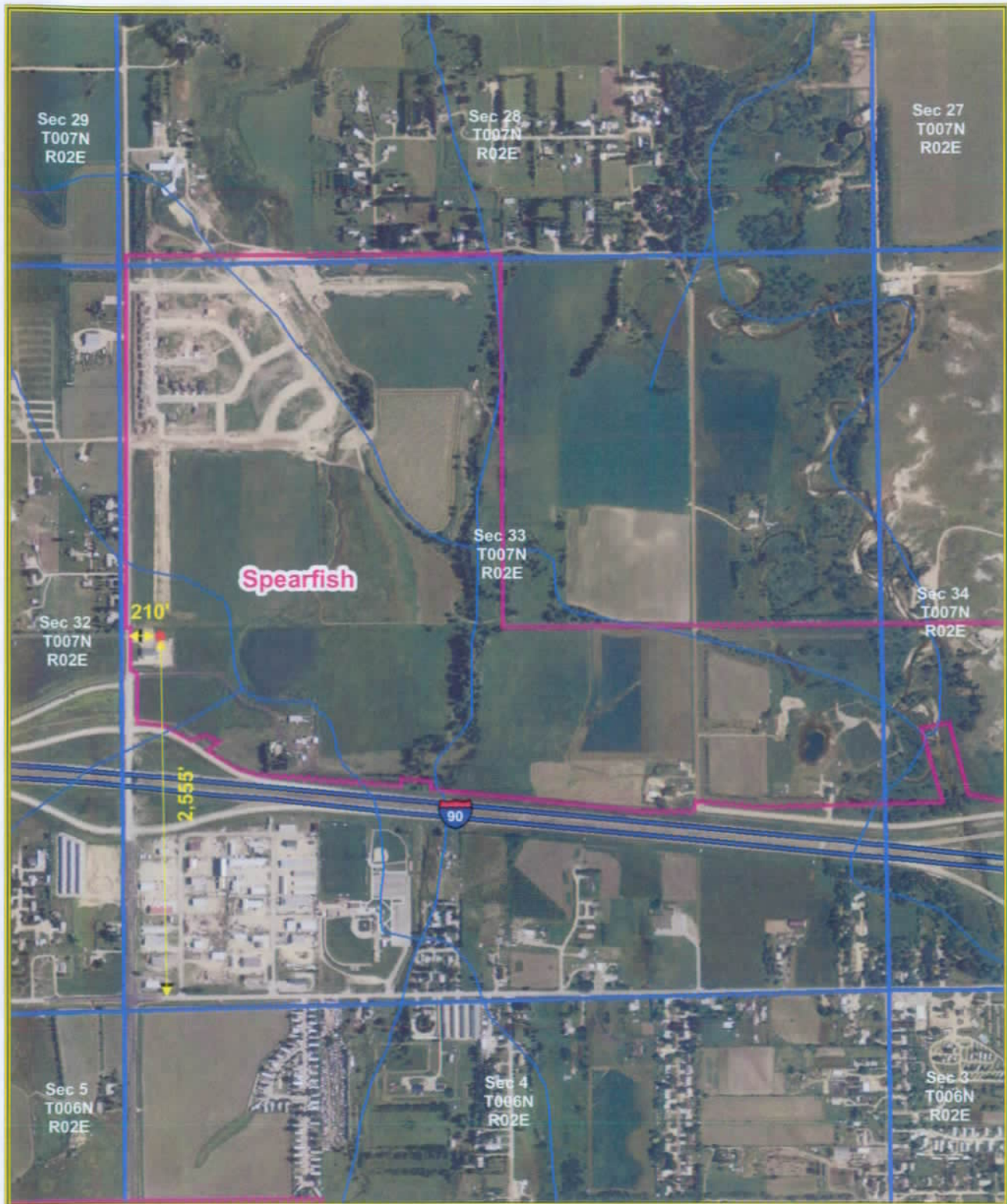
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: July 13, 2010

Water Permit No. 1881-1

Butte Electric Cooperative, Inc



0 850 1,700 3,400 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 13, 2010



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 21 2010

1811-1

Dave Zwetzig
Butte County Cooperative Inc
PO Box 137
Newell SD 57760

Dear Mr. Zwetzig:

Enclosed is Water License No. 1811-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1811-1, 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,

A handwritten signature in black ink, reading 'Garland Erbele'.

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1811-1

(1) Butte Electric Cooperative Inc, PO Box 137, Newell SD 57760-0137 made Application No. 1811-1, December 31, 2003 for a water permit to divert 0.033 cubic feet of water per second (15 gallons per minute) from ground water (one well – Minnekahta Formation), Lawrence County, South Dakota for commercial purposes. Permit No. 1811-1, with a priority date of December 31, 2003 was approved February 9, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 9, 2009 and for the application to beneficial use of said water on or before February 9, 2013.

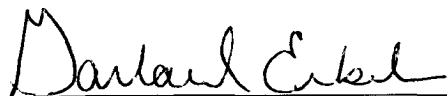
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.011 cubic feet of water per second for beneficial use. The location of the diversion point is 2,555 feet north and 210 feet east of the SW corner of Section 33, T7N, R2E (NW ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Butte Electric Cooperative Inc, PO Box 137, Newell SD 57760-0137 the holder and/or owner of Water Right No. 1811-1 is issued a license to appropriate water, the right to use 0.011 cubic feet of water per second (5 gallons per minute) from ground water (one well – Minnekahta Formation) with a priority date of December 31, 2003 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1811-1 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 1811-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (*well drilled by Ellingson Drilling in May, 2004; log on file with the Water Rights Program*).



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

JUL 21 2010

date

