

WATER PERMIT NO. 1843-1

Name of Applicant: Troy Hewson

Address: 18924 Youngberg Rd, Newell SD 57760 Phone: 605 456-2739

Amount of Water Claimed: 1.11 cfs Total Acres: 64

Source of Water Supply: runoff water from Belle Fourche Irrigation Project

Water to be used for: irrigation County: Butte

Type of Waste Disposal System:

Location: 2 miles west of Newell

PRIORITY Date Received: 4-19-05

Application/License Fee: \$275

Corrected Application Received: 4-25-05

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: SE ¼ SW ¼ Sec 25-T9N-R5E

Land to be Irrigated: S ½ SW ¼ Sec 25-T9N-R5E

Depth of Well: NA

Well Driller: : NA

Remarks:

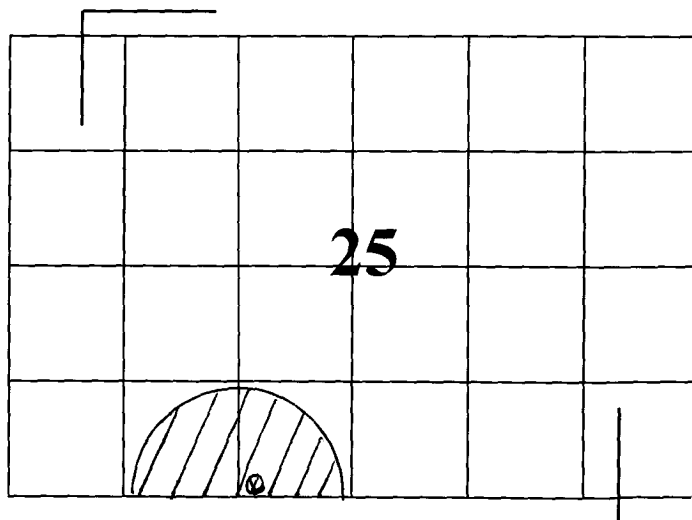
Type of Map: aerial

Prepared by: Diane Gronlund, NRCS

Reviewed and the Number Assigned on: 4-25-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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>1843-1</u>	(office use only) Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Belle Fourche Bee/Post</u>	

RECEIVED
APR 19 2005
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 Troy Hewson Phone (605) 456-2739
Mailing Address 18924 Youngberg Rd Newell State SD 57760
(check one) ☒ Owner ☐ Tenant/lessee
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.11 *CFS or 500 **GPM NK ***AF Total Acreage 64
(*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 Irrigation waste water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte
Natural draw in SE1/4 SW1/4 section 25-T9N-R5E.
Point of diversion is 1732 ft from SW corner.
- County or counties where water will be used Butte
- Annual period during which water is to be used May - September 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
SE1/4 SW1/4 Sec 25 T9N R5E	34		
SW1/4 SW1/4 "	30		

- Give a description of the project. (Attach sheet if more space is needed)
Provide water for a center pivot for irrigated cropland from natural draw. Excavate dugout for collection point or diversion.

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, Troy Hewson 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 Troy Hewson

Subscribed and sworn to before me this 18 day of April 20 05

Donna Wead

Notary Public signature

My commission expires 9-30-2009.

**SOUTH DAKOTA
WATER PERMIT NO. 1843-1**

Date of first receipt of application April 19, 2005.

Date of return to applicant for corrections, amendments or changes April 20, 2005.

Date of receipt of corrected application April 25, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1843-1 to Troy Hewson, 18924 Youngberg Rd, 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. 1843-1 appropriates 1.11 cubic feet of water per second (cfs) of return flows from the Belle Fourche Irrigation Project located in the SE ¼ SW ¼ Section 25 to irrigate 64 acres located in the S ½ SW ¼ Section 25; all in T9N-R5E. A small dugout (less than 1 acre foot of storage capacity) will be excavated for a collection point.
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 April 19, 2005.
4. The date of approval of Permit No. 1843-1 is August 8, 2005.
5. One-fifth of the construction is to be completed on or before February 8, 2008.
6. All construction is to be completed on or before August 8, 2010.
7. Water is to be put to beneficial use on or before August 8, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This water source may not be reliable. Water from the Beresford Lateral is diverted into the drainage proposed for use by this permit only to relieve damaging excess water in the lateral operated by the Belle Fourche Irrigation District. This permit does not grant the permit holder any authority to make a diversion from the Beresford Lateral.
2. 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. 1843-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

AUG 18 2005

date



(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

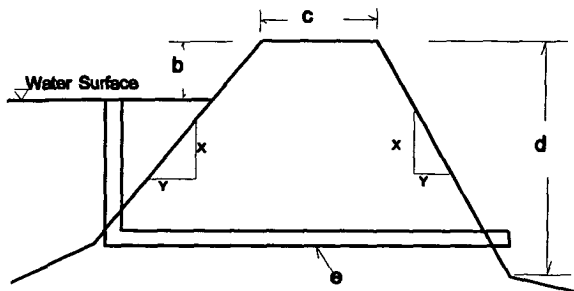
3. Dugout Information

- a) Surface Dimensions 20' x 20' x 8' deep with 4:1 sideslopes Depth 8'
- b) Depth to water (ground surface to water level) 1 ft. below ground surface to water level

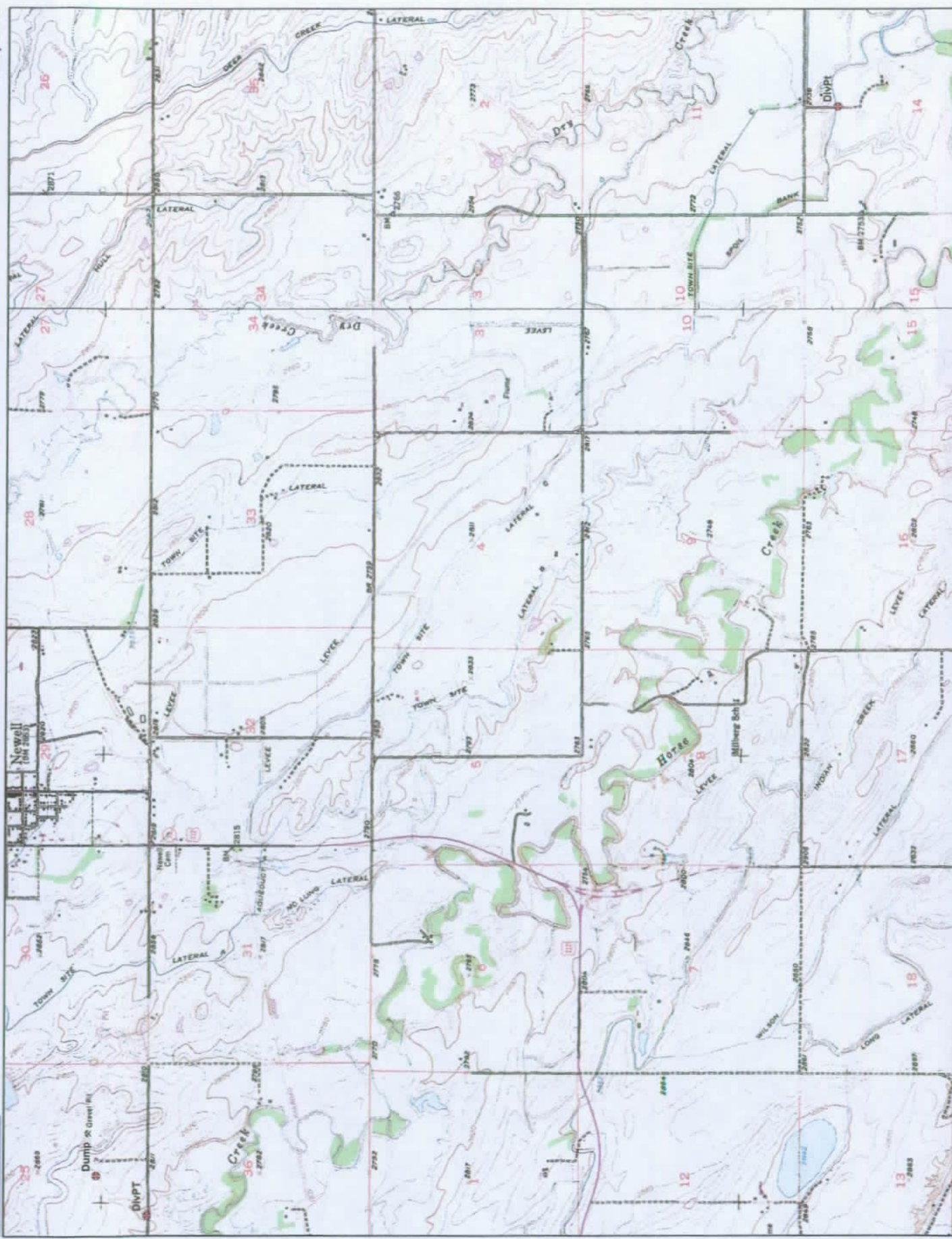
4. Water Storage Dams

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 1.0
- 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



Conservation Plan Map

Date: 3/14/2005

Customer(s): TROY D HEWSON

District: BUTTE COUNTY CONSERVATION DISTRICT

Field Office: BELLE FOURCHE SERVICE CENTER

Approximate Acres: 65

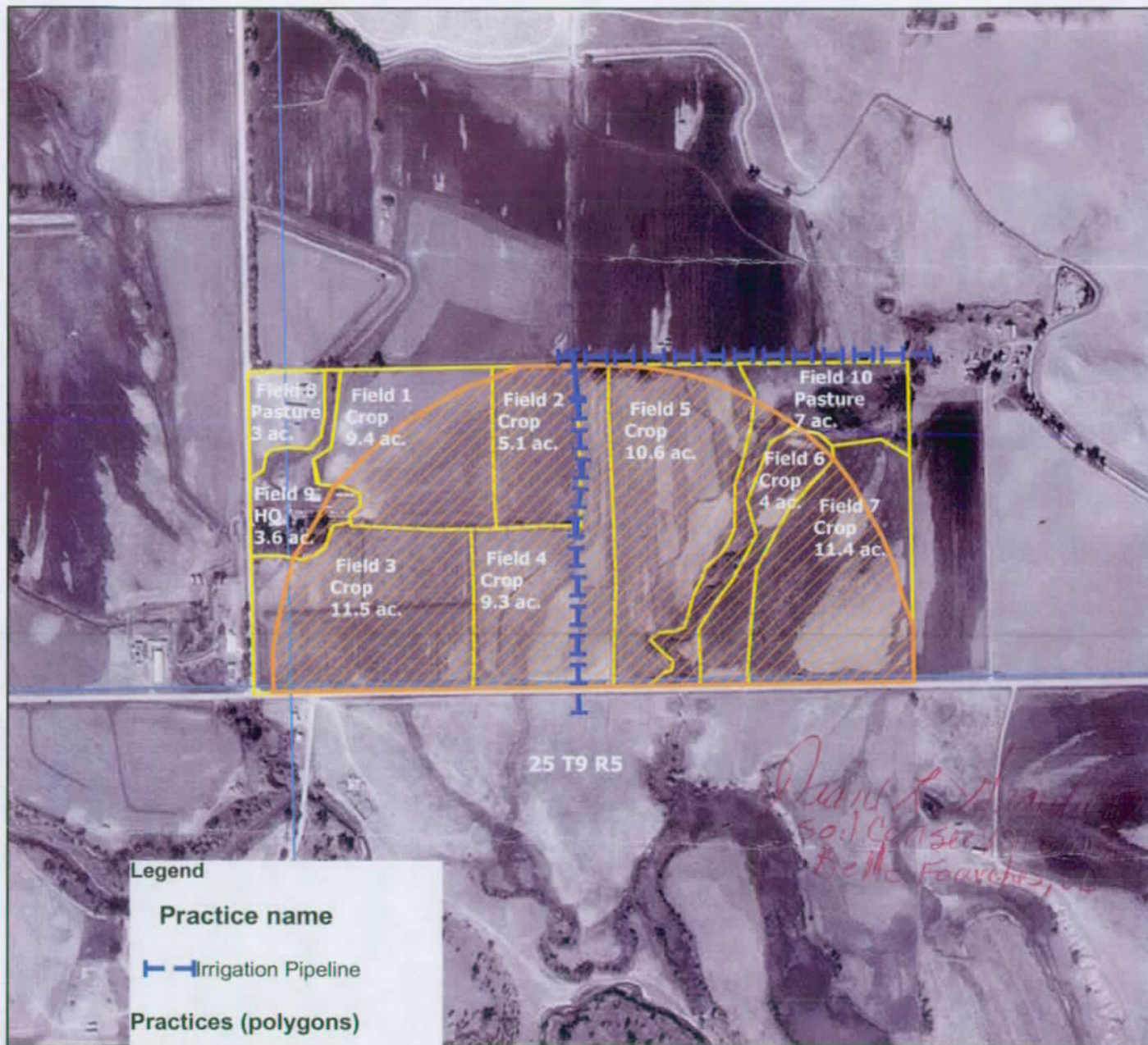
Agency: USDA/NRCS

Legal Description: Section 25 T9N R5E

Assisted By: Diane Gronlund

8" = 1 mile

State and County: SD, BUTTE



Legend

Practice name

— Irrigation Pipeline

Practices (polygons)

Practice name

■ Irrigation System, Sprinkler

■ Irrigation Water Management

■ GSWC05

■ Township/Range

■ 25

Image: DOQ



330 0 330 660 990 1,320 Feet

N

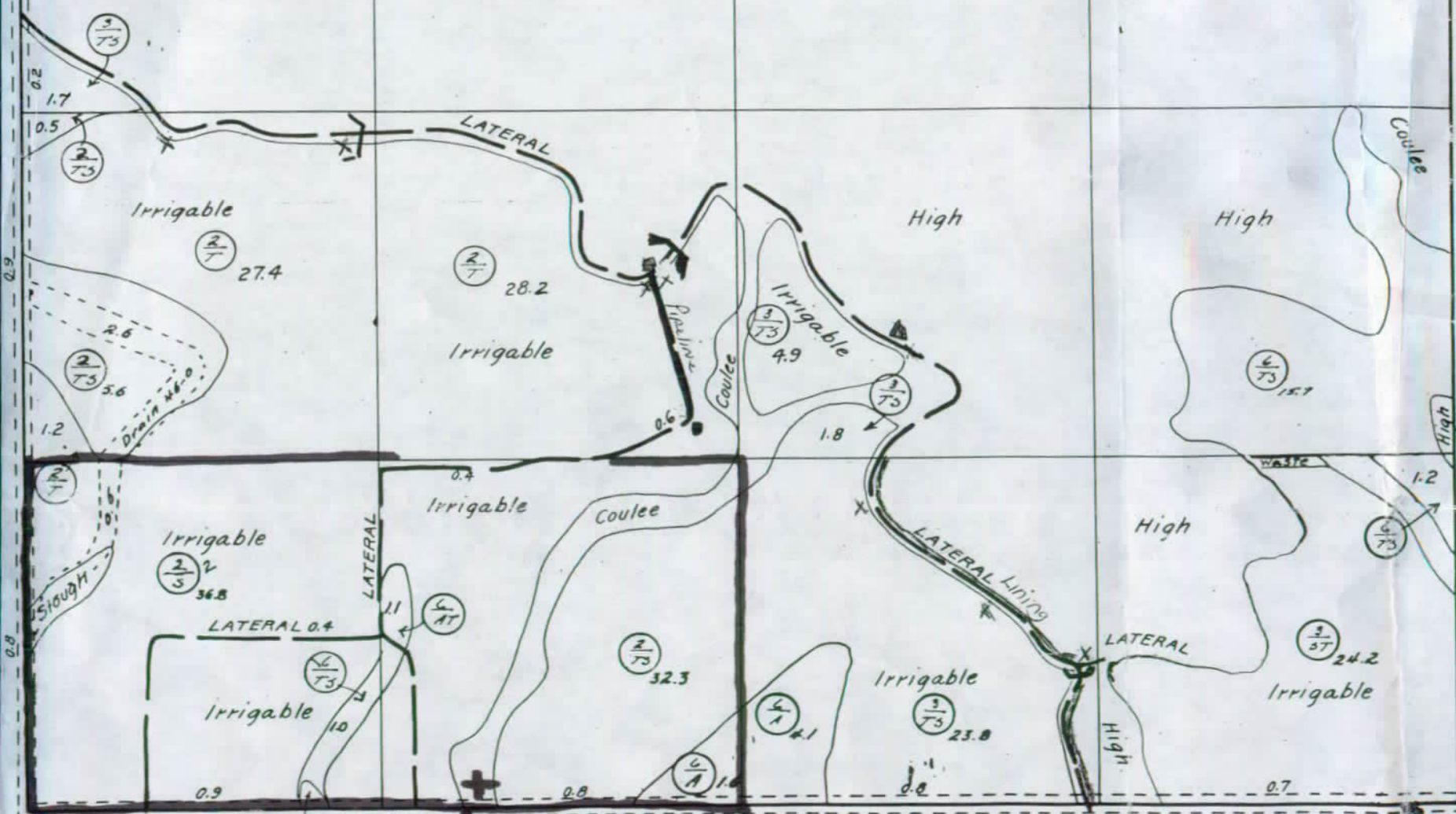


Too High
25-9-5
SE 4 SW 4 PT
SW 4 SW 4
79.1 Acres

N
W
E
S

25-9-5

High
Lateral
High



1949

1952 RECLASSIFICATION CHANGES MADE 2-15-53
SEE LETTER TO RD. DATED 3-11-53

Point of Diversion 25-9-5

THESE MAPS INCLUDE CHANGES MADE IN RECLAMATIONS 1963 AND 1997 RECLASSIFICATIONS. AUGUST 1997

Soils Map

Date: 3/14/2005

Customer(s): TROY D HEWSON

District: BUTTE COUNTY CONSERVATION DISTRICT

Approximate Acres: 65

Legal Description: Section 25 T9N R5E

8" = 1 mile

Field Office: BELLE FOURCHE SERVICE CENTER

Agency: USDA/NRCS

Assisted By: Diane Gronlund

State and County: SD, BUTTE



Legend

Soils Map

MUSYM

BaA

BaB

Gh

RcB

W

GSWC05

Township/Range

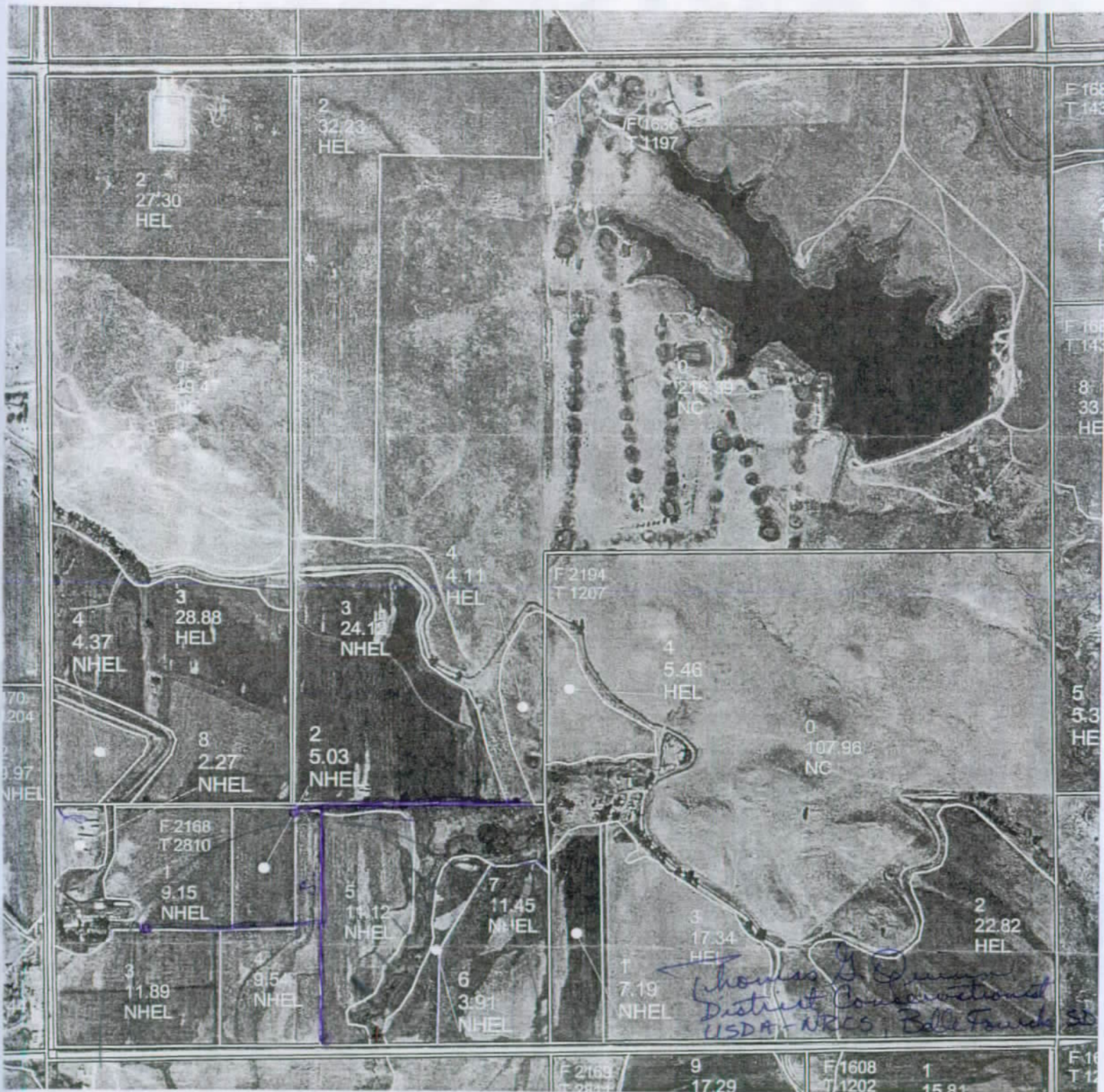
25

Image: DOQ



330 0 330 660 990 1,320 Feet





Map Not to Scale
No Official Wetland Determination

Butte County, South Dakota

Sec-Twp-Rng: 25-9N-5E

Map Printed: Oct 8, 2004



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 19, 20 05

RECEIVED OF Troy D Hewson, 18924 Youngberg Rd, Newell SD 57760

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

Fee for Application for Permit No. <u>1843-1</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>-</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1843-1</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	275.00

No.

0081

By

Darlene E. Eide
Chief Engineer *gm*

Karen Schlaak
Water Rights Program

Dear Karen

As per our conversation
4-22-05. The GPM of The
center pivot is 500 GPM Required
to Run the system.

Thank you

Sincerely Troy Hewson

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

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APR 25 2005
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

April 20, 2005

TROY HEWSON
18924 YOUNGBERG RD
NEWELL SD 57760

Dear Mr. Hewson:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications the following information is required.

- Please complete Item No. 2, Amount of water claimed, for each application. State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. For the application requesting irrigation of 64 acres, this would mean that you are allowed approximately 411 gallons per minute (gpm). For the application requesting irrigation of 16.81 acres, you would be allowed approximately 108 gpm. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit. (please explain diversion rate requirements for each project)

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Stroup, Donald

From: Rath, Mark
Sent: Thursday, May 19, 2005 3:15 PM
To: Stroup, Donald
Subject: FW: Troy Hewson - Application Nos. 1843-1a nd 1844-1

-----Original Message-----

From: Gronlund, Eric
Sent: Wednesday, May 18, 2005 2:15 PM
To: Rath, Mark
Subject: Troy Hewson - Application Nos. 1843-1a nd 1844-1

Mr. Hewson called with a scheme to use water authorized under his BFID to irrigate the lands being applied for under 1843-1 and 1844-1. The application are from return flows from the Project. I don't know that I fully understood but I think he wants to turn some of BFID water into a drainage that then pick it up and use to irrigate. I told him that from how I understood his intentions he'd need to have a water permit in place to irrigate.

He then asked about the status of his applications. I told him that they were out for staff reports as we received his complete applications on April 25th. I told him I track down where they are at in the process. After our phone call I check Don, Mike and your desk and did not see them. I was concerned that with Don on the road if you'd assigned them to him that it might be quite awhile before we get them done.

I told Mr. Hewson, I'd make you aware of his desire to get the permits in place. Consider yourself kicked in the rear.

Belle Fourche Irrigation District
P.O. Box 225
Newell, SD 57760
(605) 456-2541 Fax (605) 456-2697

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JUN 22 2005
WATER RIGHTS
PROGRAM

June 20, 2005

DENR
Garland Erbele
Joe Foss Building
523 East Capital
Pierre, SD 57501-3182

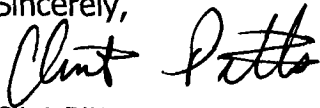
TO: Chief Engineer of Water Rights Program

This letter is in response to a request by Don Stroup asking us to state the nature of a drain system located on Mr. Troy Hewson's property located on Section 25, Township 9 North, and Range 5 E in Butte County of South Dakota.

The drain system is currently considered a natural drain that is not maintained by the Belle Fourche Irrigation District. The only time that the District would require a drain like this, is to relieve the lateral above it of excess water that could be damaging to our system.

If there are any further questions, please feel free to call me at (605) 456-2541.

Sincerely,



Clint Pitts
Project Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 2005

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, recommendations and public notice for Water Permit Application Nos. 1843-1 and 1844-1 filed by Troy Hewson. The public notice is scheduled to be published July 20th and 27th in the Belle Fourche Bee/Post.

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

WATER PERMIT APPLICATION No. 1843-1

**Troy Hewson
18924 Youngberg Rd.
Newell, SD 57760
(605)456-2739**

Water Permit Application No. 1843-1, Troy Hewson, proposes to appropriate 1.11 cubic feet per second (cfs) of Belle Fourche Irrigation District wasteway water to irrigate 64-acres in Section 25 T9N R5E approximately 1.5-miles east of Newell, Butte County, SD. (Attachment 1) The annual period of use requested is from May 1 to September 30.

Review of Proposed Project

The applicant proposes to use a center pivot to irrigate land in the SE¼ and SW¼ of the SW¼ Section 25 T9N R5E (Attachment 1). A diversion rate greater than the statutory limit of 1-cfs per 70-acres is requested by the application due to the capacity of the pump (500-gpm) needed with the proposed pivot system and availability of water in the drainage.

Water Source and Existing Water Rights

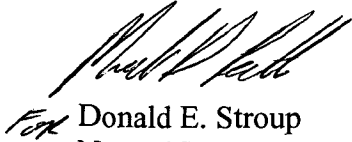
The water source for the proposed project is wasteway water from the Belle Fourche Irrigation District. Water from an irrigation ditch off of the Beresford Lateral is dumped into a natural drainage on the applicant's property. The Belle Fourche Irrigation District does not maintain the drainage and would only use such drainage to relieve damaging excess water in a lateral. A small dugout (20Lx20Wx20D) will be constructed in the SE¼ SW¼ Section 25 T9N R5E to capture and store any runoff in the drainage. When available, water will be pumped from the dugout. (Attachment 1)

The drainage below the applicant's property empties into a swampy slough area. There are no prior water rights along the drainage or the slough area below the proposed project.

Conclusions

1. Water Permit Application No. 1843-1, Troy Hewson, proposes to appropriate 1.11 cubic feet per second (cfs) of Belle Fourche Irrigation District wasteway water to irrigate 64-acres.
2. The proposed project will not infringe on any prior water rights.
3. The applicant is requesting a diversion rate greater than the statutory limit of 1-cfs per 70-acres due to the capacity of the pump (500-gpm) needed with the proposed pivot system and availability of water in the drainage.
4. The Water Management Board may allow a diversion rate greater than 1-cfs per 70-acres, in volume or rate, or both, if the method of irrigation, any time constraints on diversion of water,

or the type of soil so requires. However, no annual volume may be greater than 3-acre feet per acre delivered to the land.



For Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

Verbal and written communications with the Belle Fourche Irrigation District Project Manager

Permit # 1843-1

Troy Hewson

18924 Youngberg Rd.

Newell, SD 57760

(605)456-2739

T9N R5E

Newell

Beresford Lateral

Wasteway Dump

Diversion Point

TOWN SITE

LATERAL



Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program

Attachment 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1843-1, Troy Hewson**

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. 1843-1, Troy Hewson, 18924 Youngberg Road, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1843-1 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. This water source may not be reliable. Water from the Beresford Lateral is diverted into the drainage proposed for use by this application only to relieve damaging excess water in the lateral operated by the Belle Fourche Irrigation District. This permit does not grant the permit holder any authority to make a diversion from the Beresford Lateral.
2. 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. 1843-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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
July 8, 2005

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JUL 29 2005
WATER RIGHTS
PROGRAM

Public Notices

NOTICE OF APPLICATION NOS . 1843-1 and 1844-1 to Appropriate Water

Notice is given that Troy Hewson, 18924 Youngberg Rd, Newell SD 57760 has filed the following applications for a water permit.

Application No. 1843-1 proposes to appropriate 1.11 cubic feet of water per second (cfs) of return flows from the Belle Fourche Irrigation Project located in the SE 1/4 SW 1/4 Section 25 to irrigate 64 acres located in the S 1/2 SW 1/4 Section 25; all in T9N-R5E. A small dugout (less than 1 acre foot of storage capacity) will be excavated for a collection point. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 1844-1 proposes to appropriate 1.11 cfs of runoff water from the Belle Fourche Irrigation Project located in the NE 1/4 NW 1/4 Section 14 to irrigate 16.81 acres located in the E 1/2 NW 1/4 Section 14; all in T8N-R6E. A small dugout (less than 1 acre foot of storage capacity) will be excavated for a collection point. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1843-1 and 1844-1 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 August 8, 2005.

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.

**Publ. July 20, 27, 2005
Belle Fourche Post**



**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.

July 12, 2005

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

Water Permit Application Nos. 1843-1 & 1844-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Belle Fourche Bee/Post printed at Belle Fourche, SD (Ph # 605-892-2528). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on July 20, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS . 1843-1 and 1844-1 to Appropriate Water

Notice is given that Troy Hewson, 18924 Youngberg Rd, Newell SD 57760 has filed the following applications for a water permit.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 12, 2005

Belle Fourche Bee/Post
PO Box 400
Belle Fourche SD 57717-0400

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 1843-1 and 1844-1 to Appropriate Water to be published twice. Please publish the first notice on July 20, 2005 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 Troy Hewson, 18924 Youngberg Rd, Newell SD (Ph # 605-456-2739).

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-----

Nos. 1843-1 & 1844-1

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

Date _____

We are in receipt of your letter of July 12, 2005 enclosing Notice to Appropriate Water by Application Nos. 1843-1 & 1844-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



AUG 18 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

Enclosed are Water Permit Nos. 1843-1 & 1844-1 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

1843-1
RECEIVED

NOV 27 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

11-26-07

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

FROM:

Troy Hewson

(name)

18924 Youngberg Rd

(address)

Newell SD 57760

(city, state, zip)

605 456-2739

(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. 1843-1 states that the water use system is to be constructed by

August 8, 2010

(date)

, and water is to be put to beneficial use by

August 8, 2014

(date)

The water use system was completed on May, 2006

(date)

Applying the water to beneficial use was completed on

May, 2006

(date)

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

Troy Hewson

(signature)



Permit No. 1843-1
Belle Fourche Irrigation Project - 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, 7/14/2009, made a thorough examination of the water use system constructed by Troy Hewson of 18924 Youngberg Road, Newell, SD 57760 holder of Permit No. 1843-1, bearing the priority of 4/19/2005 authorizing the diversion of 1.11 cu. ft. per second of the runoff water of Belle Fourche Irrigation Project for irrigation purposes, in Butte County.

Inspection contact & relationship **Troy Hewson--same**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 3RB-CB-4
- 3) Size (11.38" diameter impeller)
- 4) Capacity 500 GPM

Motor:

- 1) Make Baldor
- 2) Model No. JPM2515T
- 3) Horsepower rating 20 hp

Dam Information:

Permit holder diverts irrigation water from a small dugout (less than 1 acre-foot), with approximate dimensions of 20' X 20' X 8' deep with 4:1 sideslopes. Depth to water (ground surface to water level) is 1 foot.

Latitude/Longitude of Diversion Point:

N 44.70522 deg

W -103.45976 deg

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

- 1) Type ductile iron pipe
- 2) Size 10 inches
- 3) Length ~300 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Electrogator
- 2) Overall length 1,120 feet
- 3) Number of towers 8
- 4) Distance between towers 140 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 500 GPM

Chemigation Equipment: Not Applicable

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 1,697 feet east and 100 feet north from the southwest corner of Section 25, Township 9 N, Range 5 E, lat/long N 44.070522 W -103.45976. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water and/or storing less than one acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ SW ¼ Sec 25 T9N R5E— 34 acres

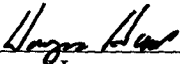
SW ¼ SW ¼ Sec 25 T9N R5E— 30 acres

comprising a total of 64 acres of land and the license should be issued for 1.11 cfs and/or less than one acre-feet of storage.

All structures, wells and lands on map Yes

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

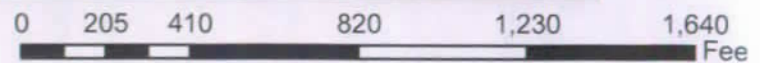
1. This water source may not be reliable. Water from the Beresford Lateral is diverted into the drainage proposed for use by this application only to relieve damaging excess water in the lateral operated by the Belle Fourche Irrigation District. This permit does not grant the permit holder any authority to make a diversion from the Beresford Lateral.
2. 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. 1843-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Hayes Haas

Natural Resources Engineer
DENR, Water Rights Program

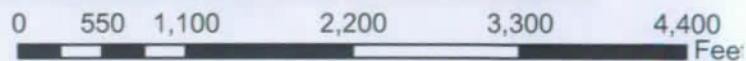
Date report completed: **February 3, 2010**



Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
June 2009





Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
June 2009





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 2010

1843-1

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

Enclosed is your Water License No. 1843-1. The license is the final document which completes the process of obtaining a water right. Included with the license is a map of the project area as 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1843-1**

(1) Troy Hewson, 18924 Youngberg Rd, Newell SD 57760 made Application No. 1843-1, April 19, 2005 for a water permit to divert 1.11 cubic feet of water per second from return flows of the Belle Fourche Irrigation Project, Butte County, South Dakota for irrigation purposes. Permit No. 1843-1, with a priority date of April 19, 2005 was approved August 8, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 8, 2010 and for the application to beneficial use of said water on or before August 8, 2014.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 27, 2007. The "*Notice*" stated the water use system was completed and water placed to beneficial use in May, 2006.

(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 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 1,697 feet east and 100 feet north of the SW corner of Section 25, T9N, R5E (SE ¼ SW ¼). A small dugout with less than one acre foot of water is used as a collection point.

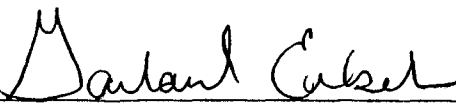
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T9N, R5E Section 25	SE ¼ SW ¼	34 acres
	SW ¼ SW ¼	30 acres
	Total	64 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Troy Hewson, 18924 Youngberg Rd, Newell SD 57760 the holder and/or owner of Water Right No. 1843-1 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from return flows of the Belle Fourche Irrigation Project with a priority date of April 19, 2005 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1843-1 and subject to the following qualifications:

- This water source may not be reliable. Water from the Beresford lateral is diverted into the drainage proposed for use by this permit only to relieve damaging excess water in the lateral operated by the Belle Fourche Irrigation District. This permit does not grant the permit holder any authority to make a diversion from the Beresford Lateral.
- 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. 1843-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 64 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.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 23 2010

date





1843-1
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 20, 2017

NOTICE

TO: TROY HEWSON, 18924 YOUNGBERG RD, NEWELL, SD 57760
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1843-1, 1844-1. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 1843-1, 1844-1 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 1843-1, 1844-1 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 1, 2017** 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.



1843-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2017

1843-1
1844-1

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 1843-1 and 1844-1. 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1843-1

Date: 4/21/20

PAID

APR 27 2026

Ck# 202812

Rec't# _____

RECEIVED

APR 27 2026

OFFICE OF
WATER

I/We request that Water Right/Permit No. 1843-1 formerly owned by:
Troy Hewson, 18924 Youngberg Rd, Newell, SD be transferred to:

New Owner Name: Prestyn Novak Address: 18625 Dillinger Rd mobile: 605-499-9651
City, State, Zip Newell, SD 57760 email: _____

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

Township 9 North, Range 5 East of the Black Hills Meridian, Butte County, South Dakota:
Section 25: S½SW¼

☒ I understand that the validity of Water Right/Permit No. 1843-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Prestyn Novak, the new owner, certify that the above information is true and correct.


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

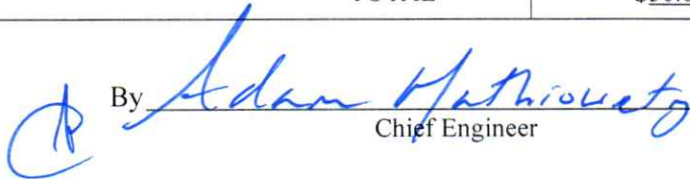
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 27, 2026

RECEIVED OF Prestyn Novak 18625 Dillinger Rd 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	\$ _____
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 #1843-1 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 28, 2026

1843-1

Prestyn Novak
18625 Dillinger Rd
Newell, SD 57760

Dear Mr. Novak:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the fees you submitted for Water Right No. 1843-1, enclosed is a \$50.00 receipt of payment for your records.

Water Right No. 1843-1, previously held by Troy Hewson, is now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 1843-1 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures