

WATER PERMIT NO. 1844-1

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: 16.81

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: 5 miles southeast of Newell

PRIORITY Date Received: 4-19-05

Application/License Fee: \$200

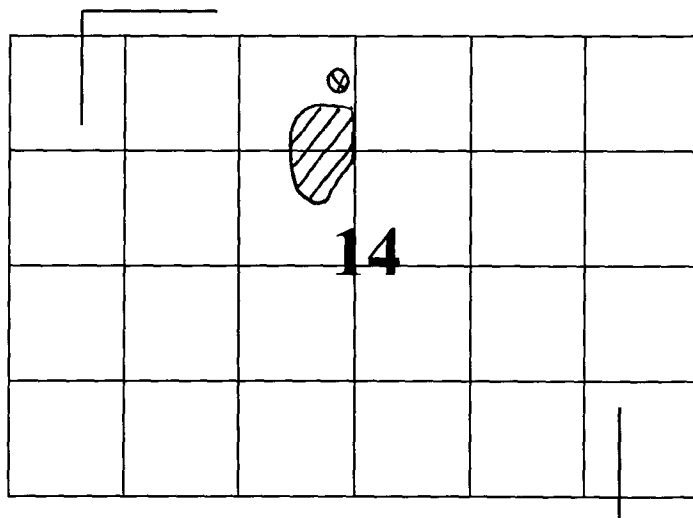
Corrected Application Received: 4-25-05

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 14-T8N-R6E

Land to be Irrigated: E ½ NW ¼ Sec 14-T8N-R6E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Thomas Quinn, NRCS

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

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

APR 19 2005

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1844-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Belle Fourche Bee/Post</u>

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
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18924 Youngberg Rd. Newell State SD 57760
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1/11 *CFS or 500 **GPM NA ***AF Total Acreage 16.81
(*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
840' South and 100' West of NE corner of NW 1/4 Sec. 14-8-6.
- County or counties where water will be used Butte
- Annual period during which water is to be used May 1 - 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
SE 1/4 NE 1/4 NW 1/4 Sec. 14-8-6	12.24		
NE 1/4 SE 1/4 NW 1/4 Sec. 14-8-6	4.57		

8. Give a description of the project. (Attach sheet if more space is needed)
Provide water for irrigated cropland.
By Dugout Pumped by Tractor Pump. Tailwater recovery
Pond initial planned size: 20' x 20' x 8' deep. 4:1 side slopes.

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 Weir

Notary Public signature

My commission expires 9-23-2009.

SOUTH DAKOTA
WATER PERMIT NO. 1844-1

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. 1844-1 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. 1844-1 appropriates 1.11 cubic feet of water per second (cfs) of runoff water from the Belle Fourche Irrigation Project located in the NE ¼ NW ¼ Section 14 to irrigate 16.81 acres located in the E ½ NW ¼ Section 14; all in T8N-R6E. 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. 1844-1 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 Town Site 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 Town Site 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. 1844-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 16.81 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

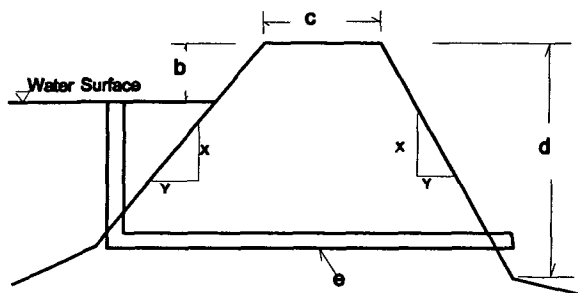
3. Dugout Information

- a) Surface Dimensions 20' x 20' with 4:1 side slopes Depth 8'
- b) Depth to water (ground surface to water level) 1 ft. to water stored in pond.

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 19, 2005

RECEIVED OF Tracy Hewson, 18974 Youngberg Rd., Newell SD 57760

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

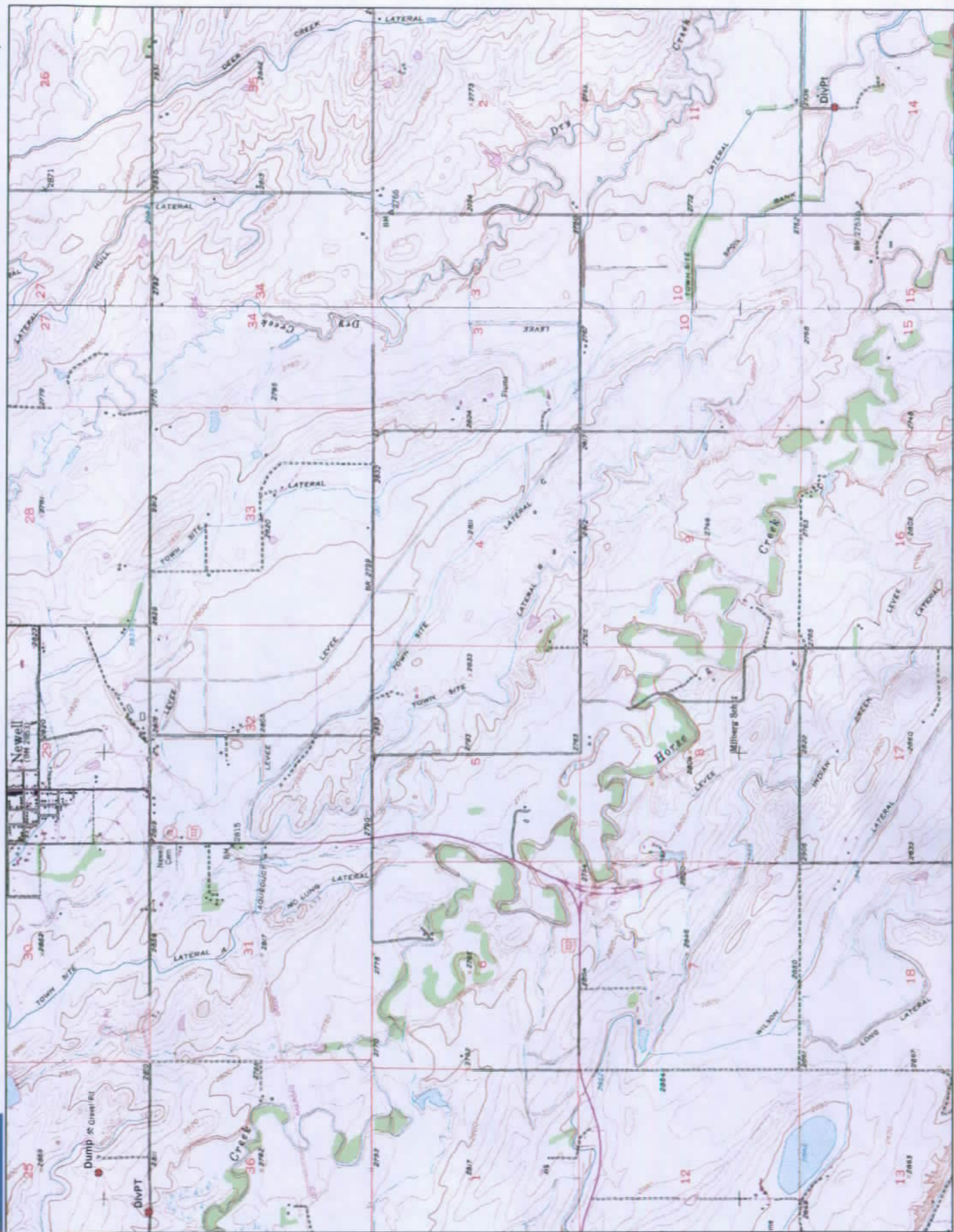
Fee for Application for Permit No. <u>1844-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1844-1</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.

002082

By

Darlene E. Ebel
Chief Engineer *gm*



Data use subject to license.

© 2004 DeLorme. XMap® 4.5.

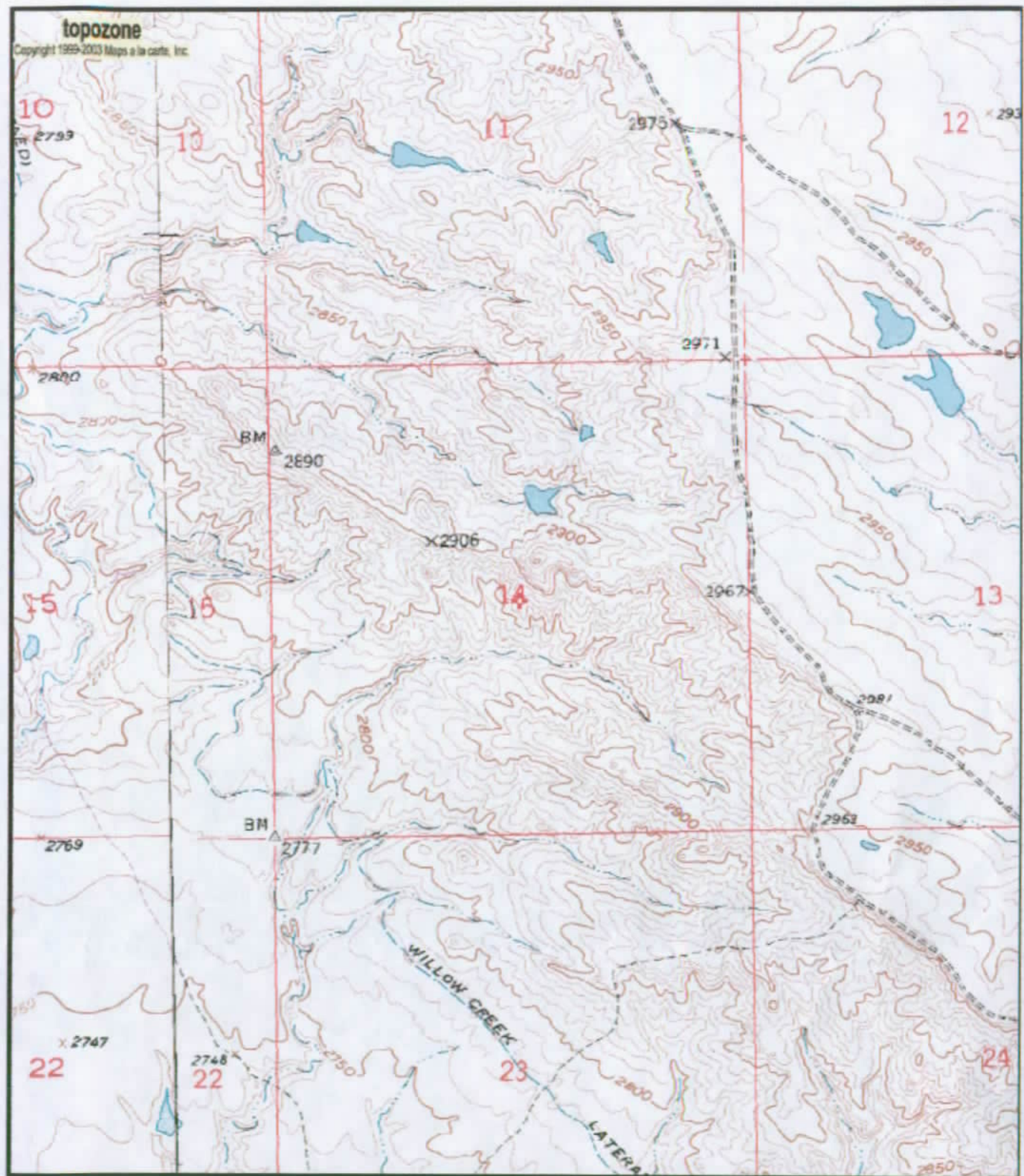
www.delorme.com

E

Scale 1 : 37,500

 $1" = 3,125.0 \text{ ft}$

Data Zoom 13-0



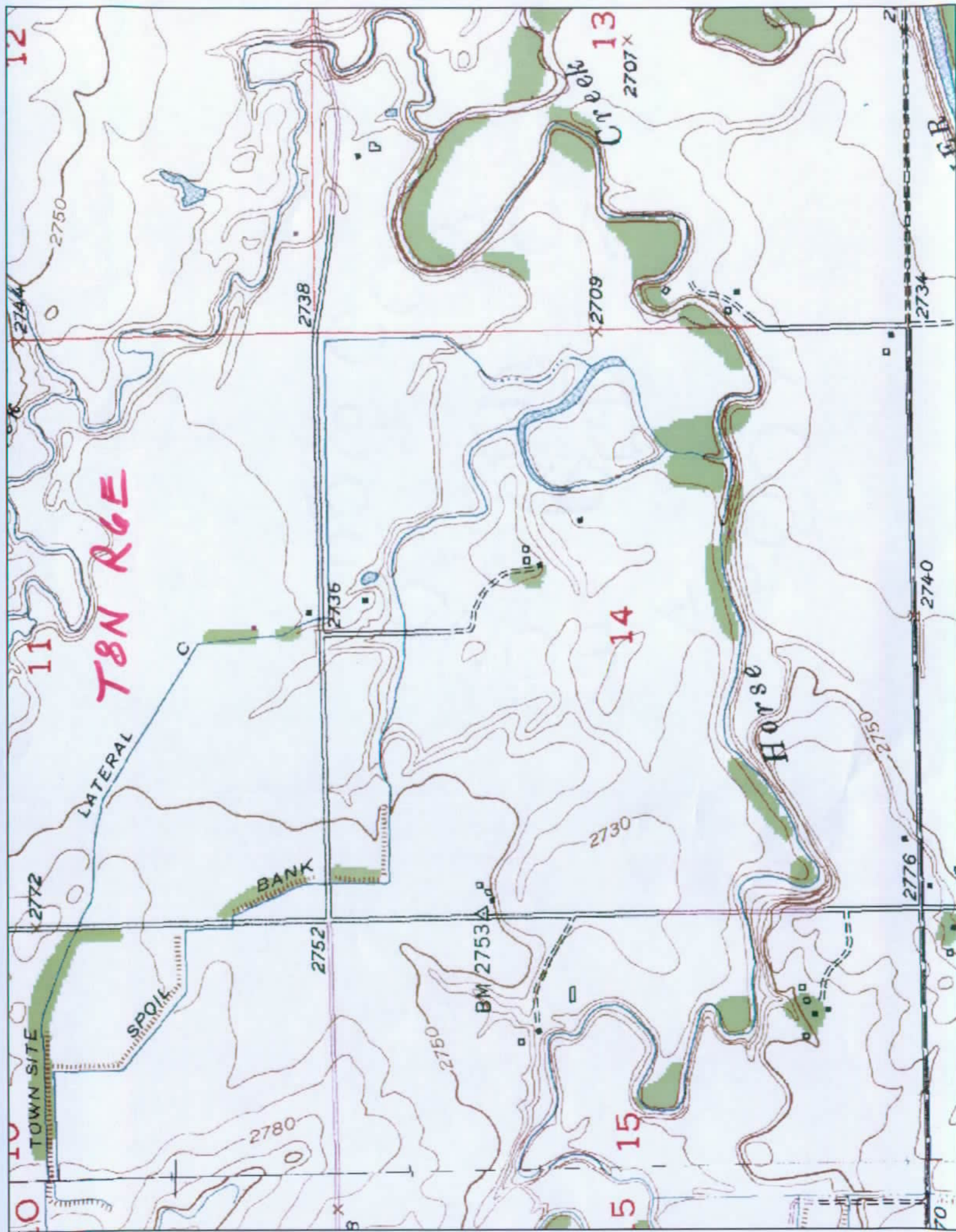
0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

Map center is UTM 13 639878E 4946169N (WGS84/NAD83)

Volunteer NW quadrangle

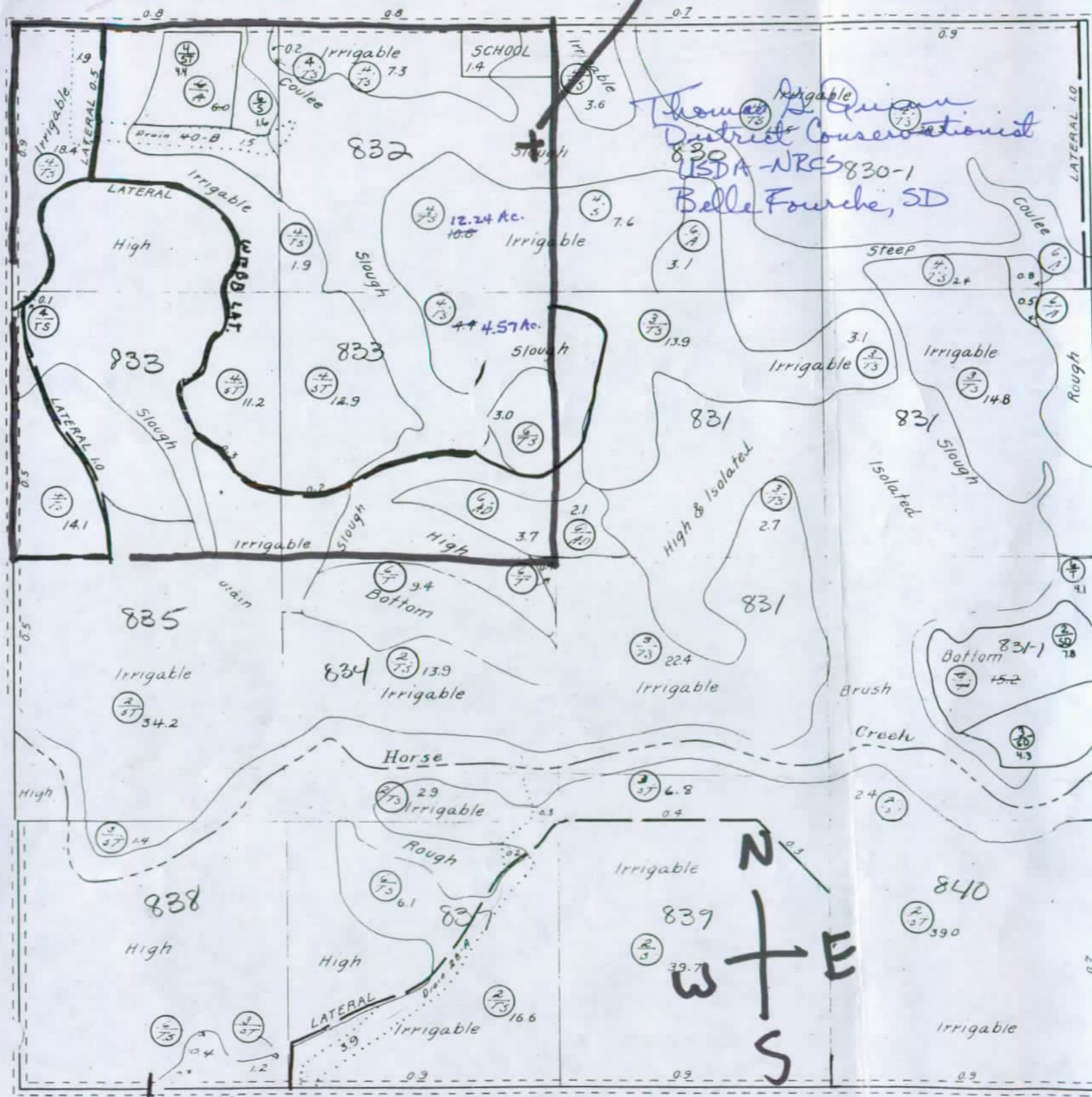
Projection is UTM Zone 13 NAD83 Datum

*M
M=9.455
G=1.24



Troy Hewson 14-8-6 NWPT

Point of Diversion 76





**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

Karen Schluack
Water Rights Program

Dear Karen

As per our conversation of
4-22-05. The GPM of the
pump to irrigate the said land
is 500 GPM in order to run
the system in place.

Thank you

Sincerely Troy Hewson

Troy Hewson
18924 Youngberg Rd
Newell SD, 57760

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APR 25 2005

WATER RIGHTS
PROGRAM

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,

A handwritten signature in black ink, appearing to read "Clint Pitts". The signature is fluid and cursive, with the first name "Clint" and last name "Pitts" clearly distinguishable.

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. 1844-1

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

Water Permit Application No. 1844-1, Troy Hewson, proposes to appropriate 1.11 cubic feet per second (cfs) of Belle Fourche Irrigation District wasteway water to irrigate 16.81-acres in Section 14 T8N R6E approximately 4.5-miles southeast 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 flood irrigate land in the NE¼ and SE¼ of the NW¼ Section 14 T8N R6E (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) available to irrigate the 16.81-acres 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 the Town Site Lateral is dumped into a spoil bank thence 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 N½ of Section 14 T8N R6E to capture and store any runoff in the drainage. (Attachment 1) When available, water will be pumped from the dugout.

The drainage below the proposed project empties into a small pond thence into Horse Creek. There are no prior water rights on the portion of the drainage before confluence with Horse Creek.

Conclusions

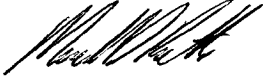
1. Water Permit Application No. 1843-1, Troy Hewson, proposes to appropriate 1.11 cubic feet per second (cfs) of Belle Fourche Irrigation District wasteway water to irrigate 16.81-acres.
2. The proposed project will not infringe on any prior water rights.
3. The applicant is requesting a diversion rate greater than the statutory limit of 1-cfs per 70-acres due to the capacity of the pump (500-gpm) needed with the proposed irrigation 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:



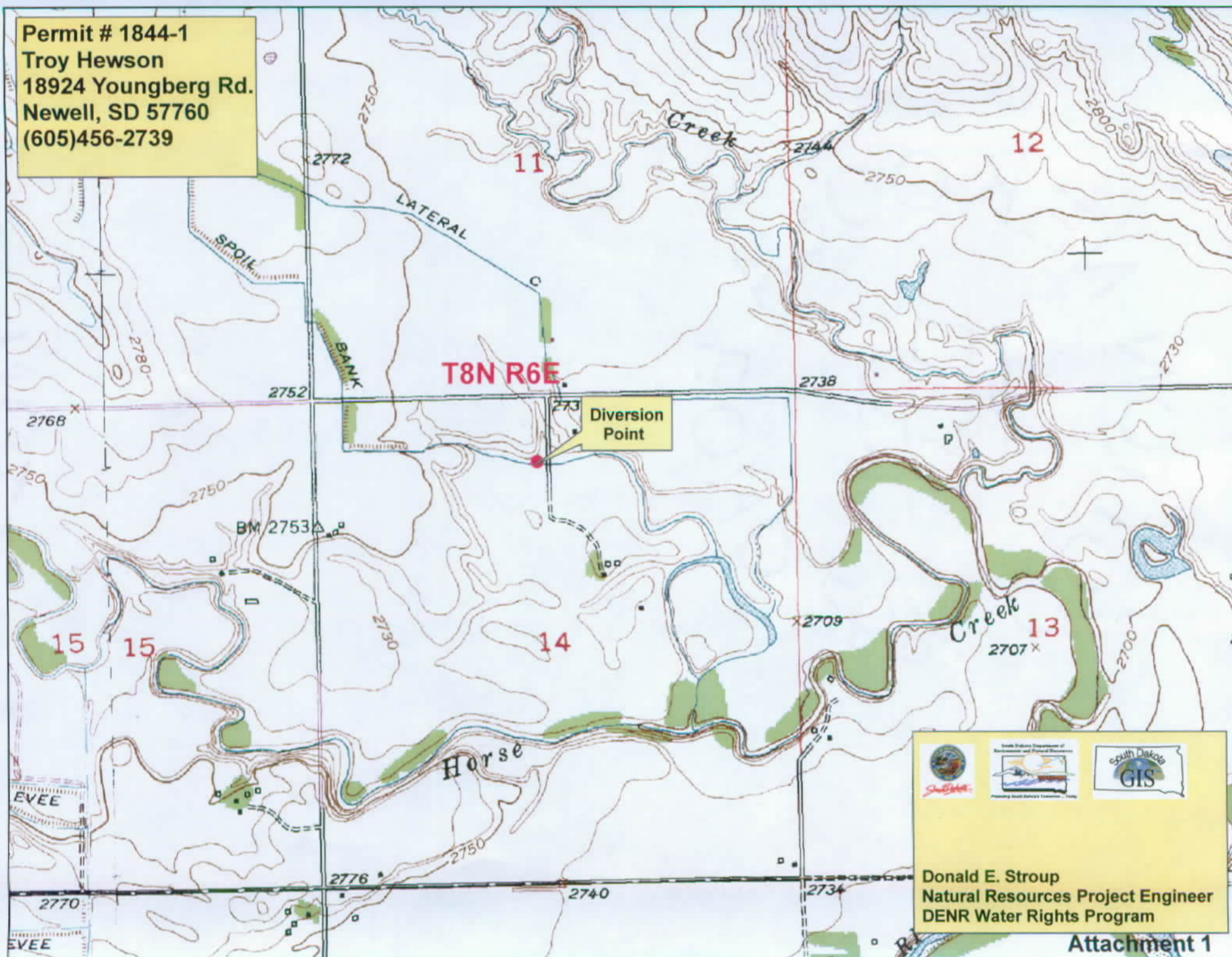
Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

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 # 1844-1
Troy Hewson
18924 Youngberg Rd.
Newell, SD 57760
(605)456-2739



South Dakota Department of
Environmental and Natural Resources
Protecting South Dakota's Environment • Today

South Dakota
GIS

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1844-1, 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. 1844-1, Troy Hewson, 18924 Youngberg Road, Newell SD 57760.

The Chief Engineer is recommending APPROVAL of Application No. 1844-1 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 Town Site 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 Town Site 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. 1844-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 16.81 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of BUTTE)

I, CATHY DABNEY

certify that the attached printed Notice was
taken

from the BELLE FOURCHE POST

printed and published in BELLE FOURCHE

County of BUTTE and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

JULY 20, 2005

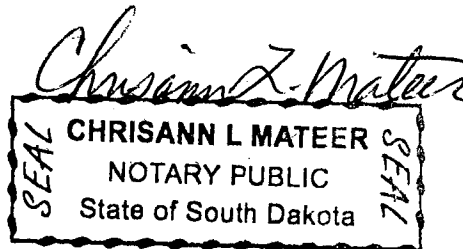
JULY 27, 2005

Cost of Printing 47.18

Cathy Dabney
(Signature)

Office Manager
(Title)

7-27-05
(Date Signed)



7/28/05

My Commission Expires Nov. 19, 2007

RECEIVED
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**

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

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Application No. 1844-1 proposes to appropriate 1.11 cfs of runoff water from the Belle Fourche Irrigation Project located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14 to irrigate 16.81 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ 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.

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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



**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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 18 2005

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

1844-1
RECEIVED

NOV 12 2009

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEWATER RIGHTS
PROGRAMDate 11-09-09

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. 1844-1 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

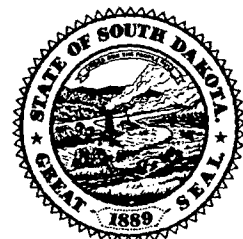
May 15, 2009
(date)

Applying the water to beneficial use was completed on

Sept. 17, 2009
(date)

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

Troy Hewson
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 2009

1844-1

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Permit Nos. 1844-1
Upper Cheyenne River - Water District

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

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

I have on this day, January 8, 2016, made a thorough examination of the water use system constructed by Troy Hewson, 18924 Youngberg Rd., Newell, SD 57760 holder of Permit No. 1844-1, bearing the priority of April 19, 2005, authorizing the diversion of 1.11 cubic foot of water per second (cfs), of the waters of the surface water runoff and irrigation waste water for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Tractor pump capable of pumping 500 gallons per minute.

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

Surface water runoff and irrigation waste water are impounded in a dugout (20'x20'x8' deep), less than 1 acre-foot capacity, diverted via pump and flood irrigated.

The system is in the following condition **good**. The point of diversion is located 615 feet S and 2425 feet E from the NW corner of Section 14, T8N-R6E (NE¼NW¼), Lat/Lon N44.660956/W-103.357194. The works are capable of diverting and conveying to the place of use 1.11 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 1.11 cfs. Water has been put to beneficial use to the maximum extent as follows:

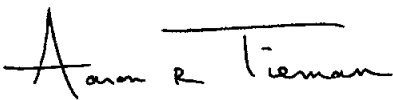
Section 14, T8N-R6E
NE¼ NW¼ - 12.24 acres
SE¼ NW¼ - 4.57 acres
16.81 acres

All structures, wells and lands on map Y

Exceptions to compliance are: none

Comments: Permit No. 1844-1 does not grant any authority to divert water from Belle Fourche Irrigation District lateral. This water source may not be reliable.

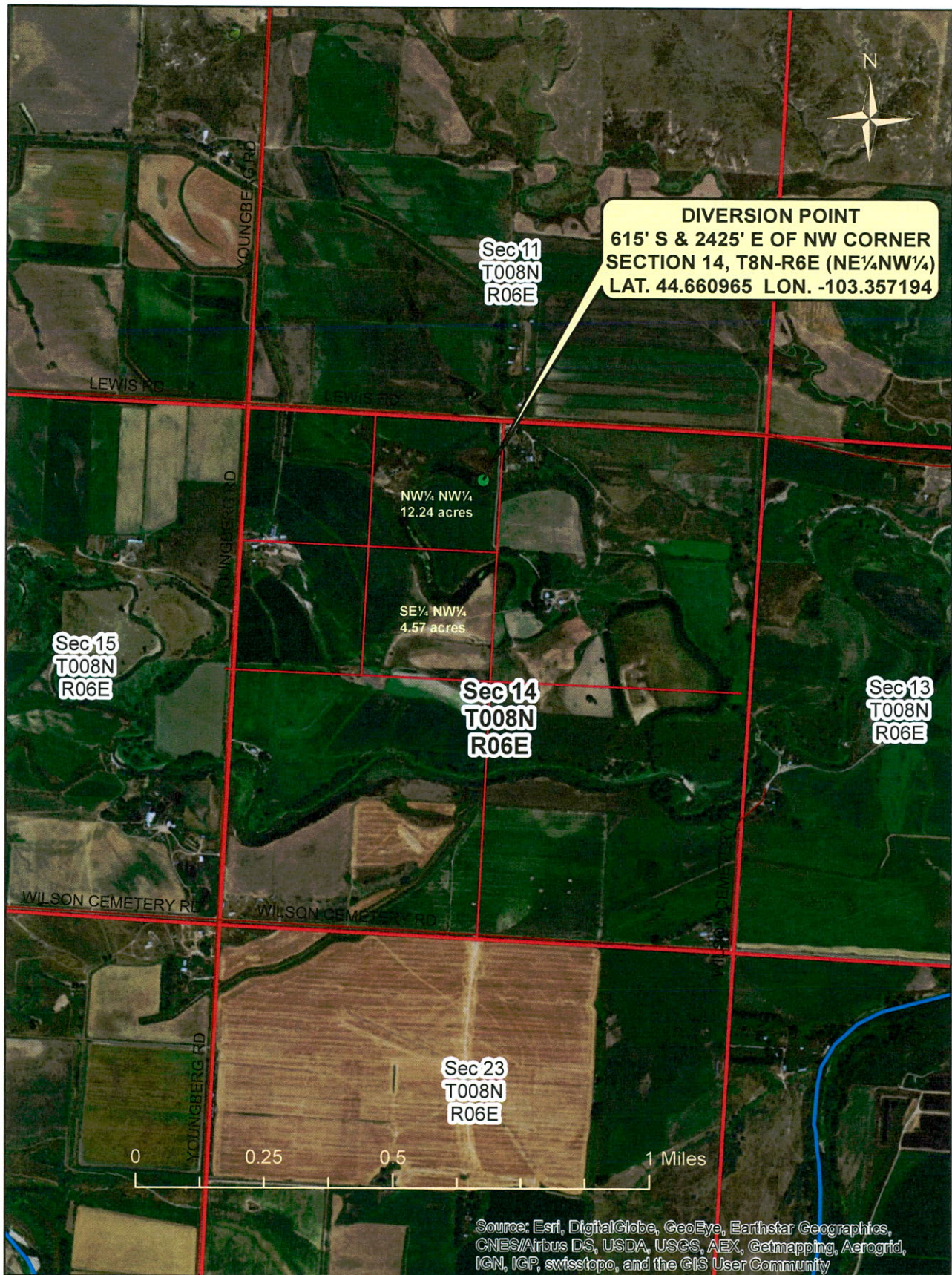
This permit authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 16.81 acres with an annual volume of water not to exceed 2 acre-feet per acre per year.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

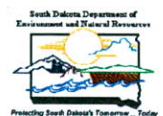
Date report completed: June 23, 2016

WATER PERMIT NO. 1844-1
JUNE 23, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1844-1**

(1) Troy Hewson, 18924 Youngberg Rd., Newell SD 57760 made Application No. 1844-1, April 19, 2005 for a water permit to divert 1.11 cubic feet of water per second from runoff (return flows from Belle Fourche Irrigation Project), Butte County, South Dakota for irrigation purposes. Permit No. 1844-1, 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.

(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 615 feet S and 2,425 feet E of the NW corner of Section 14, T8N, R6E (NE ¼ NW ¼). A small dugout (less than one acre-foot of storage capacity) is used as a collection point.

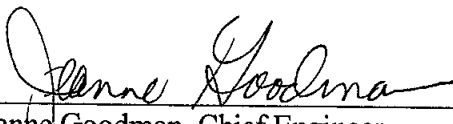
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 14, T8N, R6E	NE ¼ NW ¼	12.24 acres
	SE ¼ NW ¼	4.57 acres
	Total	16.81 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. 1844-1 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from runoff (return flows from the Belle Fourche Irrigation Project) with a priority date of April 19, 2005 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. 1844-1 and subject to the following qualifications:

- This water source may not be reliable. Water from the Town Site 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 Town Site 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. 1844-1 authorizes a maximum diversion rate of 1.11 cfs for the irrigation of 16.81 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

1844-1

Troy Hewson
18924 Youngberg Rd
Newell SD 57760

Dear Mr. Hewson:

Enclosed is Water License No. 1844-1. 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



1844-1
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.



1844-1
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