

WATER PERMIT NO. 1818-1

Name of Applicant: **Tom Bowen**

Address: **PO Box 187, Vale SD 57788**

Phone: **605 456-2236**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **12**

Source of Water Supply: **Belle Fourche River**

Water to be used for: **irrigation**

County: **Butte**

Type of Waste Disposal System:

Location: **5 miles south of Newell**

PRIORITY

Date Received: **4-5-04**

Application/License Fee: **\$200**

Corrected Application Received: **4-12-04**

Period of Annual Use: **June 1 – September 30**

Remarks:

Diversion Point: **SW ¼ SW ¼ Sec 20-T8N-R6E**

Land to be Irrigated: **SW ¼ SW ¼ Sec 20-T8N-R6E**

Depth of Well: **NA**

Well Driller: : **NA**

Remarks:

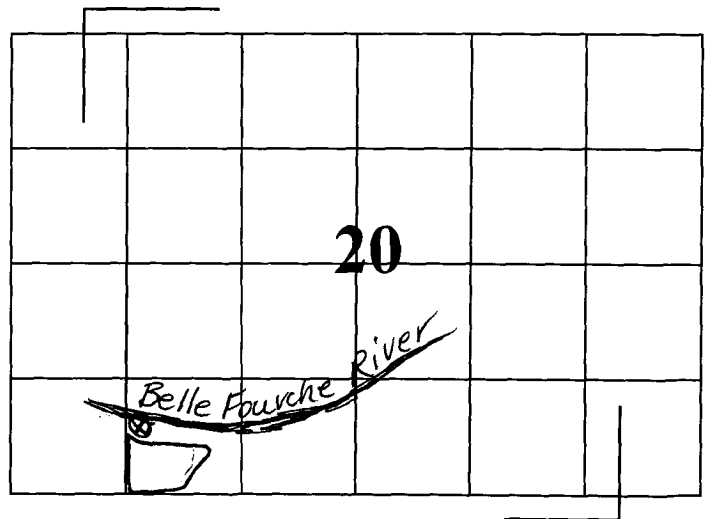
Type of Map: **aerial**

Prepared by: **Darrell Vig, NRCS**

Reviewed and the Number Assigned on: **4-12-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1818-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R</u>	
	Newspaper <u>Butte Co. Valley Irrigator, Newell</u>	

RECEIVED
APR 05 2004
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 Tom Bowen Phone 605-456-2236
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 187 Valle SD State 57788
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.8 *CFS or 1000 **GPM 360 ***AF Total Acreage 12
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Belle Fourche River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW corner
SW 1/4, SW 1/4, SW 1/4, Sec 20, T87, R6E
See map County Butte
- County or counties where water will be used Butte
- Annual period during which water is to be used June | July | Aug, Sept 30
- 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
<u>SW 1/4 SW 1/4 Sec 20</u>	<u>12</u>		
<u>T87, R6E</u>			

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

See addendum

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 Bowen, 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 Bowen

Subscribed and sworn to before me this 2 day of April 2004

MY COMMISSION EXPIRES MARCH 21, 2006

Leah Bowen
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 1818-1 FOR IRRIGATION

Date of first receipt of application April 5, 2004.

Date of return to applicant for corrections, amendments or changes April 5, 2004.

Date of receipt of corrected application April 12, 2004.

The Water Management Board approved Water Permit No. 1818-1 on July 7, 2004 for Tom Bowen, PO Box 187, Vale SD 57788 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. 1818-1 appropriates 0.8 cubic feet of water per second (cfs) from the Belle Fourche River located in the SW 1/4 SW 1/4 Section 20 to irrigate 12 acres located in the SW 1/4 SW 1/4 Section 20; all in T8N-R6E.
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: June 1 – September 30.
3. The date from which applicant may claim right is April 5, 2004.
4. One-fifth of the construction is to be completed on or before January 7, 2007.
5. All construction is to be completed on or before July 7, 2009.
6. Water is to be put to beneficial use on or before July 7, 2013.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 1818-1 authorizes a maximum diversion rate of 0.8 cfs (360 gpm) for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

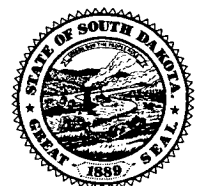
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 08 2004

date



Addendum to Water Rights Application

I have been using Water Right No 807-1 since I purchased this property in 1988. The water source is an old gravel pit that is within 100 feet of the Belle Fourche River and receives groundwater through the gravel veins that supplied the gravel pit with gravel. This pit also receives wastewater runoff from a neighboring farm that is under the Belle Fourche Irrigation System. It worked well until several years ago when a flood deposited silt in the pit which then grew a great deal of reeds, effectively cutting the water storage down too much to effectively irrigate. The pit covers too large an area to be feasibly cleaned with a dragline.

Since the river is so close I would like permission to move the pumping point from the old gravel pit to a location in the Belle Fourche River. Although the river is close to the gravel pit I would like to move the pumping site west to the other end of the field to be irrigated to shorten the length of irrigation pipe needed to cover the field.

With the old pumping system, the extra irrigation wastewater from the neighboring farm that ran into the gravel pit and the wastewater from my irrigation system all ran back into the river. Under the system I am proposing, the wastewater from the adjoining farm and the wastewater from my irrigation system will still run back into the river so I don't believe any extra water will be used.

Description of the project

The pump site would be set into the river bank with a minimum of dirt removal. Any dirt removed from the bank would be deposited onto the field for future leveling purposes and none would be deposited into the river.

The pumping unit will be a tractor driven pump with an irrigation pipeline delivering the water to the south side of the field and into an open ditch that is currently used. The field has been irrigated for many years by the old system so no land work will be needed.

I would like to request a usage volume of 1,000 gallon per minute. This rate is requested because the land is very sandy river bottom soil and more water for a short period of time would cover more ground than a smaller amount running all summer long. I try to irrigate about three times during the summer.

My application indicated I would use the water during the four summer months, however, September would probably get very limited use.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 5, 20 04

RECEIVED OF Tom Bowen, PO Box 187, Vale SD 57788-0187

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

Fee for Application for Permit No. <u>1818-1</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>1818-1</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. 000200

By Darland White

Chief Engineer gm

POD - 45 rods North and 15 rods East of SW corner of Sec. 20-TB-R6

NOT TO SCALE





April 5, 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

RECEIVED
APR 12 2004
WATER RIGHTS
PROGRAM

Tom Bowen
PO Box 187
Vale SD 57788

Dear Mr. Bowen:

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

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Karen -

*Enclosed is the signed map.
He also put on measurements for the
point of delivery.*

*Thanks
Tom Bowen*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 27, 2004

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 reports, recommendations and public notices for Water Permit Application No. 1821-1 filed by Vergil Stacy and Water Permit Application No. 1818-1 filed by Tom Bowen. The public notices are scheduled to be published June 2nd and 9th. Mr. Stacy's notice is to be published in the Meade Co. Times-Tribune while Mr. Bowen's notice will be in the Butte Co. Valley Irrigator. The notices schedule a July 7th 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.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 1818-1

Tom Bowen
May 24, 2004

Water Permit Application No. 1818-1 proposes to appropriate 2.22 cubic feet of water per second (cfs) from the Belle Fourche River and to irrigate 12 acres. This application proposes to irrigate lands located in the SW ¼ SW ¼ Section 20, T8N-R6E.

This project is located approximately five miles south of the town of Newell in Butte County.

Review of the Proposed Water Source

The source of water for this project is the Belle Fourche River. A portion of the water in the river is return flows from the Belle Fourche Irrigation District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

There is a United States Geological Survey (USGS) gauging station downstream of this project on the Belle Fourche River near Sturgis. The gauging station is located in the SE ¼ NW ¼ of Section 3, T6N-R8E. There are 29 water permits/rights located between the proposed project and the gauging station. The total diversion rate of these water permits/rights is 55.23 cfs on the Belle Fourche River. Flow at this gauging station is 77 to 140 cfs from June to September at the 90% probability level and 162 to 213 cfs from June 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 Sturgis for years 1946-2001.

Flow Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 %	9	15	32	43	49	94	140	140	77	38	36	20
75 %	19	25	54	59	100	171	211	213	162	56	47	28
50 %	29	40	102	139	243	287	269	271	250	66	56	37
25 %	41	93	410	484	658	672	369	334	298	89	78	52
10 %	90	300	943	936	1400	1573	561	431	346	182	151	90

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.

Review of the Proposed Project and Existing Water Rights

The applicant holds Water Right No. 807-1. This right authorizes the applicant to take water from a gravel pit to irrigate 8 acres in the SW ¼ SW ¼ Section 20, T8N-R6E. This gravel pit is within 100 feet of the Belle Fourche River. This water right is licensed for 0.11 cfs from the Belle Fourche River. When this water right was licensed the irrigation system was capable of diverting 0.8 cfs from the river. A flood a few years ago deposited silt in the gravel pit. Also a large amount of reeds grew in the gravel pit area. Mr. Bowen is no longer able to use the gravel

pit to irrigate his land. The applicant is now requesting a water permit to irrigate the original 8 acres plus 4 additional acres and change the water source to the Belle Fourche River.

The applicant is asking for 2.22 cfs to irrigate 12 acres. This is a larger amount than 1 cfs per 70 acres granted by South Dakota Codified Law (SDCL). SDCL 46-5-6 allows the Water Management Board to approve greater diversion rates if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. SDCL 46-5-6 talks about not exceeding 1 cfs per 70 acres or the equivalent thereof, and the volume of water diverted for use may not exceed 2 acre-feet per acre, delivered on the land for a specified time each year. No annual volume of water may be greater than 3 acre-feet per acre delivered to the land. Mr. Bowen told the Water Rights Program that he is requesting a greater diversion rate because the land he is irrigating is very sandy river bottom soil. He also informed the Water Rights Program that at the diversion point a tractor driven pump with an irrigation pipeline delivering the water to the south side of the field and into an open ditch that is currently used. He indicated his plan is to use an 8 inch and 10 inch pipe for his irrigation system. He believes that more water for a short period of time would cover more ground than a smaller amount running all summer long.

The applicant is requesting a diversion rate of 2.22 cfs (1000 gallons per minute) to irrigate 12 acres which is 13 times the statutory limit. The applicant is making this request because the land to be irrigated is very sandy. Also the applicant would like to pump at a larger rate to cover the ground in a shorter period of time.

The Water Management Board has issued water permits in the past at rates exceeding the statutory 1 cfs per 70 acres but this request is for an amount beyond what the Board has approved in the past. When Water Right No. 807-1 was inspected, the Water Right's staff person found a pump capable of diverting 0.8 cfs (360 gpm) to irrigate the 8 acres or 7 times the statutory limit.

There are three downstream water rights within one mile of the proposed project. These water rights appropriate 4.91 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.

If this permit is approved, Water Right No. 807-1 should be canceled.

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 2.22 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 12 acres.

2. The applicant is asking a larger amount than 1 cfs per 70 acres granted by South Dakota Codified Law (SDCL). SDCL 46-5-6 allows the Water Management Board to approve greater diversion rates if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. SDCL 46-5-6 talks about not exceeding 1 cfs per 70 acres or the equivalent thereof, and the volume of water diverted for use may not exceed 2 acre-feet per acre, delivered on the land for a specified time each year. No annual volume of water may be greater than 3 acre-feet per acre delivered to the land.
3. If this permit is approved, Water Right No. 807-1 should be canceled.
4. The applicant wants to divert 13 times the statutory limit. The Water Management Board has issued Water Permits with diversion rates exceeding 1 cfs per 70 acres. This request is for an amount beyond what the board has approved in the past.
5. 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.
6. 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:



Mark Rath
Natural Resources Engineering Specialist

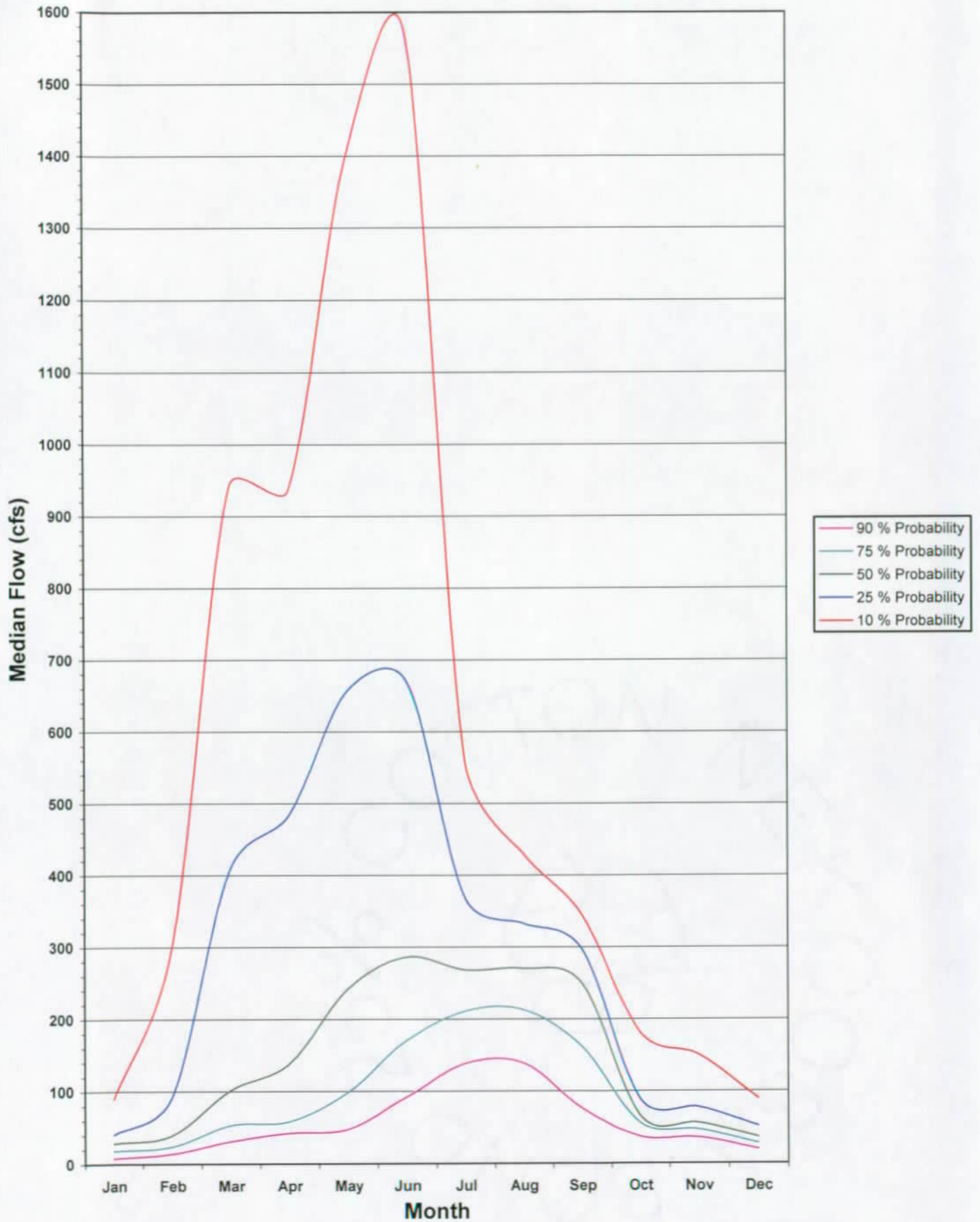
References

Water Rights Program files 2004, DENR-Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD 57501.

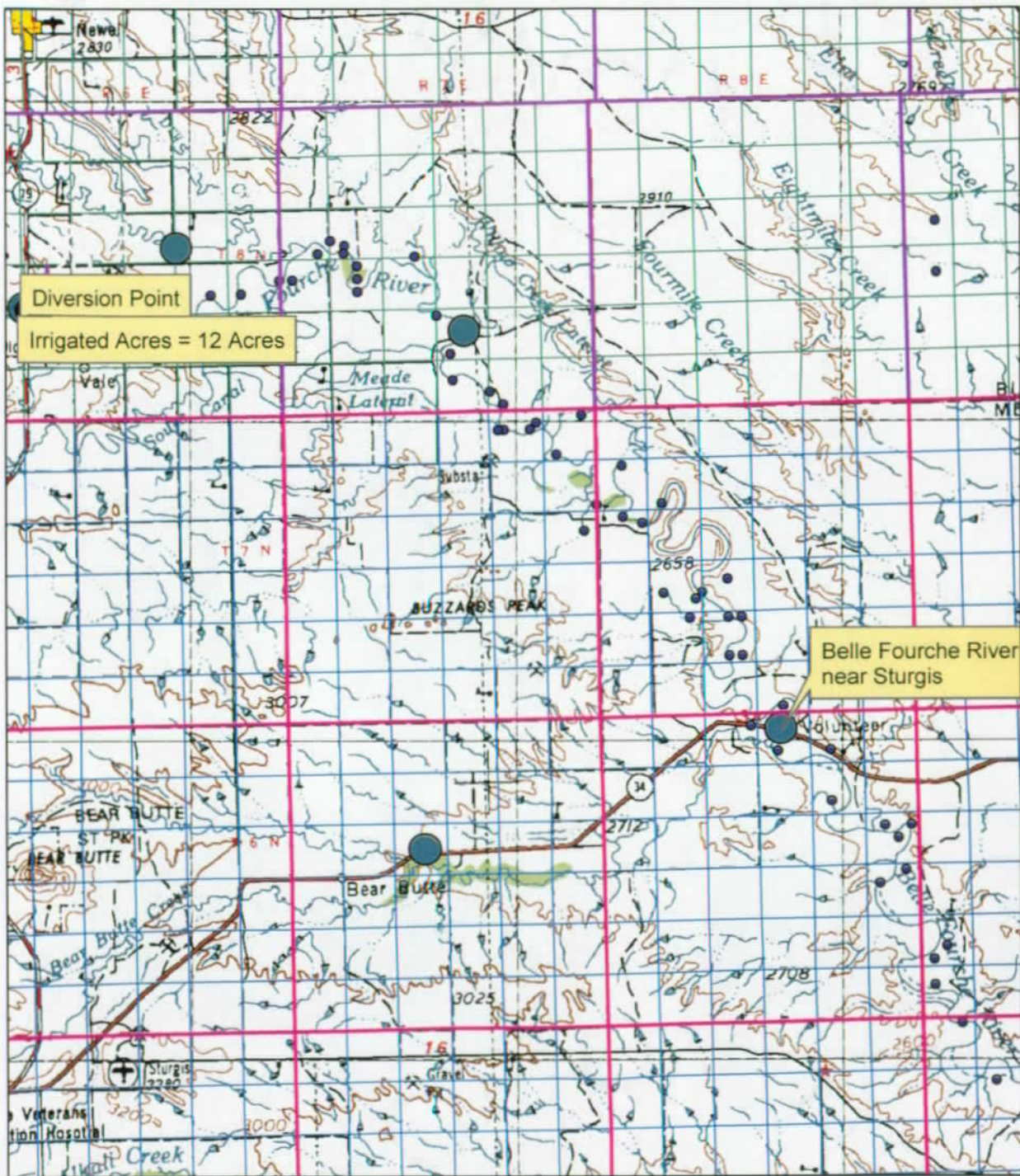
United States Geological Survey, Water Resources Data for South Dakota. USGS 1608 Mt.
View Road, Rapid City, SD 57702.

Attachment 1

**Belle Fourche River near Sturgis
1946-2001**



Water Permit Application No. 1818-1



Legend

- Water Rights/Permits
- Butte Sections
- Butte Township/Range
- Meade Township/Range
- USGS-Realtime

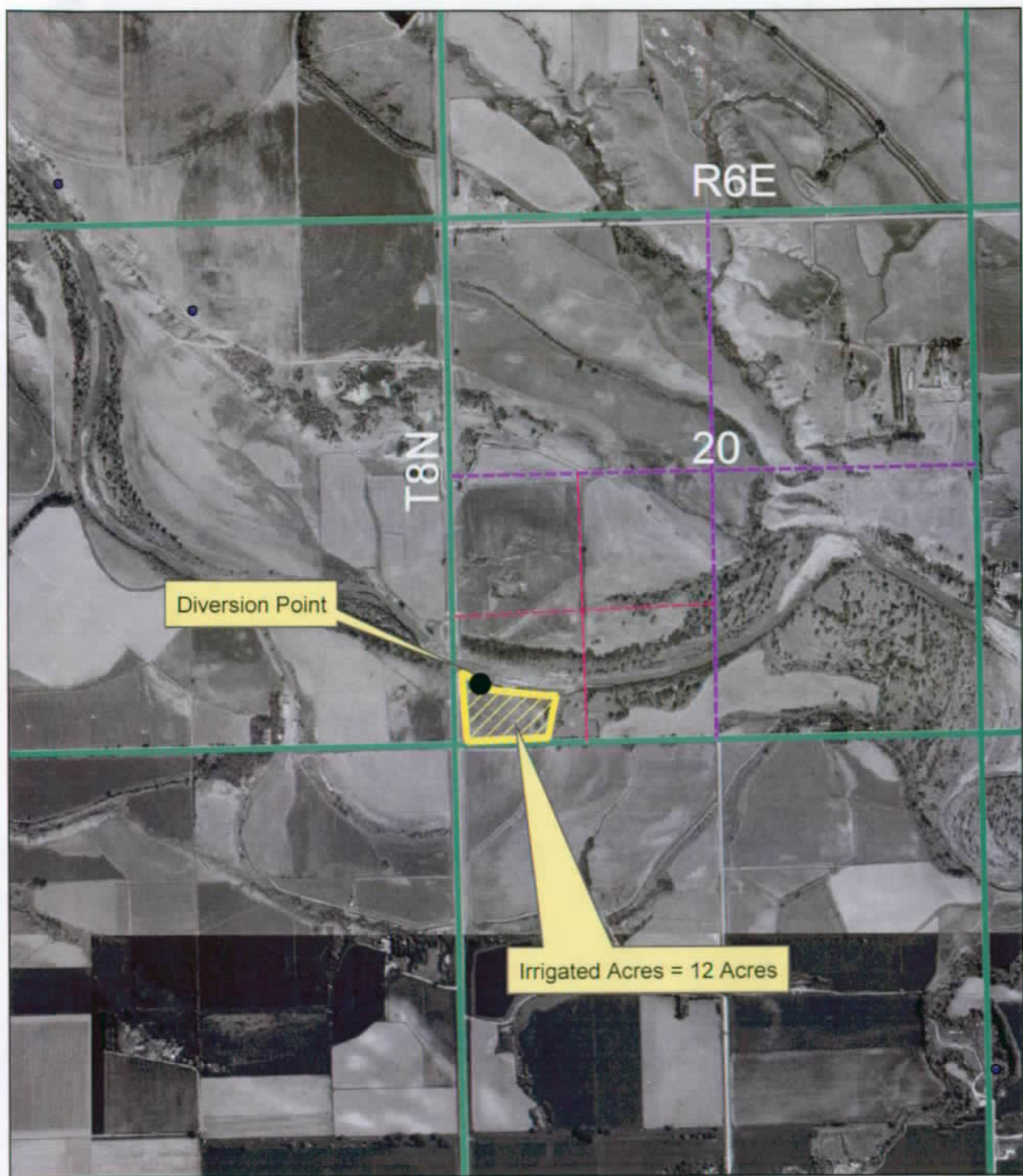


0 10 Miles

Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 5-20-04

Water Permit Application No. 1818-1



Legend

- Water Rights/Permits

 Butte Sections



0  1 Miles

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 4-20-04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

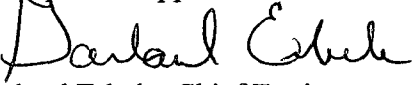
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1818-1, Tom Bowen**

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. 1818-1, Tom Bowen, PO Box 187, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 1818-1 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 1818-1 authorizes a maximum diversion rate of 0.8 cfs (360 gpm) for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Garland Erbele, Chief Engineer
May 27, 2004

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so the downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

If you have internet access, real time flow for the Belle Fourche River gauging stations can be obtained by visiting the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/rt>

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Butte) SS

I, Denise L Jensen
 certify that the attached printed Notice was
 taken

from the Butte County
Valley Irrigator
 printed and published in Newell
 County of Butte and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 3, 2004
June 10, 2004
 Cost of Printing 163 90

Denise L Jensen
 (Signature)

Publisher
 (Title)

June 10, 2004
 (Date Signed)

**NOTICE OF HEARING on
 Application No. 1818-1 to
 Appropriate Water**

Notice is given that Tom Bowen, PO Box 187, Vale SD 57788 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from the Belle Fourche River located in the SW 1/4 SW 1/4 Section 20 to irrigate 12 acres located in the SW1/4 SW 1/4 Section 20; all in T8N-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1818-1 for 0.80 cfs (360 gpm) 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 June 28, 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.

The Water Management Board will consider this application at 10:00 a.m. July 7, 2004 in the Matthew Training Center, 523 E Capitol Ave., Foss Building, Pierre SD. 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 July 7, 2004 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 June 28, 2004.

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 June 28, 2004, 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.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 28, 2004.

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.

**Published Thurs., June 3 and
 Thurs., June 10, 2004
 Butte County Valley Irrigator**

RECEIVED

JUN 10 2004

WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on June 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1818-1 to Appropriate Water

Notice is given that Tom Bowen, PO Box 187, Vale SD 57788 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from the Belle Fourche River located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 to irrigate 12 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; all in T8N-R6E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1818-1 for 0.80 cfs (360 gpm) 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 June 28, 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.

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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 June 28, 2004, 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.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 28, 2004.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 27, 2004

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

ATTENTION: Legal Public Notice

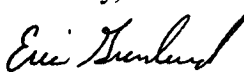
Enclosed is a Notice of Hearing on Application No. 1818-1 to Appropriate Water to be published twice. Please publish the first notice on June 2, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Bowen, PO Box 187, Vale SD (Ph # 605-456-2236).

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. 1818-1

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

Date _____

We are in receipt of your letter of May 27, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 1818-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

May 27, 2004

Tom Bowen
PO Box 187
Vale SD 57788

Dear Mr. Bowen:

Water Permit Application No. 1818-1 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. 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

JUL 08 2004

Tom Bowen
PO Box 187
Vale SD 57788

Dear Mr. Bowen:

Enclosed is Water Permit No. 1818-1 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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2008

1818-1

Thomas Bowen
19051 SD Hwy 79
Vale SD 57788-6345

Dear Mr. Bowen:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaire. The notice was originally mailed to PO Box 187, Vale SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1818-1
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 16, 2015

NOTICE

TO: THOMAS BOWEN, 19051 SD HWY 79, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1818-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 1818-1 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 4, 2015** 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) 1818-1 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 4, 2015** 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

January 27, 2015

1818-1

Thomas Bowen
19051 SD Hwy 79
Newell SD 57760

Dear Mr. Bowen:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 1818-1. 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. 1818-1
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, May 27, 2016, made a thorough examination of the water use system constructed by Tom Bowen, 19051 SD Hwy 79, Newell, SD 57760 holder of Permit No. 1818-1, bearing the priority of April 5, 2004, authorizing the diversion of 0.8 cubic foot of water per second (cfs), of the waters of the Belle Fourche River 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:

Tractor driven pump capable of pumping 360 gallons per minute.

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

Water is pumped into an existing ditch and applied by gravity to the acreage.

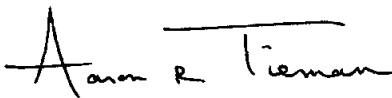
The system is in the following condition good. The point of diversion is located 735 feet N and 200 feet E from the SW corner of Section 20, T8N-R6E (SW¼SW¼), Lat/Lon N44.635705/W-103.426542. The works are capable of diverting and conveying to the place of use 0.8 cfs which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.8 cfs. Water has been put to beneficial use to the maximum extent as follows:

Section 20, T8N-R6E
SW¼ SW¼ - 12.0 acres
12.0 acres

All structures, wells and lands on map Y

Exceptions to compliance are: none

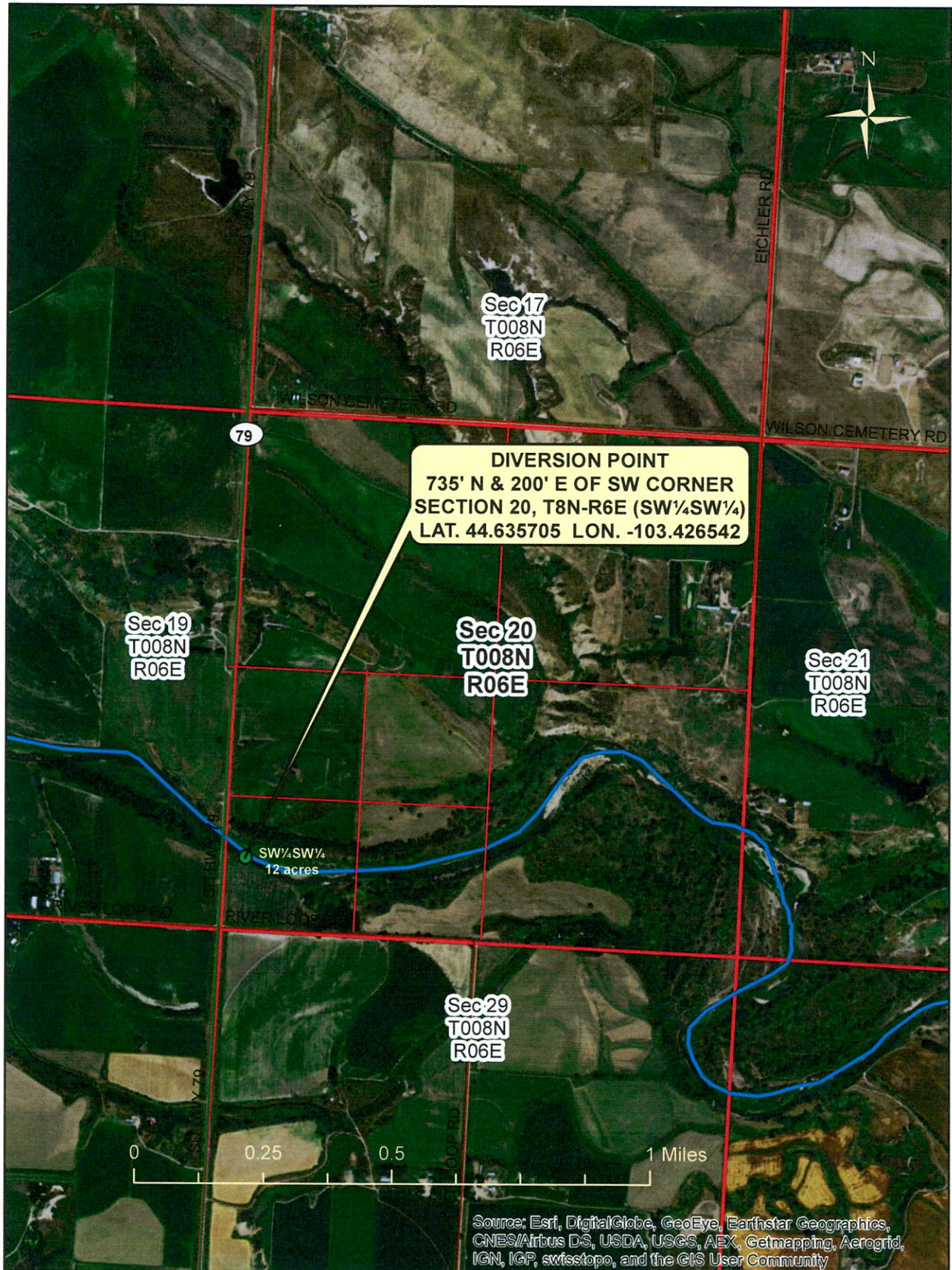
Comments:



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

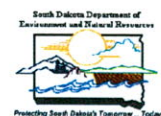
Date report completed: June 23, 2016

WATER PERMIT NO. 1818-1
JUNE 23, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1818-1**

(1) Tom Bowen, 19051 SD Hwy 79, Newell SD 57760 made Application No. 1818-1, April 5, 2004 for a water permit to divert 0.8 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1818-1, with a priority date of April 5, 2004 was approved July 7, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 7, 2009 and for the application to beneficial use of said water on or before July 7, 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 0.8 cubic feet of water per second for beneficial use.

The location of the diversion point is 735 feet N and 200 feet E of the SW corner of Section 20, T8N, R6E (SW ¼ SW ¼).

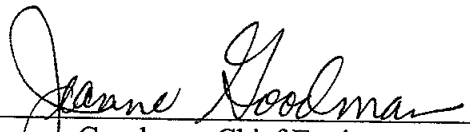
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 20, T8N, R6E · SW ¼ SW ¼ 12 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Tom Bowen, 19051 SD Hwy 79, Newell SD 57760 the holder and/or owner of Water Right No. 1818-1 is issued a license to appropriate water, the right to use 0.8 cubic feet of water per second from the Belle Fourche River with a priority date of April 5, 2004 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1818-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 1818-1 authorizes a maximum diversion rate of 0.8 cfs (360 gpm) for the irrigation of 12 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- 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 22 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 22 2016

1818-1

Tom Bowen
19051 SD Hwy79
Newell SD 57760

Dear Mr. Bowen:

Enclosed is Water License No. 1818-1. 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



1818-1
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 23, 2020

NOTICE

TO: THOMAS BOWEN, 19051 SD HWY 79, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1818-1. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 1818-1 qualification:

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

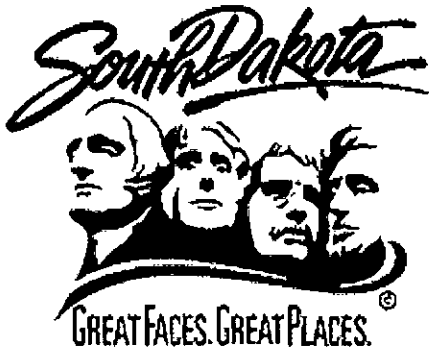
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1818-1 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: LPHRQG**

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.



1818-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

1818-1

Thomas Bowen
19051 SD Hwy 79
Newell SD 57760

Dear Mr. Bowen:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 1818-1. 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